



BOROUGH OF

Englewood Cliffs

NEW JERSEY

Proclamation



Proclamation

Presented to: Fran Marinuzzi

Whereas, Ms. Fran Marinuzzi faithfully served the Borough of Englewood Cliffs for 25 years, providing exceptional support and commitment to the Administration and Department of Public Works; and

Whereas, Ms. Marinuzzi is a lifelong resident of Englewood Cliffs, whose deep roots in the community have strengthened her passion for serving its residents and employees; and

Whereas, throughout her 25 years of service, Ms. Marinuzzi has been recognized as a dedicated, reliable, and compassionate employee, consistently going above and beyond in supporting the men and operations of the DPW; and

Whereas, her professionalism, institutional knowledge, and unwavering willingness to help have made her an invaluable member of the Borough workforce and a trusted resource for both staff and community members alike.

Now, Therefore, Be It Proclaimed that I, Mark M. Park, Mayor of the Borough of Englewood Cliffs, along with the members of the Borough Council, hereby honor and commend Ms. Fran Marinuzzi for her 25 years of outstanding service, dedication, and loyalty to the Borough; and

Be It Further Proclaimed, that the Borough expresses its deepest appreciation for her contributions and recognizes her as an exemplary employee whose work has positively impacted the entire community.

In Witness Whereof, I have set my hand and the seal of the Office of the Mayor on this day 11th day of February in the Year of Two Thousand-Twenty-Six.

MARK M. PARK
Mayor

Councilwoman Rieka Bieganz
Councilman Tim Koutroubas
Councilman Philip Liang

Councilman Mitch Kapsakis
Councilman Tao Leo
Councilman Rashid Patel



BOROUGH OF

Englewood Cliffs

NEW JERSEY

Ordinances

**BOROUGH OF ENGLEWOOD CLIFFS
COUNTY OF BERGEN**

ORDINANCE NO. 2026-02

TITLE: AN ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF THE BOROUGH OF ENGLEWOOD CLIFFS ENTITLED “LAND SUBDIVISION” TO ESTABLISH TAX MAP REVISION FEES FOR SUBDIVISION AND SITE PLAN APPROVALS

WHEREAS, the Governing Body of the Borough of Englewood Cliffs believes it is in the best interests of the Borough to amend Chapter 15 of the Borough Code entitled “Land Subdivisions” to establish tax map revision fees for subdivisions and site plan approvals; and

WHEREAS, the proposed fees are intended to defray the administrative and technical costs associated with updating and maintaining the Borough Tax Maps.

BE IT ORDAINED AS FOLLOWS:

Section 1. § 15-12. Tax Map Revision Fees.

A. Applicability.

Prior to the signing of any final map, deed, or site plan (as applicable) for any minor subdivision, major subdivision, or other development approval that results in the need for an amendment or revision to the official Tax Maps of the Borough of Englewood Cliffs, the applicant shall pay the fees set forth below, in addition to all other fees required by Borough ordinances.

B. Fees.

1. Minor Subdivisions.

**Two hundred dollars (\$200.00) per lot created.
Submission of recorded document(s) is required.**

2. Major Subdivisions.

**One hundred fifty dollars (\$150.00) per lot created, not to exceed four thousand five hundred dollars (\$4,500.00).
Submission of the recorded final plat and a CAD file is required.**

3. Site Plans.

**Three hundred dollars (\$300.00) per encumbrance (e.g., easements, rights-of-way, dedications, vacations, lease areas, restricted areas).
Submission of recorded document(s) and a CAD file is required.**

4. Condominium/Townhouse Plans.

Two hundred dollars (\$200.00) per unit, not to exceed seven thousand five hundred dollars (\$7,500.00).

Submission of the recorded Master Deed and CAD file(s) of relevant floor plans is required.

C. Submissions.

All CAD files shall be submitted in a format acceptable to the Borough Engineer and Tax Assessor.

Section 2. Severability

If any section, subsection, clause, or provision of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such adjudication shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date

This ordinance shall take effect upon final passage and publication according to law.

**Introduction and First Reading:
January 14, 2026**

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Recuse	Absent
Biegacz							
Liang							
Patel							
Kapsaskis							
Lee							
Koutroubas							
Mayor Park							

**Second and Final Reading of Ordinance Adoption:
February 11, 2026**

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Recuse	Absent
Biegacz							
Liang							
Patel							
Kapsaskis							
Lee							
Koutroubas							
Mayor Park							

Mark Park, Mayor

**This Ordinance was duly passed on second and final reading
by the Council of the Borough of Englewood Cliffs
at a meeting held February 11, 2026.**

**Beauty Nadim, RMC/CMR
Borough Clerk**

**BOROUGH OF ENGLEWOOD CLIFFS
COUNTY OF BERGEN**

ORDINANCE NO. 2026-03

**TITLE: AN ORDINANCE TO ADD CHAPTER 26 OF THE BOROUGH CODE
ENTITLED “PUBLIC URINATION AND DEFECATION”**

WHEREAS, the Governing Body of the Borough of Englewood Cliffs believes it is in the best interest of the Borough to add Chapter 26 of the Borough Code entitled “Public Urination and Defecation” in the interest of public health as set forth herein.

BE IT ORDAINED by the Mayor and Council of Englewood Cliffs, County of Bergen, State of New Jersey, as follows:

Section 1: Chapter 26 Public Urination and Defecation

§ 26-1 Definitions.

§ 26-2 Prohibited activities.

§ 26-3 Applicability; exemptions.

§ 26-4 Violations and penalties.

§ 26-1 Definitions.

A. For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this section clearly demonstrates different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number shall include the singular number, and words used in the singular number include the plural number.

B. As used in this chapter, the following terms shall have the meanings indicated:

PUBLIC PLACE

Those areas traditionally reserved for use by the public, including, but not limited to, streets, sidewalks, parks, open spaces, commercial parking lots, vehicles of mass transportation, property owned by the Borough, county, state, or any other sovereign entity or places to which the public is otherwise invited. An otherwise private place may become a public place if a permit seeking permission for the general public to access the property for a specific purpose is granted. In this instance, the location is a public place only for the duration of the permit's validity. A toilet, urinal, or commode located in a restroom, bathroom, or other room or structure designated for urination or defecation which is enclosed and not within public view shall not be considered a public place under this chapter.

PUBLIC VIEW

That which can be seen within normal visual range of a person in a public place.

§ 26-2 Prohibited activities.

It shall be unlawful for any person to urinate or defecate in any public place, or in public view within the Borough of Englewood Cliffs; or on any property within the Borough upon which the person is not lawfully present.

§ 26-3 Applicability; exemptions.

The provisions of this chapter shall be enforced against all persons, but shall not apply to the following individuals who may not be able to adequately control the bodily functions that control urination or defecation:

A. Children nine years of age or younger;

B. Persons of any age who violate this chapter due to a verified medical and/or psychiatric condition.

§ 26-4 Violations and penalties.

Any person violating this chapter shall, upon conviction thereof, be subject to the following penalties:

- A. For a first offense, a fine of \$250 or imprisonment for a period not exceeding 90 days, or both.
- B. For a second or subsequent offense, a fine of not less than \$500 and not exceeding \$2,000, or imprisonment for a period not exceeding 90 days, or both.

Section 2. This ordinance will take effect immediately upon passage.

**Introduction and First Reading:
January 14, 2026**

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Recuse	Absent
Biegacz							
Liang							
Patel							
Kapsaskis							
Lee							
Koutroubas							
Mayor Park							

**Second and Final Reading of Ordinance Adoption:
February 11, 2026**

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Recuse	Absent
Biegacz							
Liang							
Patel							
Kapsaskis							
Lee							
Koutroubas							
Mayor Park							

Mark Park, Mayor

**This Ordinance was duly passed on second and final reading
by the Council of the Borough of Englewood Cliffs
at a meeting held February 11, 2026.**

**Beauty Nadim, RMC/CMR
Borough Clerk**

**BOROUGH OF ENGLEWOOD CLIFFS
COUNTY OF BERGEN**

ORDINANCE NO. 2026-04

TITLE: AN ORDINANCE AMENDING SECTION 19 (AFFORDABLE HOUSING DEVELOPMENT FEES) IN CHAPTER 30 (ZONING), OF THE CODE OF THE BOROUGH OF ENGLEWOOD CLIFFS TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT (FHA) AS AMENDED, AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC), AS AMENDED, REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the Borough of Englewood Cliffs 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-301 et. seq. (the "Fair Housing Act"), entitled "In the Matter of the Application of the Borough of Englewood Cliffs," Docket No. BER-L-775-25 on January 30, 2025; and

WHEREAS, the Borough of Englewood Cliffs is entering into a consent order, with Fair Share Housing Center, in order to carry out Englewood Cliffs' affordable housing obligation, whereby the Code of the Borough of Englewood Cliffs is to be amended to include provisions addressing Englewood Cliffs' constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985, as amended and supplemented; and

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

WHEREAS, this Ordinance shall apply except where inconsistent with applicable law; and

WHEREAS, the Borough of Englewood Cliffs Planning Board has adopted a Housing Element and Fair Share Plan on June 26, 2025 pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq.; and

WHEREAS, the Housing Element and Fair Share Plan have been endorsed by the Borough Council by Resolution Number 25-142 on June 27, 2025; and

WHEREAS, this Ordinance implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1, et seq., as

amended and supplemented, N.J.A.C.5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985, as amended and supplemented;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Englewood Cliffs as follows:

SECTION 1. Section 19 (Affordable Housing Development Fees) in Chapter 30 (Zoning) of the Code of the Borough of Englewood Cliffs is hereby amended as follows

SECTION 19 AFFORDABLE HOUSING

A. Introduction & Applicability

1. This section of the Code sets forth regulations regarding the very low-, low- and moderate-income housing units in the Borough of Englewood Cliffs 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”).
2. To the extent applicable and not inconsistent with the FHA or binding court decisions, this Ordinance is intended to ensure that very low-, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that very low-, low- and moderate-income households shall occupy these units pursuant to statutory requirements. This Ordinance shall apply to all inclusionary developments, individual affordable units, and 100% affordable housing developments except where inconsistent with applicable law. Low-Income Housing Tax Credit financed developments shall adhere to the provisions set forth below in item 5.c. below.
3. The Planning Board of the Borough of Englewood Cliffs has adopted a HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan describes the ways the municipality shall address its fair share of very low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element.
4. This Ordinance implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of 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.
5. Applicability

- a. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created pursuant to the municipality's most recently adopted HEFSP.
- b. 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.
- c. Low-Income Housing Tax Credit ("LIHTC") Units. To the extent any affordable units in the HEFSP are financed under the Federal Low-Income Housing Tax Credit program (26 U.S.C. § 42), the affordability controls for such LIHTC units shall be governed by applicable federal law, the regulatory and recorded restrictions required by the New Jersey Housing and Mortgage Finance Agency and/or other allocating agency, and the project's recorded affordability documents. Except as expressly required by law, UHAC shall not apply to LIHTC units; provided, however, that newly constructed LIHTC units that receive credit pursuant to the FHA shall be affirmatively marketed in accordance with N.J.A.C. 5:80-26.16. In a mixed-income development containing both LIHTC units and non-LIHTC restricted units, the non-LIHTC restricted units shall comply with this Ordinance and UHAC, as applicable.

6. To the extent this Ordinance does not expressly address a matter relating to the administration, affordability controls, affirmative marketing, income eligibility, pricing/rent setting, sales and rental procedures, or enforcement of affordable units, and except where inconsistent with applicable law, the Municipality's court-approved compliance mechanism, or the recorded affordability controls applicable to a specific development (including LIHTC regulatory agreements), the provisions of UHAC, as amended and supplemented, shall govern and are hereby incorporated by reference.

B. Definitions

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

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

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

"Adaptable" means constructed in compliance with the technical design standards of the barrier free subcode adopted by the Commissioner of Community Affairs pursuant to the

“State Uniform Construction Code Act,” P.L.1975, c. 217 (C.52:27D-119 et seq.) and in accordance with the provisions of section 5 of P.L.2005, c. 350 (C.52:27D-123.15).

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

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

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

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

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

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

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

"Affordable housing development" means a development included in a municipality's housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipally sponsored affordable housing project, or a 100 percent affordable development. This includes developments with affordable units on-site, off-site, or provided as a payment in-lieu of construction only if such a payment-in-lieu option has been previously approved by the Program or Superior Court as part of the HEFSP. Payments in lieu of construction were invalidated per P.L. 2024, c.2.

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

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

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

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

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

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

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

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

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

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

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

"Commissioner" means the Commissioner of the Department of Community Affairs.

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

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

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

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

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

"Department" means the New Jersey Department of Community Affairs.

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

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

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

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

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

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

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

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

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

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

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

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

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

fees, and the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations.

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

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

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

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

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

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

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

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

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

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

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

"Mixed use development" means any development that includes both a non-residential development component and a residential development component, and shall include developments for which: (1) there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities 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 80 percent of the regional median income.

"Moderate-income unit" means a restricted unit that is affordable to a moderate-income household.

"MONI" means the no-longer-active Market Oriented Neighborhood Investment Program, as it was authorized by the Agency.

"Municipal housing liaison" or "MHL" means an appointed municipal employee who is, pursuant to N.J.A.C. 5:99-6, responsible for oversight and/or administration of the affordable units created within the municipality.

"Municipal affordable housing trust fund" means a separate, interest-bearing account held by a municipality for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing previously approved prior to March 20, 2024 (per P.L. 2024, c.2), barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Legislature and this chapter.

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

"New construction" means the creation of a new housing unit under regulation by a code enforcement official regardless of the means by which the unit is created. Newly constructed units are evidenced by the issuance of a certificate of occupancy and may include new residences created through additions and alterations, adaptive reuse, subdivision, or conversion of existing space, and moving a structure from one location to another.

"New Jersey Affordable Housing Trust Fund" or "NJ 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 NJ AHTF.

"New Jersey Housing Resource Center" or "Housing Resource Center" means the online affordable housing listing portal, or its successor, overseen by the Agency pursuant to N.J.S.A. 52:27D-321.3 et seq.

"95/5 restriction" means a deed restriction governing a restricted ownership unit that is part of a housing element that received substantive certification from COAH pursuant to N.J.A.C. 5:93, as it was in effect at the time of the receipt of substantive certification, before October 1, 2001, or any other deed restriction governing a restricted ownership unit with a seller repayment option requiring 95 percent of the price differential to be paid to the municipality or an instrument of the municipality at the closing of a sale at market price.

"Non-exempt sale" means any sale or transfer of ownership of a restricted unit to one's self or to another individual other than the transfer of ownership between spouses or civil union partners; the transfer of ownership between former spouses or civil union partners ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary; and the transfer of ownership by court order.

"Nonprofit" means an organization granted nonprofit status in accordance with section 501(c)(3) of the Internal Revenue Code.

"Non-residential development" means:

Any building or structure, or portion thereof, including, but not limited to, any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code, N.J.A.C. 5:23, promulgated to effectuate the State uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., including any subsequent amendments or revisions thereto;

Hotels, motels, vacation timeshares, and child-care facilities; and

The entirety of all continuing care facilities within a continuing care retirement community which is subject to the Continuing Care Retirement Community Regulation and Financial Disclosure Act, N.J.S.A.52:27D-330 et seq.

"Non-residential development fee" means the fee authorized to be imposed pursuant to N.J.S.A. 40:55D-8.1 through 40:55D-8.7.

"Order for repose" means the protection a municipality has from a builder's remedy lawsuit for a period of time from the entry of a judgment of compliance by the Superior Court. A judgment of compliance often results in an order for repose.

"Payment in lieu of constructing affordable units" means the prior approval of the payment of funds to the municipality by a developer when affordable units were not produced on a site zoned for an inclusionary development. The statutory permission for payments in lieu of constructing affordable units was eliminated per P.L. 2024, c.2.

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

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

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

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

"Prior round unit" means a housing unit that addresses a municipality's fair share obligation from a round prior to the fourth round of affordable housing obligations, including any unit that: (1) received substantive certification from COAH; (2) is part of a third-round settlement agreement or judgment of compliance approved by a court of competent jurisdiction, inclusive of units created pursuant to a zoning designation adopted as part of the settlement agreement or judgment of compliance to create a realistic opportunity for development; (3) is subject to a grant agreement or other contract with either the State or a political subdivision thereof entered into prior to July 1, 2025, pursuant to either item (1) or (2) above; or (4) otherwise addresses a municipality's fair share obligation from a round prior to the fourth

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Supportive housing household" means a very low-, low- or moderate-income household certified as income eligible by an administrative agent in accordance with N.J.A.C. 5:80-26.14, in which at least one member is an individual who requires supportive services to maintain housing stability and independent living and who is part of a population identified by federal or state statute, regulation, or program guidance as eligible for supportive or

special needs housing. Such populations include, but are not limited to: persons with intellectual or developmental disabilities, persons with serious mental illness, person with head injuries (as defined in Section 2 of P.L. 1977), persons with physical disabilities or chronic health conditions, persons who are homeless as defined by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 578, survivors of domestic violence, youth aging out of foster care, and other special needs populations recognized under programs administered by the U.S. Department of Housing and Urban Development, the Low-Income Housing Tax Credit Program, the McKinney–Vento Act, or the New Jersey Department of Human Services. A supportive housing household may include family members, unrelated individuals, or live-in aides, provided that the household meets the income eligibility requirements of this subchapter, except that in the case of unrelated individuals not operating as a family unit, income eligibility shall be tested on an individual basis rather than in the aggregate; the unit is leased or sold subject to the affordability controls established herein; and the supportive services available to the household are designed to promote housing stability, independent living, and community integration. The determination of whether unrelated individuals are operating as a family unit shall be made based on the applicant’s self-identification of household members on the affordable housing application.

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

“Supportive housing unit” means a restricted rental unit 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.

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

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

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

C. Monitoring and Reporting Requirements

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

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

D. Municipality-wide Mandatory Set-Aside

1. A mandatory on-site affordable housing set-aside requirement shall apply beginning with the effective date of this article to any residential development, including the residential portion of a mixed-use project, which consists of five or more new residential units. The minimum mandatory on-site affordable housing set-aside shall be 20% for both for-sale and rental units.
2. Any affordable units generated through such mandatory set-aside shall be subject to all other provisions of this ordinance.
3. 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.
4. 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.
5. 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 municipality to grant such rezoning, variance or other relief.
6. This municipality-wide mandatory set-aside requirement does not apply to any sites or specific zones otherwise identified in the HEFSP, for which density and set-aside requirements shall be governed by the specific standards as set forth therein.
7. In the event that the inclusionary set-aside of 20% of the total number of residential units does not result in a full integer, the developer shall round the set-aside upward to construct a whole additional affordable unit, regardless if the fractional unit is less than 0.5. For example, if seven total units are developed at an inclusionary site, a 20% set-aside would require 1.4 affordable units. Per the requirement above, the developer shall round up the

0.4 unit to one whole affordable unit so as to construct a total of two (2) affordable housing units.

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

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

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

3. Design. The following design requirements apply to affordable housing developments, excluding prior round units.
 - a. Design of 100 percent affordable developments:
 - i. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
 - ii. Each bedroom in each restricted unit must have at least one window.
 - iii. Restricted units must include adequate air conditioning and heating.
 - b. Design of developments comprising market-rate rental units and restricted rental units. The following does not apply to prior round units, unless stated otherwise.
 - i. Restricted units must use the same building materials and architectural design elements (for example, plumbing, insulation, or siding) as market-rate units of the same unit type (for example, flat or townhome) within the same development,

except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.

- ii. Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations.
 - iii. Restricted units may not be physically clustered so as to segregate restricted and market-rate units within the same development or within the same building, but must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services. Prior round affordable units shall be integrated with market rate units to the extent feasible.
 - iv. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
 - v. Restricted units must include adequate air conditioning and heating and must use the same type of cooling and heating sources as market-rate units of the same unit type. This shall apply to prior round units.
 - vi. Each bedroom in each restricted unit must have at least one window.
 - vii. Restricted units must be of the same unit type as market-rate units within the same building.
 - viii. Restricted units and bedrooms must be no less than 90 percent of the minimum size prescribed by the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
- c. Design of developments containing for-sale units, including those with a mix of rental and for-sale units. Restricted rental units shall meet the requirements of section b above. Restricted sale units shall comply with the below:
- i. Restricted units must use the same building standards as market-rate units of the same unit type (for example, flat, townhome, or single-family home), except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
 - ii. Restricted units may be clustered, provided that the buildings or housing product types containing the restricted units are integrated throughout the development and are not concentrated in an undesirable location or in undesirable locations. Prior round affordable units shall be integrated with market rate units to the extent feasible.
 - iii. Restricted units may be of different unit housing product types than market-rate units, provided that there is a restricted option available for each market rate housing type. Developments containing market-rate duplexes, townhomes, and/or single-family homes shall offer restricted housing options that also include duplexes, townhomes, and/or single-family homes. Penthouses and higher priced end townhouses may be exempt from this requirement. The proper ratio for

restricted to market-rate unit type shall be subject to municipal ordinance or, if not specified, shall be determined at the time of site plan approval.

- iv. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
- v. Penthouse and end units may be reserved for market-rate sale, provided that the overall number, value, and distribution of affordable units across the development is not negatively impacted by such reservation(s).
- vi. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
- vii. Each bedroom in each restricted unit must have at least one window; and
- viii. Restricted units must include adequate air conditioning and heating.

4. Utilities.

- a. Affordable units shall utilize the same type of cooling and heating source as market-rate units within the affordable housing development.
- b. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance in accordance with N.J.AC 5:80-26.13(e).

5. Low/moderate split and bedroom distribution.

- a. Affordable units shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
- b. In each affordable housing development, at least 50% of the restricted units within each bedroom distribution rounded up to the nearest whole number shall be very low- or low-income units. The municipality has chosen to allow rounding.
- c. Within rental developments, of the total number of affordable rental units, at least 13%, rounded up to the nearest whole number, shall be affordable to very low-income households. The very low-income units shall be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count, and counted as part of the required number of low-income units within the development.
- d. Affordable housing developments that are not age-restricted or supportive housing shall be structured such that:
 - i. At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;

- ii. Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;
 - iii. The combined number of efficiency and one-bedroom units shall be no greater than 20%, rounded down, of the total number of low- and moderate-income units. The municipality has chosen to allow rounding.
 - iv. At least 30% of all low- and moderate-income units, rounded up shall be two-bedroom units. The municipality has chosen to allow rounding.
 - v. At least 20% of all low- and moderate-income units, rounded up shall be three-bedroom units. The municipality has chosen to allow rounding.
 - vi. The remaining units may be allocated among two- and three- bedroom units at the discretion of the developer.
- e. Affordable housing developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangements, shall be structured such that, at a minimum, the number of bedrooms shall equal the number of age-restricted or supportive housing low- and moderate-income units within the inclusionary development. Supportive housing units whose sponsoring program determines the unit arrangement shall comply with all requirements of the sponsoring program. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit. In affordable housing developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must comprise at least 5% of those restricted units.
6. Accessibility requirements.
- a. Any new construction shall be adaptable; however, elevators shall not be required in any building or within any dwelling unit for the purpose of compliance with this section. In buildings without elevator service, only ground floor dwelling units shall be required to be constructed to conform with the technical design standards of the barrier free subcode. "Ground floor" means the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.
 - b. Notwithstanding the exemption for townhouse dwelling units in the barrier free subcode, the first floor of all townhouse dwelling units and of all other multifloor dwelling units that are attached to at least one other dwelling unit shall be subject to the technical design standards of the barrier free subcode and shall include the following features:
 - i. An adaptable toilet and bathing facility on the first floor;
 - ii. An adaptable kitchen on the first floor;
 - iii. An interior accessible route of travel however an interior accessible route of travel shall not be required between stories;

- iv. An adaptable room that can be used as a bedroom, with a door, or the casing for the installation of a door that is compliant with the Barrier Free Subcode, on the first floor;
- v. If 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
- vi. An accessible entranceway as set forth in P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the municipality has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
 - (a) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - (b) To this end, the builder of restricted units shall deposit funds within the municipal Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
 - (c) The funds deposited shall be expended for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - (d) The developer of the restricted units shall submit to the Construction Official a design plan and cost estimate for the conversion from adaptable to accessible entrances.
 - (e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the municipal Affordable Housing Trust Fund and earmarked appropriately.
- vii. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is “site-impracticable” to meet the requirements. If full compliance with this section would be site impracticable, compliance with this section for any portion of the dwelling shall be required to the extent that it is not site impracticable. Determinations of site impracticability shall comply with the Barrier Free Subcode at N.J.A.C. 5:23-7.

F. Affordable Housing Programs

1. 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.

2. Inclusionary zoning and new construction programs shall be implemented in accordance with the Borough's adopted Fourth Round Housing Element and Fair Share Plan, as amended, and consistent with the terms of the Consent Order entered between the Borough and Fair Share Housing Center on _____ [insert date], and subject to the terms of any future Order from the Court.
3. Rehabilitation Programs (per N.J.A.C. 5:93-5.2 with updated provisions herein per N.J.A.C. 5:97-6.2 related to credit towards a municipal present need obligation). The Borough may elect to facilitate the rehabilitation of units through participation in a rehabilitation program.
 - a. The rehabilitation program shall be designed to renovate deficient housing units occupied or intended to be occupied by very low-, low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28-1.1 et seq or the Rehabilitation Subcode, N.J.A.C. 5:23-6 to the extent applicable.
 - b. Both ownership and rental units shall be eligible for rehabilitation funds.
 - c. All rehabilitated units shall remain affordable to very low-, low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units, the control period shall be enforced with a mortgage and note and for renter-occupied units the control period will be enforced with a deed restriction.
 - d. The municipality shall dedicate a minimum average hard cost of \$10,000 for each unit to be rehabilitated through this program and in addition shall dedicate associated rehabilitation program soft costs such as case management, inspection fees and work write-ups.
 - e. The municipality shall designate, subject to the approval of the Department, one or more Administrative Agents to administer the rehabilitation program in accordance with P.L 2024, Chapter 2. The Administrative Agent(s) shall provide rehabilitation manuals for ownership and rental rehabilitation programs. Manuals shall be adopted by resolution of the governing body. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and on the municipal affordable housing web page.
 - f. Households determined to be very low-, low-, or moderate-income may participate in a rehabilitation program. Rehabilitated units shall be exempt from the very low-income requirements, low/mod split, and bedroom distribution requirements of UHAC, but shall be administered in accordance with the following:
 - i. If a unit is vacant at the time of rehabilitation, or if a rehabilitated unit becomes vacant and is re-rented before the expiration of the affordability controls, the deed restriction shall require that the unit be rented to a low- or moderate-income household at an affordable rent.

- ii. If a rental unit is occupied by a tenant at the time rehabilitation is completed, the rent charged after rehabilitation shall not exceed the lesser of the tenant's current rent or the maximum rent permitted under UHAC.
 - iii. Rents in rehabilitated units may increase annually based on the standards in UHAC.
 - iv. At the time of application, applicant households and/or tenant households shall be subject to income eligibility determinations in accordance with UHAC.
- 4. 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)).
 - a. 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:
 - i. 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.
 - ii. 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;
 - iii. The municipality shall obtain a continuing certificate of occupancy or a certified statement from the municipal building inspector stating that the restricted unit meets all code standards.
 - iv. If a unit requires repair and/or rehabilitation work in order to receive a continuing certificate of occupancy or certified statement from the municipal building inspector, the municipality shall fund and complete the work.
 - v. The municipality shall adhere to the process for extending controls pursuant to UHAC for extending ownership units and rental units, either inclusionary or 100% affordable developments.
 - vi. The deed restriction for the extended control period shall be filed with the County Clerk.
- 5. Assisted Living Residence (per N.J.A.C. 5:97-6.11).
 - a. 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.
 - b. 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.
 - c. A recipient of a Medicaid waiver shall automatically qualify as a low- or moderate-income household.
 - d. 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.
 - e. Low- and moderate-income residents cannot be charged any upfront fees.

- f. The units shall comply with UHAC with the following exceptions:
 - i. Affirmative marketing (N.J.A.C. 5:80-26.16); provided that the units are restricted to recipients of Medicaid waivers;
 - ii. The deed restriction may be on the facility, rather than individual apartments or rooms;
 - iii. 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
 - g. 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.
6. Supportive Housing and Group Homes (per N.J.A.C. 5:97-6.10).
- a. The following provisions shall apply to group homes, residential health care facilities, and supportive shared living housing:
 - i. 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.
 - ii. Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.
 - iii. Occupancy shall not be restricted to youth under 18 years of age.
 - iv. 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.
 - v. The bedrooms and/or units shall comply with UHAC with the following exceptions:
 - (a) 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;
 - (b) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).
 - vi. 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.

- vii. 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.
- viii. The following documentation shall be submitted by the sponsor to the municipality prior to marketing the completed units or facility:
 - (a) An Affirmative Marketing Plan in accordance with I.1 below; and
 - (b) 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.
- ix. The sponsor/owner shall complete annual monitoring as directed by the MHL.
- x. The section 'Zoning for Inclusionary Development' at N.J.A.C. 5:97-6.4 details the standards for municipalities to rezone specific sites through the establishment of an inclusionary zoning district in the municipal code, but not necessarily to be included in with these affordable housing provisions to administer affordable units. Any new inclusionary zoning districts should also reference adherence with the municipal affordable housing provisions found herein. In addition, the FHA was amended per P.L. 2024, c.2 to eliminate N.J.S.A 52:27D-329.3 which had been the statutory authority for payments in-lieu of constructing affordable units.
- xi. The section 'Redevelopment' at N.J.A.C. 5:97-6.6 details the standards for municipalities to include formally designated redevelopment sites in their HEFSP. Any redevelopment sites should also reference adherence with the municipal affordable housing provisions found herein.
- xii. The section 'Municipally sponsored and 100 percent affordable developments' at N.J.A.C. 5:97-6.7 details the standards for municipalities to include 100% affordable housing sites in their HEFSP. Any such sites should also reference adherence with the municipal affordable housing provisions found herein to the extent such provisions are not superseded by state or federally funded affordable housing programs per the applicability section of UHAC at N.J.A.C. 5:80-26.1.

G. Regional Income Limits.

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

H. Maximum Initial Rents and Sales Prices.

1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC N.J.A.C. 5:80-26.4.
2. The average rent for all restricted units within each affordable housing development shall be affordable to households earning no more than 52 percent of regional median income.
3. The maximum rent for restricted rental units within each affordable housing development shall be affordable to households earning no more than 60% of regional median income. The maximum rent may be increased to no more than 70 percent of regional median income for moderate-income units within affordable developments where very-low-income units compose at least 13 percent of the restricted units; however, the number of units with rent affordable to households earning 70 percent of regional median income may not exceed the number of very-low-income units in excess of 13 percent (rounded up) of the restricted units.
4. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income. These very low-income units shall be part of the low-income requirement and very-low-income units should be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count.
5. The maximum sales price of restricted ownership units within each affordable housing development shall be affordable to households earning no more than 70% of median income, and each affordable housing development must achieve an affordability average that does not exceed 55% for all restricted ownership units. In achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type when the number of low- and moderate-income units permits.
6. The master deeds and declarations of covenants and restrictions for affordable developments may not distinguish between restricted units and market-rate units in the calculation of any condominium or homeowner association fees and special assessments to be paid by low- and moderate-income purchasers and those to be paid by market-rate purchasers. Notwithstanding the foregoing sentence, condominium units subject to a municipal ordinance adopted before December 20, 2004, which ordinance provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection are governed by the ordinance.
7. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted family units, the following standards shall be met:
 - a. A studio or efficiency unit shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household;
 - c. A two-bedroom unit shall be affordable to a three-person household;

- d. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - e. A four-bedroom unit shall be affordable to a six-person household.
8. In determining the initial rents and sales prices for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted and special needs and supportive housing developments, the following standards shall be met:
 - a. A studio or efficiency unit shall be affordable to a one-person household;
 - b. A one-bedroom unit shall be affordable to a one and one-half person household; and
 - c. A two-bedroom unit shall be affordable to a two-person household or to two one-person households. Where pricing is based on two one-person households, the developer shall provide a list of units so priced to the Municipal Housing Liaison and the Administrative Agent.
 9. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the FreddieMac 30-Year Fixed Rate-Mortgage rate of interest), property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 30 percent of the eligible monthly income of the appropriate size household as determined pursuant to N.J.A.C. 5:80-26.7, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.
 10. The initial rent for a restricted rental unit shall be calculated so that the total monthly housing expense, including an allowance for tenant-paid utilities, does not exceed 30 percent of the gross monthly income of a household of the appropriate size whose income is targeted to the applicable percentage of median income for the unit, as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented. The rent shall also comply with the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented. The initial rent for a restricted rental unit shall be calculated so the eligible monthly housing expenses/income, including an allowance for tenant-paid utilities does not exceed 30 percent of gross income of and the appropriate household size as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented.
 11. At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, following proper notice provided to the occupant household pursuant to N.J.S.A. 2A:18-61.1.f, the rent may be increased to an amount commensurate with the annual percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), specifically U.S. Bureau of Labor Statistics Series CUUR0100SAH, titled "Housing in Northeast urban, all urban consumers, not seasonally adjusted." Rent increases for units constructed pursuant to Low-Income Housing Tax Credit regulations shall be indexed pursuant to the regulations governing Low-Income Housing Tax Credits.
- I. Affirmative Marketing.
1. The municipality shall adopt, by resolution, an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.

2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 1 and is required to be followed throughout the period of deed restriction.
3. The Affirmative Marketing Plan provides the following preferences, provided that units that remain unoccupied after these preferences are exhausted may be offered to households without regard to these preferences.
 - a. Where the municipality has entered into an agreement with a developer or residential development owner to provide a preference for very-low-, low-, and moderate-income veterans who served in time of war or other emergency, pursuant to N.J.S.A. 52:27D-311.j, there shall be a preference for veterans for up to 50 percent of the restricted rental units in a particular project.
 - b. There shall be a regional preference for all households that live and/or work in Housing Region 1 comprising Bergen, Hudson, Passaic, and Sussex Counties.
 - c. Subordinate to the regional preference, there shall be a preference for households that live and/or work in New Jersey.
 - d. With respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or to restricted units newly created to replace existing restricted units undergoing demolition, a preference for the very-low-, low-, and moderate-income households that are displaced by the rehabilitation or demolition and replacement.
4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Process, including the marketing of initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the municipality shall implement the Affirmative Marketing Process to ensure the Affirmative Marketing of all affordable units, with the exception of affordable programs that are exempt from Affirmative Marketing as noted herein.
5. The Affirmative Marketing Process shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Process, the Administrative Agent shall consider the use of language translations where appropriate.
6. Applications for affordable housing or notices thereof, if offered online, shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and municipal library in the municipality in which the units are located; and the developer's rental or sales office. The developer shall mail applications to prospective applicants upon request and shall make applications available through a secure online website address.

7. In addition to other Affirmative Marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units on the New Jersey Housing Resource Center website. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph.
8. In implementing the Affirmative Marketing Process, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
9. The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
10. The cost to affirmatively market the affordable units shall be the responsibility of the developer, sponsor or owner, with the exception of Affirmative Marketing for resales.

J. Selection of Occupants of Affordable Housing Units.

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

K. Occupancy Standards.

1. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - a. Ensure each bedroom is occupied by at least one person, except for age-restricted and supportive and special needs housing units;
 - b. Provide a bedroom for every two adult occupants;
 - c. With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom; and
 - d. Avoid placing a one-person household into a unit with more than one bedroom.

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

1. 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.
2. 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).
3. 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.

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

M. Price Restrictions for Restricted Ownership Units and Resale Prices.

1. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.7, as may be amended and supplemented, including:
 - a. The initial purchase price and affordability percentage for a restricted ownership unit shall be set by the Administrative Agent.
 - b. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the standards set forth in N.J.A.C 5:80-26.7.
 - i. If the resale occurs prior to the one-year anniversary of the date on which title to the unit was transferred to a certified household, the maximum resale price for a is the most recent non-exempt purchase price.
 - ii. If the resale occurs on or after such anniversary date, the maximum resale price is the most recent non-exempt purchase price increased to reflect the cumulative

annual percentage increases to the regional median income, effective as of the same date as the regional median income calculated pursuant to N.J.A.C. 5:80-26.3

- c. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be:
 - i. those that render the unit suitable for a larger household or the addition of a bathroom.
 - ii. The maximum resale price may be further increased by an amount up to the cumulative dollar value of approved capital improvements made after the last non-exempt sale for improvements and/or upgrades to the unit, excluding capital improvements paid for by the entity favored on the recapture note and recapture lien described at N.J.A.C. 5:80-26.6(d);
 - d. No increase for capital improvements is permitted if the maximum resale price prior to adjusting for capital improvements already exceeds whatever initial purchase price the unit would have if it were being offered for purchase for the first time at the initial affordability percentage. All adjustments for capital improvements are subject to 10-year, straight-line depreciation.
2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase but shall be separate and apart from any contract of sale for the underlying real estate. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price of the air conditioning equipment, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The seller and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

N. Buyer Income Eligibility.

1. Buyer income eligibility for restricted ownership units shall be established pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented, such that very low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 30% of median income, low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for occupancy by households with a gross household income less than 80% of median income.
2. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the municipality, and subject to the Division's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there

is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit. Similarly, the administrative agent may permit low-income purchasers to buy very-low-income units in housing markets where, as determined by the Division, units are reserved for very-low-income purchasers, but there is an insufficient number of very-low-income purchasers to permit prompt occupancy of the units. In such instances, the purchased unit must be maintained as a very-low-income unit and sold at a very-low-income price point such that on the next resale the unit will still be affordable to very-low-income households and able to be purchased by a very-low-income household. A very-low-income unit that is seeking bonus credit pursuant to N.J.S.A. 52:27D-311.k(9) must first be advertised exclusively as a very-low-income unit according to the Affirmative Marketing requirements at N.J.A.C. 5:80-26.16, then advertised as a very-low-income or low-income unit for at least 30 additional days prior to referring any low-income household to the unit.

3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
 4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 35 percent of the household's eligible monthly income; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - a. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for housing expenses, and the proposed housing expenses will reduce its housing costs;
 - b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for housing expenses in the past and has proven its ability to pay; or
 - c. The household is currently in substandard or overcrowded living conditions;
 - d. The household documents the existence of assets, within the asset limitation otherwise applicable, with which the household proposes to supplement the rent payments
- O. Limitations on Indebtedness Secured by Ownership Unit; Subordination.
1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.

2. With the exception of original purchase money mortgages, neither an owner nor a lender shall at any time during the control period cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C. 5:80-26.7(c).

P. Control Periods for Restricted Rental Units.

1. Control periods for units that meet the definition of prior round units shall be pursuant to the 2001 UHAC rules originally adopted October 1, 2001, 33 N.J.R. 3432 and shall remain subject to the requirements of this ordinance for a period of at least 30 years as applicable unless otherwise indicated.
2. Other than for prior round units, control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 40 years. Restricted rental units created as part of developments receiving 9% Low-Income Housing Tax Credits 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.
3. The affordability control period for a restricted rental unit shall commence on the first date that a unit is issued a certificate of occupancy following the execution of the deed restriction or, if affordability controls are being extended, on the effective date of the extension, which is the end of the original control period.
4. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years.
5. Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
6. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property. The deed restriction shall be recorded by the developer with the county records office, and provided as filed and recorded, to the Administrative Agent within 30 days of the receipt of a certificate of occupancy.
7. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
 - a. Sublease or assignment of the lease of the unit;
 - b. Sale or other voluntary transfer of the ownership of the unit;
 - c. The entry and enforcement of any judgment of foreclosure on the property containing the unit; or
 - d. The end of the control period, until the occupant household vacates the unit, or is certified as over-income and the controls are released in accordance with UHAC.

Q. Rent Restrictions for Rental Units; Leases and Fees.

1. The initial rent for a restricted rental unit shall be set by the Administrative Agent.

2. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be retained on file by the Administrative Agent.
3. No additional fees, operating costs, or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
 - a. Operating costs, for the purposes of this section, include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory utility submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household.
4. Any fee structure that would remove or limit affordable unit occupant access to any amenities or services that are required or included for market-rate unit occupants is prohibited. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
5. Fees for unit-specific, non-communal items that are charged to market-rate unit tenants on an optional basis, such as pet fees for tenants with pets, storage spaces, bicycle-share programs, or one-time rentals of party or media rooms, may also be charged to affordable unit tenants, if applicable.
6. Pet fees may not exceed \$30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.
7. Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.
8. For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with 5:80-26.13(c)1, may continue until the occupant household's current lease term expires or that occupant household vacates the unit, whichever occurs later.

R. Tenant Income Eligibility.

1. Tenant income eligibility shall be determined pursuant to N.J.A.C. 5:80-26.14, as may be amended and supplemented, and shall be determined as follows:
 - a. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of the regional median income by household size.
 - b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of the regional median income by household size.
 - c. Moderate-income rental units shall be reserved for households with a gross household income less than 80% of the regional median income by household size.
2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income or moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to

N.J.A.C. 5:80-26.17, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

- a. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - c. The household is currently in substandard or overcrowded living conditions;
 - d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - e. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
3. The applicant shall file documentation sufficient to establish the existence of any of the circumstances in 2.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

S. Municipal Housing Liaison.

1. The Municipal Housing Liaison shall be approved by municipal resolution.
2. The Municipal Housing Liaison shall be approved by the Division, or is in the process of getting approval, and fully or conditionally meets the requirements for qualifications, including initial and periodic training as set forth in in N.J.A.C. 5:99-1 et seq.
3. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program, including the following responsibilities, which may not be contracted out to the Administrative Agent:
 - a. Serving as the primary point of contact for all inquiries from the Affordable Housing Dispute Resolution Program, the State, affordable housing providers, administrative agents and interested households.
 - b. The oversight of the Affirmative Marketing Plan and affordability controls.
 - c. When applicable, overseeing and monitoring any contracting Administrative Agent.
 - d. Overseeing the monitoring of the status of all restricted units listed in the Fair Share Plan.
 - e. Verifying, certifying and providing annual information within AHMS at such time and in such form as required by the Division.
 - f. Coordinating meetings with affordable housing providers and administrative agents, as needed.
 - g. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division.

- h. Overseeing the recording of a preliminary instrument in the form set forth at N.J.A.C. 5:80-26.1 for each affordable housing development.
- i. Coordinating with the Administrative Agent, municipal attorney and municipal Construction Code Official to ensure that permits are not issued unless the document required in S.3.h. above has been duly recorded.
- j. Listing on the municipal website contact information for the MHL and Administrative Agents.

T. Administrative Agent.

1. All municipalities that have created or will create affordable housing programs and/or affordable units shall designate or approve, for each project within its HEFSP, an administrative agent to administer the affordable housing program and/or affordable housing units in accordance with the requirements of the FHA, NJAC 5:99-1 et seq. and UHAC.
2. The fees for administrative agents shall be paid as follows:
 - a. Administrative agent fees related to rental units shall be paid by the developer/owner.
 - b. Administrative agent fees related to initial sale of units shall be paid by the developer.
 - c. Administrative agent fees related to resales shall be paid by the seller of the affordable home.
 - d. Administrative agent fees related to ongoing administration and enforcement shall be paid by the municipality.
3. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s). The Operating Manual(s) shall be available for public inspection in the Office of the Clerk and in the office(s) of the Administrative Agent(s). Operating manuals shall be adopted by resolution of the Governing Body.
4. Subject to the role of the Administrative Agent(s), the duties and responsibilities as are set forth in N.J.A.C. 5:99-7 and which are described in full detail in the Operating Manual, including those set forth in UHAC, include:
 - a. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;
 - b. Affirmative marketing:
 - i. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the municipality and the provisions of N.J.A.C. 5:80-26.16.
 - ii. Providing counseling, or contracting to provide counseling services, to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements; and landlord/tenant law.
 - c. Household certification.
 - i. Soliciting, scheduling, conducting and following up on interviews with interested households.

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

- i. Reviewing and approving requests from owners of restricted units who wish to refinance or take out home equity loans during the term of their ownership to determine that the amount of indebtedness to be incurred will not violate the terms of this ordinance.
 - ii. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems.
 - iii. Notifying the municipality of an owner's intent to sell a restricted unit.
 - iv. Making determinations on requests by owners of restricted units for hardship waivers.
 - h. Enforcement.
 - i. Securing annually from the municipality a list of all affordable ownership units for which property tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - ii. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - iii. Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;
 - iv. Establishing a program for diverting unlawful rent payments to the municipal Affordable Housing Trust Fund; and
 - v. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent setting forth procedures for administering the affordability controls.
 - i. The Administrative Agent(s) shall, as delegated by the municipality, have the authority to take all actions necessary and appropriate to carry out its/their responsibilities, herein.

U. Responsibilities of The Owner of a development containing affordable units.

- 1. The owner of all developments containing affordable units subject to this subchapter or the assigned management company thereof shall provide to the administrative agent:
 - a. Site plan, architectural plan, or other plan that identifies the location of each affordable unit, if subject to the site plan approval, settlement agreement, or other applicable document regulating the location of affordable units. The administrative agent shall determine the location of affordable units if not set forth in the site plan approval, settlement agreement, or other applicable document.
 - b. The total number of units in the project and the number of affordable units.

- c. The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses / unit numbers, if subject to the site plan approval, settlement agreement, or other applicable document regulating the breakdown of affordable units. The administrative agent shall determine the bedroom and income distribution if not set forth in the site plan approval, settlement agreement, or other applicable document.
 - d. Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.
 - e. A projected construction schedule.
 - f. The location of any common areas and elevators.
 - g. The name of the person who will be responsible for official contact with the administrative agent for the duration of the project, which must be updated if the contact changes.
2. In addition to the items in U.1. above, the owner of rental developments containing affordable rental units subject to this subchapter or the assigned management company thereof shall:
- a. Send to all current tenants in all restricted rental units an annual mailing containing a notice as to the maximum permitted rent and a reminder of the requirement that the unit must remain their principal place of residence, which is defined as residing in the unit at least 260 days out of each calendar year, together with the telephone number, mailing address, and email address of the administrative agent to whom complaints of excess rent can be issued.
 - b. Provide to the administrative agent a description of any applicable fees.
 - c. Provide to the administrative agent a description of the types of utilities and which utilities will be included in the rent.
 - d. Agree and ensure that the utility configuration established at the start of the rent-up process not be altered at any time throughout the restricted period.
 - e. Provide to the administrative agent a proposed form of lease for any rental units.
 - f. Ensure that the tenant selection criteria for the applicants for affordable units not be more restrictive than the tenant selection criteria for applicants for non-restricted units.
 - g. Strive to maintain the continued occupancy of the affordable units during the entire restricted period.
3. In addition to the items in U.1. above, the owner of affordable for-sale developments containing affordable for-sale units subject to this subchapter or the assigned management company thereof shall provide the administrative agent:
- a. Proposed pricing for all units, including any purchaser options and add-on items.
 - b. Condominium or homeowner association fees and any other applicable fees.
 - c. Estimated real property taxes.
 - d. Sewer, water, trash disposal, and any other utility assessments.

- e. Flood insurance requirement, if applicable.
- f. The State-approved planned real estate development public offering statement and/or master deed, where applicable, as well as the full build-out budget.

V. Enforcement of Affordable Housing Regulations

1. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
2. After providing written notice of a violation to an owner, developer or tenant of an affordable unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 - a. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - i. A fine of not more than \$10,000 or imprisonment for a period not to exceed 90 days, or both, unless otherwise specified below, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
 - ii. In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the municipal Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - iii. In the case of an owner who has rented his or her affordable unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
3. The municipality shall have the authority to levy fines against the owner of the development for instances of noncompliance with NJHRC advertising requirements (N.J.S.A. 52:27D-321.6.e.(2)), following written notice to the owner. The fine for the first offense of noncompliance shall be \$5,000, the fine for the second offense of noncompliance shall be \$10,000, and the fine for each subsequent offense of noncompliance shall be \$15,000.
4. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a

judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.

- a. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the affordable unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- b. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- or moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.
- c. Foreclosure due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as they apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- d. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the affordable unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the affordable unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess that would have been realized from an actual sale as previously described.
- e. Failure of the low- or moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser that may be referred to the owner by the municipality,

with such offer to purchase being equal to the maximum resale price of the low- or moderate-income unit as permitted by the regulations governing affordable housing units.

- f. The affordable unit owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.
5. It is the responsibility of the municipal housing liaison and the administrative agent(s) to ensure that affordable housing units are administered properly. All affordable units must be occupied within a reasonable amount of time and be re-leased within a reasonable amount of time upon the vacating of the unit by a tenant. If an administrative agent or municipal housing liaison becomes aware of or suspects that a developer, landlord, or property manager has not complied with these regulations, it shall report this activity to the Division. The Division must notify the developer, landlord, or property manager, in writing, of any violation of these regulations and provide a 30-day cure period. If, after the 30-day cure period, the developer, landlord, or property manager remains in violation of any terms of this subchapter, including by keeping a unit vacant, the developer, landlord, or property manager may be fined up to the amount required to construct a comparable affordable unit of the same size and the deed-restricted control period will be extended for the length of the time the unit was out of compliance, in addition to the remedies provided for in this section. For the purposes of this subsection, a reasonable amount of time shall presumptively be 60 days, unless a longer period of time is required due to demonstrable market conditions and/or failure of the municipal housing liaison or the administrative agent to refer a certified tenant.
6. Banks and other lending institutions are prohibited from issuing any loan secured by owner occupied real property subject to the affordability controls set forth in this subchapter if such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located. Any loan issued in violation of this subsection is void as against public policy.
7. The Agency and the Department hereby reserve, for themselves and for each administrative agent appointed pursuant to this subchapter, all of the rights and remedies available at law and in equity for the enforcement of this subchapter, including, but not limited to, fines, evictions, and foreclosures as approved by a county-level housing judge.
8. Appeals
 - a. Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must be filed, in writing, with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's decision is a final administrative action.

W. Development Fees.

1. Purpose

- a. This section establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with the amended Fair Housing Act (P.L.2024, c.2), N.J.A.C. 5:99, and the Statewide Non-Residential Development Fee Act (C.

40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

2. Basic Requirements

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

3. Residential Development Fees

a. Imposed fees

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

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

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

- i. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made an eligible payment in lieu of on-site construction of affordable units, if permitted by ordinance, or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2, shall be exempt from development fees.

- ii. Developments that have received preliminary or final site plan approval prior to the adoption of this ordinance and any preceding ordinance permitting the collection of development fees shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where a site plan approval does not apply, the issuance of a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the development fee ordinance in effect on the date that the construction permit is issued.
- iii. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
- iv. No development fee shall be collected for the demolition and replacement of a residential building resulting from a fire or natural disaster.
- v. (Reserved)

4. Non-Residential Development Fees

a. Imposition of fees

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

b. Eligible exactions, ineligible exactions and exemptions for non-residential development

- i. The non-residential portion of a mixed-use inclusionary or market-rate development shall be subject to a 2.5% development fee, unless otherwise exempted below.
- ii. The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

- c. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.
- d. A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
- e. If a property that was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the municipality as a lien against the real property of the owner.

5. Collection Procedures

- a. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- b. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Non-Residential Development Certification/Exemption," to be completed by the developer as per the instructions provided in the Form N-RDF. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided on Form N-RDF. The tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- c. The construction official responsible for the issuance of a building permit shall notify the tax assessor of the issuance of the first construction permit for a development that is subject to a development fee.
- d. Within 90 days of receipt of that notice, the tax assessor shall provide an estimate, based on the plans filed, of the equalized assessed value of the development.
- e. The construction official responsible for the issuance of a final certificate of occupancy shall notify the tax assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.
- f. Within 10 business days of a request for the scheduling of a final inspection, the tax assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.

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

- v. Recapture funds;
 - vi. Proceeds from the sale of affordable units; and
 - vii. Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.
- c. The 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:
- i. Failure to meet deadlines for information required by the Division in its review of a development fee ordinance;
 - ii. 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;
 - iii. Failure to comply with the requirements of the Non-Residential Development Fee Act and N.J.A.C. 5:99-3;
 - iv. Failure to submit accurate monitoring reports pursuant to this subchapter within the time limits imposed by the Act, this chapter, and/or the Division;
 - v. Expenditure of funds on activities not approved by the Superior Court or otherwise permitted by law;
 - vi. Revocation of compliance certification or a judgment of compliance and repose;
 - vii. 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;
 - viii. Other good cause demonstrating that municipal affordable housing funds are not being used for an approved purpose.
- e. All interest accrued in the municipal affordable housing trust fund shall only be used on eligible affordable housing purposes approved by the Court.
8. Use of Funds
- a. The expenditure of all funds shall conform to a Spending Plan approved by Superior Court. Funds deposited in the municipal Affordable Housing Trust Fund may be used for any activity approved by the Court to address the fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market-to-affordable program; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost-saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be

used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by Superior Court and specified in the approved Spending Plan.

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

9. Monitoring

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

the expenditures of revenues and implementation of the Spending Plan approved by the Court.

10. Ongoing Collection of Fees

- a. The ability to impose, collect and expend development fees shall continue so long as the municipality retains authorization from the Court in the form of Compliance Certification or the good faith effort to obtain it.
- b. If the municipality fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its municipal Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to section 20 of P.L.1985, c.222 (C. 52:27D-320).

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

SECTION 3. Repealer

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

SECTION 4. 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.

SECTION 5. Effective Date

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

**Introduction and First Reading:
February 11, 2026**

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Recuse	Absent
Biegacz							
Liang							
Patel							
Kapsaskis							
Lee							
Koutroubas							
Mayor Park							

**Second and Final Reading of Ordinance Adoption:
March 11, 2026**

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Recuse	Absent
Biegacz							
Liang							
Patel							
Kapsaskis							
Lee							
Koutroubas							
Mayor Park							

Mark Park, Mayor

**This Ordinance was duly passed on second and final reading
by the Council of the Borough of Englewood Cliffs
at a meeting held March 11, 2026.**

**Beauty Nadim, RMC/CMR
Borough Clerk**

**BOROUGH OF ENGLEWOOD CLIFFS
COUNTY OF BERGEN**

ORDINANCE NO. 2026-05

**TITLE: ORDINANCE TO ENACT § 30-5.20 (SOUTHERN SYLVAN AVENUE
OVERLAY ZONE C) IN CHAPTER 30 (ZONING) OF THE CODE OF
THE BOROUGH OF ENGLEWOOD CLIFFS TO PROVIDE DISTRICT
REGULATIONS FOR AN OVERLAY ZONE AND TO ADDRESS
COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING
OBLIGATIONS**

**(SOUTHERN SYLVAN AVENUE OVERLAY ZONE C ORDINANCE – BLOCK 313,
LOTS 1-3; BLOCK 314, LOTS 13-15, BLOCK 411, LOTS 18-23; AND BLOCK 617, LOTS
6 AND 13-17)**

WHEREAS, the Borough of Englewood Cliffs (the “Borough” or “Englewood Cliffs”) having 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-301 et. seq. (the “Fair Housing Act”) on January 28, 2025; and

WHEREAS, the Borough’s Fourth Round fair share obligations has a Present Need of 0 units and a Prospective Need of 329 units, which no party appealed, and ordering the Borough to file a Fourth Round Housing Element and Fair Share Plan (“HEFSP”) by June 30, 2025; and

WHEREAS, the Borough of Englewood Cliffs Planning Board adopted the Fourth Round HEFSP, dated June 2025, on June 26, 2025 pursuant to the Municipal Land use Law at N.J.S.A. 40:550-1, et seq.; and

WHEREAS, the Fourth Round HEFSP has been endorsed by the Borough Council by Resolution Number 25-142 on June 27, 2025; and

WHEREAS, the Borough having filed its Fourth Round HEFSP on June 30, 2025 (“Adopted HEFSP”); and

WHEREAS, FSHC having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough’s Fourth Round HEFSP on August 29, 2025; and

WHEREAS, the Borough and FSHC having agreed to amicably resolve the issues set forth in the challenges through a Consent Order filed on January 27, 2026 (“Consent Order”), which further clarifies the Borough’s compliance mechanisms through specific amendments to its Fourth Round HEFSP; and

WHEREAS, this Ordinance implements and incorporates the adopted and endorsed Amended Fourth Round Housing Element and Fair Share Plan, which provides that a portion of the Borough's Fourth Round Unmet Need obligation is to be addressed through the creation of an overlay zone at 120-110 Charlotte Place, 250-300 Sylvan Avenue, 111 Charlottle Place, 8 Rose Avenue, 330-380 Sylvan Avenue and 510-550 Sylvan Avenue, identified as Block 313, Lots 1-3; Block 314, Lots 13-15; Block 411, Lots 18-23; and Block 617, Lots 6 and 13-17 on the Borough tax maps which shall permit a maximum residential density of 20 dwelling units per acre with a required minimum 20% affordable housing set-aside; and

WHEREAS, the Borough intends to amend Chapter 30 (Zoning) of the Code of the Borough of Englewood Cliffs to establish the Southern Sylvan Avenue Overlay Zone C;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Englewood Cliffs in the County of Bergen, State of New Jersey as follows:

Section 1. The Municipal Zoning Ordinance of the Borough of Englewood Cliffs is hereby supplemented and amended by the creation and establishment of new § 30-5.20 to be entitled "Southern Sylvan Avenue Overlay Zone C" to read as follows:

§ 30-5.20 SOUTHERN SYLVAN AVENUE OVERLAY ZONE C.

§ 30-5.20.1 Purpose.

- a. To implement the Consent Agreement between the Borough of Englewood Cliffs and Fair Share Housing Center dated January 27, 2026 (Docket No. BER-L-775-25) by permitting Block 313, Lots 1-3; Block 314, Lots 13-15; Block 411, Lots 18-23; and Block 617, Lots 6 and 13-17, with a street address of 120-110 Charlotte Place, 250-300 Sylvan Avenue, 111 Charlottle Place, 8 Rose Avenue, 330-380 Sylvan Avenue and 510-550 Sylvan Avenue, to be developed with inclusionary multifamily residential housing based upon the standards set forth herein.
- b. This section establishes the Southern Sylvan Avenue Overlay Zone C, which shall be applied, as shown in the attached map as Attachment A, in the following areas:^[1]
 1. Southern Sylvan Avenue Overlay Zone C, the area consisting of specific properties located along Sylvan Avenue, northeast of Middlesex Avenue and southwest of Sherwood Avenue, and the area consisting of specific properties northeast of Palisade Avenue and southwest of Demarest Avenue, which is comprised of the existing B-2 and B-4 Zoning Districts. The Overlay Zone shall apply only to the following properties: Block 313, Lots 1-3; Block 314, Lots 13-15; Block 411, Lots 18-23; and Block 617, Lots 6 and 13-17.

[1] Attachments on file in the Borough offices.

- c. The Southern Sylvan Avenue Overlay Zone C shall permit a maximum density of 20 residential units per acre with a minimum 20 percent affordable set-aside for rental and/or for-sale units. The affordable units shall not be age restricted.
- d. Definitions. The following terms, as used in this section, shall have the following meanings:

AVERAGE FINISHED GRADE

Shall mean the average finished grade of a building or structure measured at intervals of ten (10) feet along each exterior wall of the building or structure, i.e. the sum of the results of such finished grade measurements, divided by the number of such measurements.

BUILDING COVERAGE

Shall mean that portion of a lot covered by the largest floor area of all structures, both principal and accessory.

BUILDING HEIGHT, ACCESSORY BUILDING OR STRUCTURE

Shall mean the measurement from the average finished grade to the midpoint of the roof for pitched roofs and the highest point of the roof deck for flat roofs, for any accessory buildings or structures.

BUILDING HEIGHT, MULTI-FAMILY DWELLING, TOWNHOUSE OR STACKED TOWNHOUSE

Shall mean the measurement of the vertical distance from the Average Finished Grade to the highest point of the roof deck which intersects the building's exterior walls.

DWELLING, MULTI-FAMILY

Shall mean a building containing three (3) or more dwelling units, including units that are located one over another, where entranceways, hallways, basements, attics, storage areas, heating systems, yards and similar services in the building may be individual, shared in common, or in combination.

ELEVATION ABOVE MEAN SEA LEVEL

Shall be defined as a measure of the vertical distance of a location in reference to the mean sea level (MSL) based on the National Geodetic Vertical Datum of 1929 (see the NOAA, National Geodetic Survey website:

<https://www.ngs.noaa.gov/datums/vertical/national-geodetic-vertical-datum-1929.shtml>)

MULTI-FAMILY FLOOR AREA RATIO

Shall mean the area of all floors of multi-family buildings, including spaces within multi-family buildings used for off-street parking or loading.

STORY

Shall mean the portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling or roof next above it.

§ 30-5.20.2 Permitted Uses.

- a. Principal Permitted Uses:
 - A. Multifamily residential uses provided at a maximum density of twenty (20) dwellings units per acre, and where a minimum twenty percent (20%) affordable housing set-aside shall be required in accordance with applicable Borough Ordinances.
 - B. Existing principal permitted uses of the underlying zone(s) are not modified or affected by the establishment of this overlay zone.
- b. Prohibited Uses: All prohibited uses in the underlying zone(s) zone shall be prohibited.
- c. Conditional Uses: All conditional uses permitted in the underlying zone(s) shall continue to be conditional uses.
- d. Permitted accessory uses and structures. The following uses and structures shall be permitted:
 1. Amenities ancillary to multi-family residential, such as lobbies, fitness centers, storage areas for the residents of the multi-family buildings, and common area meeting rooms for the residents of the building.
 2. Active and passive outdoor recreation areas.
 3. Common indoor open space areas.
 4. Parking spaces, driveways, structured multi-level parking garages provided that any structured parking is enclosed with the same building materials and finishes used for the main portion of the multi-family residential building.
 5. Refuse and recycling building and/or structure.
 6. Stationary generators.
 7. Fences and walls.
 8. Signage.
 9. HVAC equipment and utility cabinets/controllers.
 10. Temporary construction trailers, temporary sales trailer, and/or temporary sales office through final project Certificate of Occupancy.
 11. Any use or structure that is customarily incidental and subordinate to the principal use of land or building located on the same lot.

§ 30-5.20.3 Area, Yard and Bulk Requirements

- a. Area, Yard and Bulk Requirements for the properties in Southern Sylvan Avenue Overlay Zone C with underlying zoning of the B-2 (Limited Business) Zone:
 1. Minimum gross lot area: 80,000 square feet.
 2. Minimum lot width: 125 feet.
 3. Maximum Residential Density. 20 units/acre.
 4. Minimum affordable housing set-aside: 20%
 5. Minimum front yard: 60 feet.
 6. Minimum rear yard: 20% of lot depth.
 7. Minimum side yard (one side): 30 feet.

8. Minimum side yard (both sides): 60 feet.
9. Minimum corner side yard: 30 feet.
10. Maximum impervious coverage: sixty-five percent (65%) of total lot area.
11. Maximum building coverage: fifty percent (50%) of total lot area.
12. Maximum Height.
 - a) The Maximum building elevation shall be three stories and thirty-five feet and in accordance with the chart referenced under § 30-5.20.9(E) of the Borough Code.
 - b) Rooftop Appurtenances:
 1. Rooftop equipment and appurtenances, including elevators, elevator overrides, air conditioning equipment, egress stair towers and similar structures ("Rooftop Appurtenances"), shall be permitted to exceed the maximum building height permitted herein subject to the following requirements.
 2. Rooftop Appurtenances shall be permitted to exceed the maximum height permitted herein provided that such equipment or structures do not occupy more than 20% of total roof area. No more than 5% of the total roof area may be occupied by equipment or structures measuring up to 10 feet in height, and the remaining 15% of the total roof area may be occupied by equipment or structures measuring up to 5 feet in height.
 3. All Rooftop Appurtenances not otherwise shielded by a parapet shall be screened or otherwise visually mitigated.
All mechanical equipment shall be set back a minimum of 10 feet from the edge of any roof or raised parapet. If equipment is not screened by a parapet, it shall be otherwise screened such that it is not visible from eye-level on adjacent public street.

b. Area, Yard and Bulk Requirements for the properties in Southern Sylvan Avenue Overlay Zone C with underlying zoning of the B-4 (Restricted Commercial) Zone:

1. Minimum gross lot area: 10,000 square feet.
2. Minimum lot width: 100 feet.
3. Maximum Residential Density: 20 units/acre.
4. Minimum affordable housing set-aside: 20%
5. Minimum front yard: 20 feet.
6. Minimum rear yard: 20% of lot depth.
7. Minimum side yard (one side): 10 feet.
8. Minimum side yard (both sides): 22 feet.
9. Minimum corner side yard: 15 feet.

10. Maximum lot coverage: sixty-five percent (65%) of total lot area.
11. Maximum building coverage: fifty percent (50%) of total lot area.
12. Maximum Height.
 - a) The Maximum building elevation shall be three stories and thirty-five feet and in accordance with the chart referenced under § 30-5.20.9(E) of the Borough Code.
 - b) Rooftop Appurtenances:
 1. Rooftop equipment and appurtenances, including elevators, elevator overrides, air conditioning equipment, egress stair towers and similar structures ("Rooftop Appurtenances"), shall be permitted to exceed the maximum building height permitted herein subject to the following requirements.
 2. Rooftop Appurtenances shall be permitted to exceed the maximum height permitted herein provided that such equipment or structures do not occupy more than 20% of total roof area. No more than 5% of the total roof area may be occupied by equipment or structures measuring up to 10 feet in height, and the remaining 15% of the total roof area may be occupied by equipment or structures measuring up to 5 feet in height.
 3. All Rooftop Appurtenances not otherwise shielded by a parapet shall be screened or otherwise visually mitigated.
All mechanical equipment shall be set back a minimum of 10 feet from the edge of any roof or raised parapet. If equipment is not screened by a parapet, it shall be otherwise screened such that it is not visible from eye-level on adjacent public street.

§ 30-5.20.4 Affordable Housing Requirements.

- a. Affordable units provided shall be constructed, administered, and monitored in conformance with the requirements of amended Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), UHAC (N.J.A.C. 5:80-26.1 et seq.), N.J.A.C. 5:99, and the Borough's affordable housing regulations per Sections 30-19, 30-19A, and 30-19B in Chapter 30 of the Ordinances of the Borough of Englewood Cliffs.

§ 30-5.20.5 Off-Street Parking and Parking Design Requirements.

- a. All off-street parking and loading areas shall conform to the provisions of Borough Code.
- b. The minimum parking requirement shall be 1.7 spaces per dwelling unit.
- c. Off-street parking may be located in surface parking areas and/or within a building as established herein.

- d. Tandem spaces (where one parking space is located directly behind or in front of another parking space) where each space comprising the tandem is to be designated for use by a single unit, each space comprising the tandem shall each be counted as a separate and distinct space with each being credited towards compliance with the RSIS parking requirement.

§ 30-5.20.6 Buffer and General Landscaping Requirements.

- a. Buffer requirements shall be provided for all multi-family development as required for non-residential uses in the underlying zone under the provisions of Borough Code § 30-7.10.
- b. The front yard setback area along Sylvan Avenue shall be landscaped with a mixture of deciduous and evergreen trees and shrubs and lawn areas coordinated with any stormwater management facilities.
- c. Any development that fronts the Palisades Interstate Parkway shall specifically provide adequate screening along any setback from the Palisades Interstate Parkway so as to protect its scenic quality and take other mitigating actions to protect the view from the Palisades Interstate Parkway.
- d. In addition to the provisions in the Borough Code, all buffers shall comply with the following standards:
 - i. Only natural materials may be used.
 - ii. Trees shall be evergreen, hardy, or other similar tall trees and vegetation at least six to eight feet in height and two inches in caliper when planted and be of a species common to the area.
 - iii. No structure, storage of materials or parking of vehicles shall be permitted in a buffer area.
 - iv. The standards for the location and design of buffer areas are intended to provide flexibility in order to provide effective buffers.
 - v. The location and design of buffers shall consider the use and scale of the portion of the property being screened; the distance between the use and the adjoining property line; and differences in elevations.
 - vi. The preservation of all natural wooded tracts and rock outcroppings shall be an integral part of all site plans and may be calculated as part of the required buffer area, provided that the growth is of a density and the area has sufficient width to serve the purpose of a buffer. Where additional plantings are necessary to establish an appropriate tone for an effective buffer, said plantings may be required.
- e. Landscaping Requirements.
 - 1. A landscape plan prepared by a landscape architect licensed in the State of New Jersey shall be submitted and shall include details for all decorative features. The plan shall identify proposed trees, shrubs, ground cover, and other landscaping elements. When existing natural growth is proposed to remain, the applicant shall include in the plans the proposed methods to protect existing trees and growth during and after construction.

2. Landscaping plans shall be professionally drawn and conform to the design principles described herein with a goal to mitigate visual intrusion of any development upon the Palisades.
3. Landscaping shall be provided as part of site plan and subdivision design. It shall be conceived in a total pattern throughout the site, integrating the various elements of site design creating a pleasing site character which mitigates the impact of structures.
4. Landscaping shall be used to accent and complement buildings. For example, where appropriate, groupings of tall trees to break up long, low buildings and lower planting for taller buildings.
5. Provide a variety and mixture of landscaping. The variety shall consider susceptibility to disease, colors, season, textures, shapes, blossoms, and foliage.
6. All portions of the property not utilized by buildings or paved surfaces shall be landscaped utilizing a variety of landscape material, including but not limited to landscaped fencing, shrubbery, lawn area, ground cover, and trees. The variety shall consider susceptibility to disease, colors, season, textures, shapes, blossoms, and foliage. The use of coniferous and/or deciduous trees native to the area shall be used to lessen the visual impact for the structures and paved areas.
7. All plant material shall consist of native landscape plantings.
8. Local soil conditions and water availability shall be considered in the choice of landscaping.
9. Assure that no aspect of the landscape design inhibits access to the development by emergency vehicles.
10. Applicant shall maintain and enhance any visual buffers of the new development from the vantage points referenced in the required Professional Viewshed Survey.
11. All development applications shall also comply with the landscaping requirements in the Borough Ordinances.

§ 30-5.20.7 Building and Architectural Standards.

- a. The preservation of the viewshed of the Palisades is a critically important aesthetic and scenic design consideration. The applicant shall demonstrate that the proposed development would not adversely affect the scenic integrity of the Palisades Interstate Park and its surroundings when viewed from vantage points east and south of the Palisades, specifically the George Washington Bridge center and the Cloisters Terrace and high point of Fort Tryon Park, Manhattan.
- b. Buildings shall be designed with each of a building's facade being of similar importance and shall have a base, middle and top. Building facades may be articulated both horizontally and vertically. Architectural devices such as providing string courses, cornices and sub-corniced, raised parapets, and/or horizontally differentiating surface treatments maybe be used to aid articulation and transitions. Bay windows and projections at each facade may also be used to create varied articulation in the design.

- c. Upper level facades shall be articulated to provide architectural interest. Frontages shall have at least one window appropriately proportioned per structural bay. Building designs may utilize various types of materials and material changes for facade articulation. The intent of this required articulation is to create interesting and varied building facades such that the building facades do not read as uniform or continuous slabs along the streetscape.
- d. Exterior facade materials may consist of, but not limited to, masonry brick veneer, manufactured cast stone veneer, precast sills and bands, fiber cement siding panels, accent composite metal panels, composite wood panels and similar materials. Exterior materials may further include windows, PVC trim, and architectural metal canopies.
- e. Windows shall be double-glazed and vinyl- or metal-cased in all residential portions of the building. Differentiated glazing treatment and building materials may be used at the lobby entrance and other feature areas.
- f. All mechanical equipment shall be set back a minimum of 10 feet from the edge of any roof or raised parapet. If equipment is not screened by a parapet, it shall be otherwise screened such that it is not visible from eye-level on adjacent public streets.
- g. Elevator overrides, egress stair towers, and/or rooftop projections (excluding mechanical equipment) measuring greater than 5 feet in height shall be clad with materials which do not contrast with the materials used on the upper level of the building facade.
- h. All building elevations shall be constructed to the same level of architectural interest, design and use of building materials.

§ 30-5.20.8 Refuse and Recycling Requirements.

- a. Adequate facilities shall be provided for the handling of garbage, recycling, and other refuse by providing and maintaining a screened enclosure, a separate building, or an interior area within the multi-family dwelling where all trash and refuse containers shall be stored while awaiting pickup.
- b. A refuse and recycling building that is appropriately sized for the development shall be provided at a minimum of 5 square feet for unit.

§ 30-5.20.9 Palisades Scenic Integrity Protection.

- a. The Preservation of the viewshed of the Palisades is a critically important aesthetic and scenic consideration. The Palisades Scenic Integrity Protection standards require the applicant to demonstrate that the proposed development would not adversely affect the scenic integrity of the Palisades Interstate Park and its surroundings when viewed from vantage points east and south of the Palisades, specifically the George Washington Bridge center and the Cloisters Terrace and high point of Fort Tryon Park, Manhattan.
- b. The developer shall provide studies, reports and testimony demonstrating that any proposed development meets the height limitations for this overlay zone and complies with the standards of this section.

- c. Notwithstanding any other requirement of the Borough Code, no application shall be deemed complete unless the developer has provided a copy of the application and plans to the Executive Director of the Palisades Interstate Park Commission.
- d. Additionally, Applicant will demonstrate that the proposed development will avoid adversely affecting the scenic integrity of the Palisades Interstate Parkway.
- e. Maximum Building Elevation:

Block	Lot	ASL Maximum
313	1	380'
313	2	336'
313	3	291'
314	13	379'
314	14	372'
314	15	367'
411	18	406'
411	19	395'
411	20	385'
411	21	385'
411	22	390'
411	23	378'
617	6	376'
617	13	378'
617	14	381'
617	15	381'
617	16	378'
617	17	374'

§ 30-5.20.10 Infrastructure Improvements.

- a. All new electric, telephone, television, cable, gas, and other utility service lines servicing the buildings shall be installed underground, to the extent such underground service is commercially reasonable, available and permitted by the applicable utility companies, and in all events, shall be installed in accordance with the prevailing standards and practices of the respective utility or other companies providing such services.
- b. The Borough has not prepared utility, roadway or traffic studies on the existing conditions, capacity, or reports on upgrades required to support the proposed development. As directed by the Borough Engineer and/or Board Engineer, the Developer shall provide utility, roadway and traffic studies evaluating the existing conditions, capacity and details of any necessary upgrades required to support the proposed development. The Developer shall be responsible for contributing towards any infrastructure upgrades in accordance with the Municipal Land Use Law (MLUL).

§ 30-5.20.11 Green Building Standards.

- a. All development shall incorporate green building design practices consistent with the New Jersey Green Building Manual or equivalent national standards.
- b. Site and building design shall promote energy efficiency, water conservation, indoor environmental quality, and sustainable material use through:
 - 1. Energy-efficient lighting and HVAC systems;
 - 2. Use of renewable energy sources, including solar photovoltaic or solar thermal systems;
 - 3. Low-impact development strategies such as pervious paving and rain gardens;
 - 4. Water-efficient landscaping utilizing native and drought-tolerant species; and
 - 5. Recycling and reuse of construction materials when able.
- c. Green roofs or rooftop vegetation are encouraged for stormwater management.
- d. Developers shall include Green Building plans outlining compliance measures as part of the site plan application.

§ 30-5.20.12 Climate Resiliency.

- a. Development shall incorporate climate adaptation and resiliency strategies consistent with N.J.A.C. 7:8 (Stormwater Management) and the Borough's Stormwater Management Ordinances. In computing pre-construction stormwater runoff, the design engineer shall consider that no more than 50 percent of the existing impervious surface is impervious. For the purposes of this calculation, all other surfaces shall be considered as wood in good condition.
- b. Projects shall evaluate vulnerabilities to localized flooding, extreme heat, and severe weather events and incorporate mitigation measures such as:
 - 1. Risen floor elevations above FEMA base flood elevations where applicable;
 - 2. On-site stormwater detention, infiltration features and other non-structural measures to minimize and mitigate localized flooding;
 - 3. Use of flood-tolerant landscaping and tree canopy for cooling, shade, and reforestation to mitigate stormwater runoff and flooding;
 - 4. Backup power and grid-ready infrastructure to maintain systems during outages.
- c. All development applications shall include a Climate Resiliency Assessment demonstrating how the proposed development addressed projected climate impacts and enhances resilience.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Englewood Cliffs, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Englewood Cliffs are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. The Borough Clerk is directed to give notice at least ten days prior to a hearing on the adoption of this ordinance to the Bergen County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 5. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Englewood Cliffs for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 6. This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

Section 7. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

**Introduction and First Reading:
February 11, 2026**

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Recuse	Absent
Biegacz							
Liang							
Patel							
Kapsaskis							
Lee							
Koutroubas							
Mayor Park							

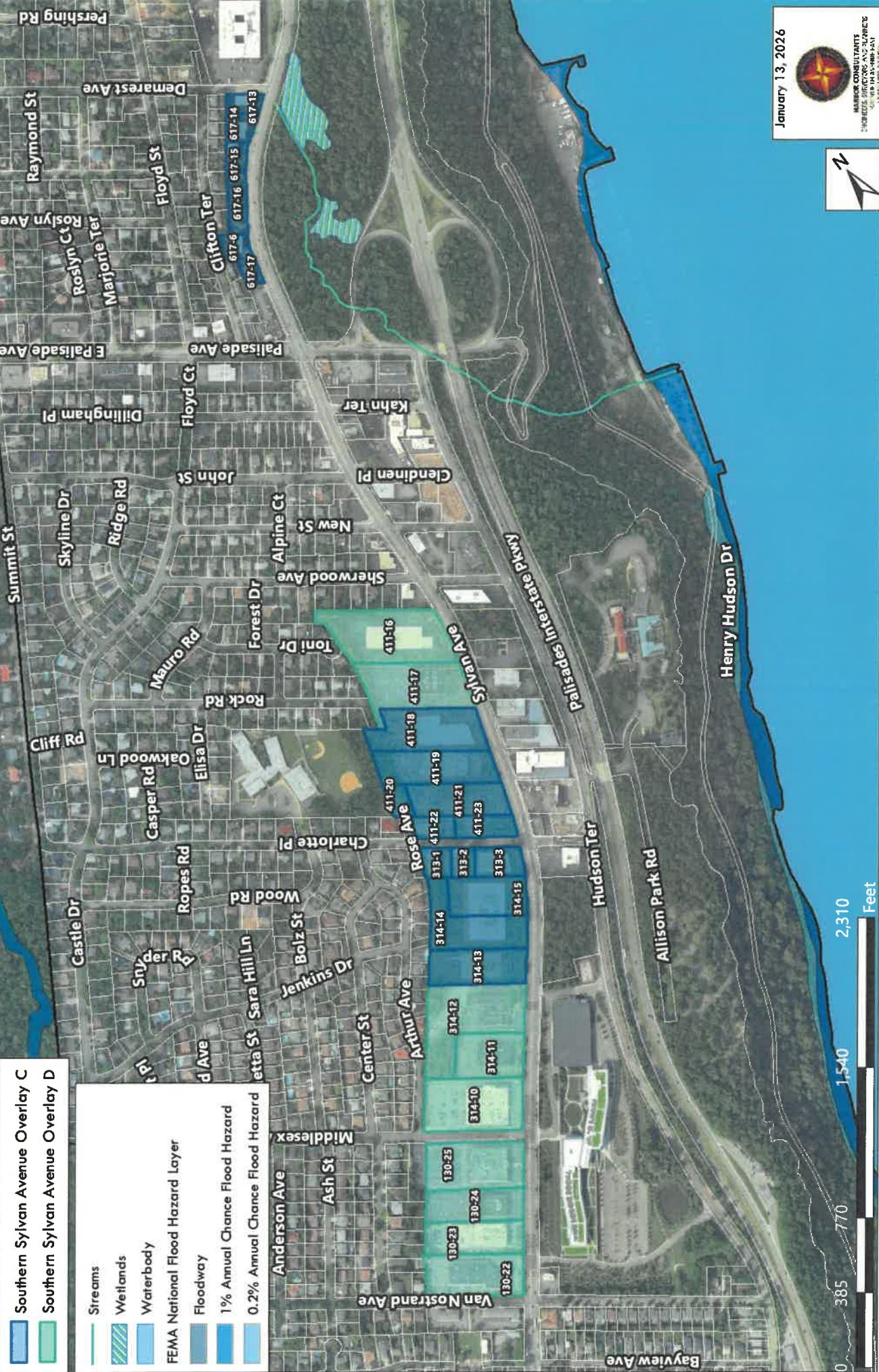
**Second and Final Reading of Ordinance Adoption:
March 11, 2026**

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Recuse	Absent
Biegacz							
Liang							
Patel							
Kapsaskis							
Lee							
Koutroubas							
Mayor Park							

Mark Park, Mayor

**This Ordinance was duly passed on second and final reading
by the Council of the Borough of Englewood Cliffs
at a meeting held March 11, 2026.**

**Beauty Nadim, RMC/CMR
Borough Clerk**



- Southern Sylvan Avenue Overlay C
- Southern Sylvan Avenue Overlay D

- Streams
- Wetlands
- Waterbody
- FEMA National Flood Hazard Layer
- Floodway
- 1% Annual Chance Flood Hazard
- 0.2% Annual Chance Flood Hazard



January 13, 2026



ENGINEERING CONSULTANTS
INCORPORATED
1000 WEST 10TH AVENUE, SUITE 200
DENVER, COLORADO 80202
TEL: 303.733.1111 FAX: 303.733.1112

**BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY**

ORDINANCE NO. 2026-06

TITLE: AN ORDINANCE TO ENACT § 30-5.19 (SOUTHERN SYLVAN AVENUE OVERLAY ZONE D) IN CHAPTER 30 (ZONING) OF THE CODE OF THE BOROUGH OF ENGLEWOOD CLIFFS TO PROVIDE DISTRICT REGULATIONS FOR AN OVERLAY ZONE AND TO ADDRESS COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS

(SOUTHERN SYLVAN AVENUE OVERLAY ZONE D ORDINANCE – BLOCK 130, LOTS 22-25; BLOCK 314, LOTS 10-12; AND BLOCK 411, LOTS 16-17)

WHEREAS, the Borough of Englewood Cliffs (the “Borough” or “Englewood Cliffs”) having 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-301 et. seq. (the “Fair Housing Act”) on January 28, 2025; and

WHEREAS, the Borough’s Fourth Round fair share obligations have a Present Need of 0 units and a Prospective Need of 329 units, which no party appealed, and ordering the Borough to file a Fourth Round Housing Element and Fair Share Plan (“HEFSP”) by June 30, 2025; and

WHEREAS, the Borough of Englewood Cliffs Planning Board adopted the Fourth Round HEFSP, dated June 2025 on June 26, 2025 pursuant to the Municipal Land use Law at N.J.S.A. 40:550-1, et seq.; and

WHEREAS, the Fourth Round HEFSP has been endorsed by the Borough Council by Resolution Number 25-142 on June 27, 2025; and

WHEREAS, the Borough having filed its Fourth Round HEFSP on June 30, 2025 (“Adopted HEFSP”); and

WHEREAS, FSHC having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough’s Fourth Round HEFSP on August 29, 2025; and

WHEREAS, the Borough and FSHC having agreed to amicably resolve the issues set forth in the challenges through a Consent Order filed on January 27, 2026 (“Consent Agreement”), which further clarifies the Borough’s compliance mechanisms through specific amendments to its Fourth Round HEFSP; and

WHEREAS, this Ordinance implements and incorporates the adopted and endorsed Amended Fourth Round Housing Element and Fair Share Plan, which provides that a portion of the Borough's Fourth Round Unmet Need obligation is to be addressed through the creation of an overlay zone at 50-210 Sylvan Avenue and 400-440 Sylvan Avenue, identified as Block 130, Lots 22-25, Block 314, Lots 10-12, and Block 411, Lots 16 and 17 on the Borough tax maps which shall permit a maximum residential density of 20 dwelling units per acre with a required minimum 20% affordable housing set-aside, and

WHEREAS, the Borough intends to amend Chapter 30 (Zoning) of the Code of the Borough of Englewood Cliffs to establish the Southern Sylvan Avenue Overlay Zone D;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Englewood Cliffs in the County of Bergen, State of New Jersey as follows:

Section 1. The Municipal Zoning Ordinance of the Borough of Englewood Cliffs is hereby supplemented and amended by the creation and establishment of new § 30-5-19 to be entitled "Southern Sylvan Avenue Overlay Zone D" to read as follows:

§ 30-5.19 SOUTHERN SYLVAN AVENUE OVERLAY ZONE D.

§ 30-5.19.1 Purpose.

- a. To implement the Consent Agreement between the Borough of Englewood Cliffs and Fair Share Housing Center dated January 27, 2026 (Docket No. BER-L-775-25) by permitting Block 130, Lots 22-25, Block 314, Lots 10-12, and Block 411, Lots 16 and 17, with a street address of 50-210 Sylvan Avenue and 400-440 Sylvan Avenue, to be developed with inclusionary multifamily residential affordable housing based upon the standards set forth herein.
- b. This section establishes the Southern Sylvan Avenue Overlay Zone D, which shall be applied, as shown in the attached map as Attachment A, in the following areas:^[1]
 1. Southern Sylvan Avenue Overlay Zone D, the area located along Sylvan Avenue, northeast of Van Nostrand Avenue and southwest of Sherwood Avenue - which is only comprised of the existing B-2 Zoning District and shall only apply to the following properties, specifically: Block 130, Lots 22-25, Block 314, Lots 10-12, and Block 411, Lots 16 and 17.

[1] *Attachments on file in the Borough offices.*

- c. The Southern Sylvan Avenue Overlay Zone D shall permit a maximum density of 20 residential units per acre with a minimum 20 percent affordable set-aside for rental and/or for-sale units. The affordable units shall not be age restricted.
- d. Definitions. The following terms, as used in this section, shall have the following meanings:

AVERAGE FINISHED GRADE

Shall mean the average finished grade of a building or structure measured at intervals of ten (10) feet along each exterior wall of the building or structure, i.e. the sum of the results of such finished grade measurements, divided by the number of such measurements.

BUILDING COVERAGE

Shall mean that portion of a lot covered by the largest floor area of all structures, both principal and accessory.

BUILDING HEIGHT, ACCESSORY BUILDING OR STRUCTURE

Shall mean the measurement from the average finished grade to the midpoint of the roof for pitched roofs and the highest point of the roof deck for flat roofs, for any accessory buildings or structures.

BUILDING HEIGHT, MULTI-FAMILY DWELLING, TOWNHOUSE OR STACKED TOWNHOUSE

Shall mean the measurement of the vertical distance from the Average Finished Grade to the highest point of the roof deck which intersects the building's exterior walls.

DWELLING, MULTI-FAMILY

Shall mean a building containing three (3) or more dwelling units, including units that are located one over another, where entranceways, hallways, basements, attics, storage areas, heating systems, yards and similar services in the building may be individual, shared in common, or in combination.

ELEVATION ABOVE MEAN SEA LEVEL

Shall be defined as a measure of the vertical distance of a location in reference to the mean sea level (MSL) based on the National Geodetic Vertical Datum of 1929 (see the NOAA, National Geodetic Survey website:
<https://www.ngs.noaa.gov/datums/vertical/national-geodetic-vertical-datum-1929.shtml>)

MULTI-FAMILY FLOOR AREA RATIO

Shall mean the area of all floors of multi-family buildings, including spaces within multi-family buildings used for off-street parking or loading.

STORY

Shall mean the portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling or roof next above it.

§ 30-5.19.2 Permitted Uses.

- a. Principal Permitted Uses:
 - A. Multifamily residential uses provided at a maximum density of twenty (20) dwellings units per acre, and where a minimum twenty percent (20%) affordable housing set-aside shall be required in accordance with applicable Borough Ordinances.
 - B. Existing principal permitted uses of the underlying zone(s) are not modified or affected by the establishment of this overlay zone.
- b. Prohibited Uses: All prohibited uses in the underlying zone(s) shall be prohibited.
- c. Conditional Uses: All conditional uses permitted in the underlying zone(s) shall continue to be conditional uses.
- d. Permitted accessory uses and structures. The following uses and structures shall be permitted:
 - 1. Amenities ancillary to multi-family residential, such as lobbies, fitness centers, storage areas for the residents of the multi-family buildings, and common area meeting rooms for the residents of the building.
 - 2. Active and passive outdoor recreation areas.
 - 3. Common indoor open space areas.
 - 4. Parking spaces, driveways, structured multi-level parking garages provided that any structured parking is enclosed with the same building materials and finishes used for the main portion of the multi-family residential building.
 - 5. Refuse and recycling building and/or structure.
 - 6. Stationary generators.
 - 7. Fences and walls.
 - 8. Signage.
 - 9. HVAC equipment and utility cabinets/controllers.
 - 10. Temporary construction trailers, temporary sales trailer, and/or temporary sales office through final project Certificate of Occupancy.
 - 11. Any use or structure that is customarily incidental and subordinate to the principal use of land or building located on the same lot.

§ 30-5.19.3 Area, Yard and Bulk Requirements.

- a. Minimum gross lot area: 80,000 square feet.
- b. Minimum lot width: 125 feet.
- c. Maximum Residential Density: 20 units/acre.
- d. Minimum affordable housing set-aside: 20%
- e. Minimum front yard: 60 feet.
- f. Minimum rear yard: 20% of lot depth.
- g. Minimum side yard (one side): 30 feet.
- h. Minimum side yard (both sides): 60 feet.
- i. Minimum corner side yard: 30 feet.

- j. Maximum lot coverage: sixty-five percent (65%) of total lot area.
- k. Maximum building coverage: fifty percent (50%) of total lot area.
- l. Maximum Height.
 - a. The Maximum building height shall be three stories and thirty-five feet and in accordance with the chart referenced under § 30-5.19.9(E) of the Borough Code.
 - b. Rooftop Appurtenances:
 - i. Rooftop equipment and appurtenances, including elevators, elevator overrides, air conditioning equipment, egress stair towers and similar structures ("Rooftop Appurtenances"), shall be permitted to exceed the maximum building height permitted herein subject to the following requirements.
 - ii. Rooftop Appurtenances shall be permitted to exceed the maximum height permitted herein provided that such equipment or structures do not occupy more than 20% of total roof area. No more than 5% of the total roof area may be occupied by equipment or structures measuring up to 10 feet in height, and the remaining 15% of the total roof area may be occupied by equipment or structures measuring up to 5 feet in height.
 - iii. All Rooftop Appurtenances not otherwise shielded by a parapet shall be screened or otherwise visually mitigated.
 - iv. All mechanical equipment shall be set back a minimum of 10 feet from the edge of any roof or raised parapet. If equipment is not screened by a parapet, it shall be otherwise screened such that it is not visible from eye-level on adjacent public street.

§ 30-5.19.4 Affordable Housing Requirements.

- a. Affordable units provided shall be constructed, administered, and monitored in conformance with the requirements of amended Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), UHAC (N.J.A.C. 5:80-26.1 et seq.), N.J.A.C. 5:99, and the Borough's affordable housing regulations per Sections 30-19, 30-19A, and 30-19B in Chapter 30 of the Ordinances of the Borough of Englewood Cliffs.

§ 30-5.19.5 Off-Street Parking and Parking Design Requirements.

- a. All off-street parking and loading areas shall conform to the provisions of Borough Code.
- b. The minimum parking requirement shall be 1.7 spaces per dwelling unit.
- c. Off-street parking may be located in surface parking areas and/or within a building as established herein.
- d. Tandem spaces (where one parking space is located directly behind or in front of another parking space) where each space comprising the tandem is to be designated for use by a single unit, each space comprising the tandem shall each be counted as a separate and distinct space with each being credited towards compliance with the RSIS parking requirement.

§ 30-5.19.6 Buffer and General Landscaping Requirements.

- a. Buffer requirements shall be provided for all multi-family development as required for non-residential uses in the underlying zone under the provisions of Borough Code § 30-7.10.
- b. The front yard setback area along Sylvan Avenue shall be landscaped with a mixture of deciduous and evergreen trees and shrubs and lawn areas coordinated with any stormwater management facilities.
- c. Any development that fronts the Palisades Interstate Parkway shall specifically provide adequate screening along any setback from the Palisades Interstate Parkway so as to protect its scenic quality and take other mitigating actions to protect the view from the Palisades Interstate Parkway.
- d. In addition to the provisions in the Borough Code, all buffers shall comply with the following standards:
 - i. Only natural materials may be used.
 - ii. Trees shall be evergreen, hardy, or other similar tall trees and vegetation at least six to eight feet in height and two inches in caliper when planted and be of a species common to the area.
 - iii. No structure, storage of materials or parking of vehicles shall be permitted in a buffer area.
 - iv. The standards for the location and design of buffer areas are intended to provide flexibility in order to provide effective buffers.
 - v. The location and design of buffers shall consider the use and scale of the portion of the property being screened; the distance between the use and the adjoining property line; and differences in elevations.
 - vi. The preservation of all natural wooded tracts and rock outcroppings shall be an integral part of all site plans and may be calculated as part of the required buffer area, provided that the growth is of a density and the area has sufficient width to serve the purpose of a buffer. Where additional plantings are necessary to establish an appropriate tone for an effective buffer, said plantings may be required.
- e. Landscaping Requirements.
 1. A landscape plan prepared by a landscape architect licensed in the State of New Jersey shall be submitted and shall include details for all decorative features. The plan shall identify proposed trees, shrubs, ground cover, and other landscaping elements. When existing natural growth is proposed to remain, the applicant shall include in the plans the proposed methods to protect existing trees and growth during and after construction.
 2. Landscaping plans shall be professionally drawn and conform to the design principles described herein with a goal to mitigate visual intrusion of any development upon the Palisades.
 3. Landscaping shall be provided as part of site plan and subdivision design. It shall be conceived in a total pattern throughout the site, integrating the various elements of site design creating a pleasing site character which mitigates the impact of structures.

4. Landscaping shall be used to accent and complement buildings. For example, where appropriate, groupings of tall trees to break up long, low buildings and lower planting for taller buildings.
5. Provide a variety and mixture of landscaping. The variety shall consider susceptibility to disease, colors, season, textures, shapes, blossoms, and foliage.
6. All portions of the property not utilized by buildings or paved surfaces shall be landscaped utilizing a variety of landscape material, including but not limited to landscaped fencing, shrubbery, lawn area, ground cover, and trees. The variety shall consider susceptibility to disease, colors, season, textures, shapes, blossoms, and foliage. The use of coniferous and/or deciduous trees native to the area shall be used to lessen the visual impact for the structures and paved areas.
7. All plant material shall consist of native landscape plantings.
8. Local soil conditions and water availability shall be considered in the choice of landscaping.
9. Assure that no aspect of the landscape design inhibits access to the development by emergency vehicles.
10. Applicant shall maintain and enhance any visual buffers of the new development from the vantage points referenced in the required Professional Viewshed Survey.
11. All development applications shall also comply with the landscaping requirements in the Borough Ordinances.

§ 30-5.19.7 Building and Architectural Standards.

- a. The preservation of the viewshed of the Palisades is a critically important aesthetic and scenic design consideration. The applicant shall demonstrate that the proposed development would not adversely affect the scenic integrity of the Palisades Interstate Park and its surroundings when viewed from vantage points east and south of the Palisades, specifically the George Washington Bridge center and the Cloisters Terrace and high point of Fort Tryon Park, Manhattan.
- b. Buildings shall be designed with each of a building's facade being of similar importance and shall have a base, middle and top. Building facades may be articulated both horizontally and vertically. Architectural devices such as providing string courses, cornices and sub-corniced, raised parapets, and/or horizontally differentiating surface treatments maybe be used to aid articulation and transitions. Bay windows and projections at each facade may also be used to create varied articulation in the design.
- c. Upper level facades shall be articulated to provide architectural interest. Frontages shall have at least one window appropriately proportioned per structural bay. Building designs may utilize various types of materials and material changes for facade articulation. The intent of this required articulation is to create interesting and varied building facades such that the building facades do not read as uniform or continuous slabs along the streetscape.

- d. Exterior facade materials may consist of, but not limited to, masonry brick veneer, manufactured cast stone veneer, precast sills and bands, fiber cement siding panels, accent composite metal panels, composite wood panels and similar materials. Exterior materials may further include windows, PVC trim, and architectural metal canopies.
- e. Windows shall be double-glazed and vinyl- or metal-cased in all residential portions of the building. Differentiated glazing treatment and building materials may be used at the lobby entrance and other feature areas.
- f. All mechanical equipment shall be set back a minimum of 10 feet from the edge of any roof or raised parapet. If equipment is not screened by a parapet, it shall be otherwise screened such that it is not visible from eye-level on adjacent public streets.
- g. Elevator overrides, egress stair towers, and/or rooftop projections (excluding mechanical equipment) measuring greater than 5 feet in height shall be clad with materials which do not contrast with the materials used on the upper level of the building facade.
- h. All building elevations shall be constructed to the same level of architectural interest, design and use of building materials.

§ 30-5.19.8 Refuse and Recycling Requirements.

- a. Adequate facilities shall be provided for the handling of garbage, recycling, and other refuse by providing and maintaining a screened enclosure, a separate building, or an interior area within the multi-family dwelling where all trash and refuse containers shall be stored while awaiting pickup.
- b. A refuse and recycling building that is appropriately sized for the development shall be provided at a minimum of 5 square feet for unit.

§ 30-5.19.9 Palisades Scenic Integrity Protection.

- a. The Preservation of the viewshed of the Palisades is a critically important aesthetic and scenic consideration. The Palisades Scenic Integrity Protection standards require the applicant to demonstrate that the proposed development would not adversely affect the scenic integrity of the Palisades Interstate Park and its surroundings when viewed from vantage points east and south of the Palisades, specifically the George Washington Bridge center and the Cloisters Terrace and high point of Fort Tryon Park, Manhattan.
- b. The developer shall provide studies, reports and testimony demonstrating that any proposed development meets the height limitations for this overlay zone and complies with the standards of this section.
- c. Notwithstanding any other requirement of the Borough Code, no application shall be deemed complete unless the developer has provided a copy of the application and plans to the Executive Director of the Palisades Interstate Park Commission.
- d. Additionally, Applicant will demonstrate that the proposed development will avoid adversely affecting the scenic integrity of the Palisades Interstate Parkway.
- e. Maximum Building Elevation:

Block	Lot	ASL Maximum
130	22	411'
130	23	407'
130	24	411'
130	25	408'
314	10	406'
314	11	398'
314	12	389'
411	16	395'
411	17	398'

§ 30-5.19.10 Infrastructure Improvements.

- a. All new electric, telephone, television, cable, gas, and other utility service lines servicing the buildings shall be installed underground, to the extent such underground service is commercially reasonable, available and permitted by the applicable utility companies, and in all events, shall be installed in accordance with the prevailing standards and practices of the respective utility or other companies providing such services.
- b. The Borough has not prepared utility, roadway or traffic studies on the existing conditions, capacity, or reports on upgrades required to support the proposed development. As directed by the Borough Engineer and/or Board Engineer, the Developer shall provide utility, roadway and traffic studies evaluating the existing conditions, capacity and details of any necessary upgrades required to support the proposed development. The Developer shall be responsible for contributing towards any infrastructure upgrades in accordance with the Municipal Land Use Law (MLUL).

§ 30-5.19.11 Green Building Standards.

- a. All development shall incorporate green building design practices consistent with the New Jersey Green Building Manual or equivalent national standards.
- b. Site and building design shall promote energy efficiency, water conservation, indoor environmental quality, and sustainable material use through:
 1. Energy-efficient lighting and HVAC systems;
 2. Use of renewable energy sources, including solar photovoltaic or solar thermal systems;
 3. Low-impact development strategies such as pervious paving and rain gardens;
 4. Water-efficient landscaping utilizing native and drought-tolerant species; and
 5. Recycling and reuse of construction materials when able.
- c. Green roofs or rooftop vegetation are encouraged for stormwater management.
- d. Developers shall include Green Building plans outlining compliance measures as part of the site plan application.

§ 30-5.19.12 Climate Resiliency.

- a. Development shall incorporate climate adaptation and resiliency strategies consistent with N.J.A.C. 7:8 (Stormwater Management) and the Borough's Stormwater Management Ordinances. In computing pre-construction stormwater runoff, the design engineer shall consider that no more than 50 percent of the existing impervious surface is impervious. For the purposes of this calculation, all other surfaces shall be considered as wood in good condition.
- b. Projects shall evaluate vulnerabilities to localized flooding, extreme heat, and severe weather events and incorporate mitigation measures such as:
 - 1. Risen floor elevations above FEMA base flood elevations where applicable;
 - 2. On-site stormwater detention, infiltration features and other non-structural measures to minimize and mitigate localized flooding;
 - 3. Use of flood-tolerant landscaping and tree canopy for cooling, shade, and reforestation and buffering to mitigate stormwater runoff and flooding;
 - 4. Backup power and grid-ready infrastructure to maintain systems during outages.
- c. All development applications shall include a Climate Resiliency Assessment demonstrating how the proposed development addressed projected climate impacts and enhances resilience.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Englewood Cliffs, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Englewood Cliffs are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. The Borough Clerk is directed to give notice at least ten days prior to a hearing on the adoption of this ordinance to the Bergen County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 5. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Englewood Cliffs for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 6. This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

Section 7. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

**Introduction and First Reading:
February 11, 2026**

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Recuse	Absent
Biegacz							
Liang							
Patel							
Kapsaskis							
Lee							
Koutroubas							
Mayor Park							

**Second and Final Reading of Ordinance Adoption:
March 11, 2026**

COUNCIL MEMBER	Motion	Second	Ayes	Nays	Abstain	Recuse	Absent
Biegacz							
Liang							
Patel							
Kapsaskis							
Lee							
Koutroubas							
Mayor Park							

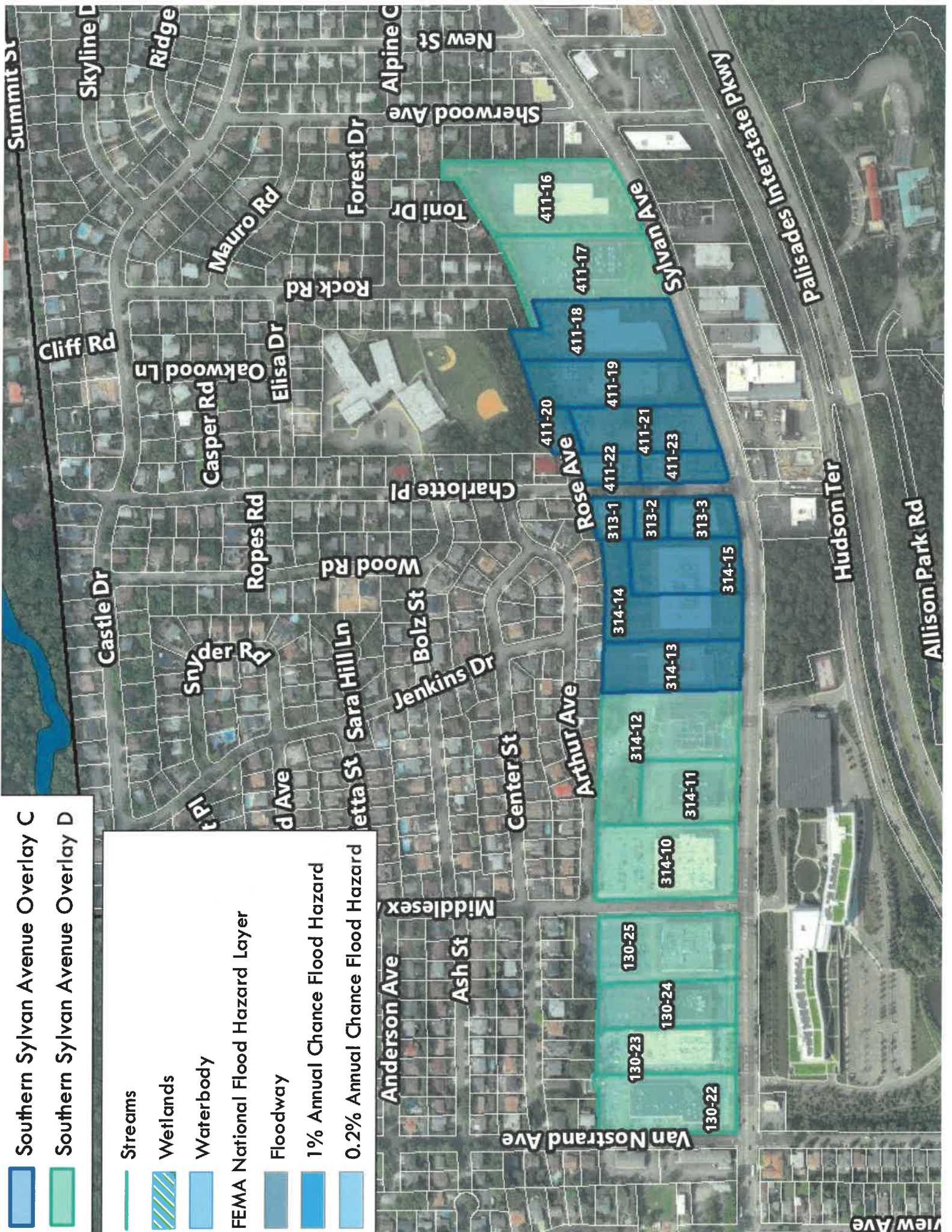
Mark Park, Mayor

**This Ordinance was duly passed on second and final reading
by the Council of the Borough of Englewood Cliffs
at a meeting held March 11, 2026.**

**Beauty Nadim, RMC/CMR
Borough Clerk**

Southern Sylvan Avenue Overlay C
 Southern Sylvan Avenue Overlay D

- Streams
- Wetlands
- Waterbody
- FEMA National Flood Hazard Layer
- Floodway
- 1% Annual Chance Flood Hazard
- 0.2% Annual Chance Flood Hazard





BOROUGH OF

Englewood Cliffs

NEW JERSEY

Resolutions

**COUNCIL OF THE BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY**

**RESOLUTION
RESOLUTION NO. 2026-77**

TITLE: RESOLUTION RESCINDING RESOLUTION NO. 2026-17 AND AUTHORIZING THE APPOINTMENT OF RICHARD BUSA AS TEMPORARY ACTING CHIEF FINANCIAL OFFICER FOR THE BOROUGH OF ENGLEWOOD CLIFFS

WHEREAS, a vacancy exists in the Borough of Englewood Cliffs for the position of the Chief Financial Officer; and

WHEREAS, pursuant to N.J.S.A. 40A:9-140.10, in every municipality there shall be a chief financial officer appointed by the governing body of the municipality; and

WHEREAS, pursuant to N.J.S.A. 40A:9-140.13(f), when a vacancy occurs in the office of chief financial officer following the appointment of a certified municipal finance officer to that office, the governing body may appoint, for a period not to exceed one year and commencing on the day of the vacancy, a person who does not hold a municipal finance officer certificate to serve as a temporary chief financial officer; and

WHEREAS, the Mayor and Council deem it to be in the best interests of the Borough of Englewood Cliffs to appoint Richard Busa to serve as the Temporary Chief Financial Officer for the Borough of Englewood Cliffs; and

WHEREAS, the Borough previously limited the appointment for 30 days and wishes to convert the time period to one year.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Englewood Cliffs hereby rescinds Resolution No. 2026-17 and hereby appoints Richard Busa to serve as the Temporary Chief Financial Officer for the Borough of Englewood Cliffs for the period of one year retroactive to January 1, 2026.

CERTIFICATION

I hereby certify that this resolution, consisting of 1 page(s) was adopted at a Regular Meeting of the Borough Council of the Borough of Englewood Cliffs, held this 11th day of February 2026.

	Moved	Second	Ayes	Nays	Abstain	Absent
Biegacz						
Liang						
Patel						
Kapsaskis						
Lee						
Koutroubas						
Mayor Park						

Mark Park
Mayor

Beauty Nadim, RMC/CMR
Municipal Clerk

**COUNCIL OF THE BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY**

**RESOLUTION
RESOLUTION NO. 2026-78**

TITLE: RESOLUTION RESCINDING RESOLUTION NO. 2026-18 AND APPOINTING FIROZVI ASSOCIATES, INC. TO SERVE AS FINANCIAL CONSULTANT FOR THE BOROUGH OF ENGLEWOOD CLIFFS

WHEREAS, additional support is required in the Finance Department of the Borough of Englewood Cliffs due to a recent vacancy in the office of the Chief Financial Officer; and

WHEREAS, the Mayor and Council deem it to be in the best interests of the Borough of Englewood Cliffs to appoint Shuaib Firozvi of Firozvi Associates, Inc. to serve as a Financial Consultant for the Borough of Englewood Cliffs.

NOW, THEREFORE BE IT RESOLVED, that Resolution No 2026-18 is hereby rescinded and that the Mayor and Council of the Borough of Englewood Cliffs hereby appoints Shuaib Firozvi of Firozvi Associates, Inc. to serve as the Financial Consultant for the Borough of Englewood Cliffs at a monthly rate of \$5,000 not to exceed ten (10) hours per week for the period not to exceed June 30, 2026 retroactive to January 1, 2026.

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that funds are available for this appointment in Account No. Financial Admin OE: 6-01-20-130-100.

CERTIFICATION

I hereby certify that this resolution, consisting of 1 page(s) was adopted at a Regular Meeting of the Borough Council of the Borough of Englewood Cliffs, held this 11th day of February 2026.

	Moved	Second	Ayes	Nays	Abstain	Absent
Biegacz						
Liang						
Patel						
Kapsaskis						
Lee						
Koutroubas						
Mayor Park						

Mark Park
Mayor

Beauty Nadim, RMC/CMR
Municipal Clerk

**COUNCIL OF THE BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY**

**RESOLUTION
RESOLUTION NO. 2026-79**

TITLE: RESOLUTION RESCINDING RESOLUTION NO. 2026-18 AND APPOINTING FIROZVI ASSOCIATES, INC. TO SERVE AS TEMPORARY CHIEF FINANCIAL OFFICER FOR THE BOROUGH OF ENGLEWOOD CLIFFS FOR ONE YEAR THROUGH FEBRUARY 10, 2027

WHEREAS, the Mayor and Council deem it to be in the best interests of the Borough of Englewood Cliffs to appoint Shuaib Firozvi of Firozvi Associates, Inc. to serve as Temporary Chief Financial Officer for the Borough of Englewood Cliffs, for one year from February 11, 2026 through February 10, 2027; and

WHEREAS, the New Jersey Department of Community Affairs (“DCA”) has authorized this action; and

WHEREAS, the DCA has authorized Shuaib A. Firozvi as the signee on behalf of Firozvi Associates, Inc.

NOW, THEREFORE BE IT RESOLVED, that Resolution No 2026-18 is hereby rescinded and that the Mayor and Council of the Borough of Englewood Cliffs hereby appoints Shuaib Firozvi of Firozvi Associates, Inc. to serve as the Temporary Chief Financial Officer for the Borough of Englewood Cliffs from February 11, 2026 through February 10, 2027 at a monthly rate of \$5,000 not to exceed ten (10) hours per week for the period beginning February 11, 2026 through February 10, 2027.

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified that funds are available for this appointment in Account No. Financial Admin OE: 6-01-20-130-100.

CERTIFICATION

I hereby certify that this resolution, consisting of 1 page was adopted at a Regular Meeting of the Borough Council of the Borough of Englewood Cliffs, held on this 11th day of February 2026.

	Moved	Second	Ayes	Nays	Abstain	Absent
Biegacz						
Liang						
Patel						
Koutroubas						
Kapsaskis						
Lee						
Mayor Park						

Mark Park
Mayor

Beauty Nadim, RMC/CMR
Municipal Clerk

**COUNCIL OF THE BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY**

**RESOLUTION
RESOLUTION NO. 2026-80**

TITLE: RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR THE TERMINATION OF RICHARD BUSA AS CHIEF FINANCIAL OFFICER AND RETURNING RICHARD BUSA TO THE POSITION OF ASSISTANT CHIEF FINANCIAL OFFICER THROUGH OCTOBER 17, 2028

WHEREAS, Richard Busa (“Busa”) was previously appointed as Chief Financial Officer for the Borough of Englewood Cliffs (“Borough”) for a period of one year; and

WHEREAS, Busa and the Borough have discussed relieving Busa from the position of Chief Financial Officer and appointing Busa back to his position as Assistant Financial Officer; and

WHEREAS, the Borough has received permission from the Department of Community Affairs to appoint Firovzi Associates, Inc. for the position of Chief Financial Officer.

NOW, THEREFORE BE IT RESOLVED, that the Mayor is hereby authorized to execute an agreement with Busa relieving Busa from the position as Chief Financial Officer and returning Busa to the position of Assistant Financial Officer which he has previously held and his Agreement authorized under Resolution 24-186 shall remain in effect.

CERTIFICATION

I hereby certify that this resolution, consisting of 1 page was adopted at a Regular Meeting of the Borough Council of the Borough of Englewood Cliffs, held on this 11th day of February 2026.

	Moved	Second	Ayes	Nays	Abstain	Absent
Biegacz						
Liang						
Patel						
Koutroubas						
Kapsaskis						
Lee						
Mayor Park						

Mark Park
Mayor

Beauty Nadim, RMC/CMR
Municipal Clerk

COUNCIL OF THE BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY

RESOLUTION
RESOLUTION NO. 2026-81

TITLE: RESOLUTION APPOINTING CHRISTINE ROSADO AND JASON ROBINSON AS SENIOR CAMP DIRECTORS FOR THE ENGLEWOOD CLIFFS SUMMER CAMP PROGRAM

WHEREAS the Mayor and Council of the Borough of Englewood Cliffs deem it in the best interest of the Borough to appoint senior camp directors for the Englewood Cliffs Summer Camp Program; and

WHEREAS, the Mayor and Council find that Christine Rosado and Jason Robinson are qualified for this position;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englewood Cliffs that Christine Rosado and Jason Robinson are hereby appointed as Senior Camp Directors for the Englewood Cliffs Summer Camp Program at the compensation rate of \$35.00 per hour.

BE IT FURTHER RESOLVED, the appointments are temporary seasonal hires, and the hourly rate is not to exceed 10 hours per week from February 11th through June 26th and 40 hours per week from June 29th through August 7th (duration of camp).

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified that funds are available to support this resolution in the “Summer Recreation Trust Fund” Appropriation of the Municipal Budget under Line Item: T-26-500-000

CERTIFICATION

I hereby certify that this resolution, consisting of 1 page(s) was adopted at a Regular Meeting of the Borough Council of the Borough of Englewood Cliffs, held this 11th day of February 11, 2026.

	Moved	Second	Ayes	Nays	Abstain	Absent
Biegacz						
Liang						
Patel						
Kapsaskis						
Lee						
Koutroubas						
Mayor Park						

Mark Park
Mayor

Beauty Nadim, RMC/CMR
Municipal Clerk

**COUNCIL OF THE BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY**

**RESOLUTION
RESOLUTION NO. 2026-82**

**TITLE: RESOLUTION AUTHORIZING PAYMENT OF VOUCHERS –
FEBRUARY 2026 BILLS LIST**

WHEREAS, claims have been submitted to the Borough of Englewood Cliffs in the following amounts under various funds of the borough:

Current Fund Appropriations	175,144.81
Escrow Trust	142,619.27
Salaries & Wages (01-02-2026)	336,036.62
Salaries & Wages (01-16-2026)	325,550.08
Salaries & Wages (01-30-2026)	307,643.07
Health Benefits Active (January)	136,756.50
Health Benefits Retires (January)	79,300.50
TOTAL	\$1,503,050.85

WHEREAS, above claims have been listed and summarized in the attached Bills List Report, and the corresponding vouchers have been reviewed and approved by the department head, council liaison, finance committee, and/or the chief financial officer; and

WHEREAS, the Chief Financial Officer has determined that the funds have been properly appropriated for such purposes and are available in the Borough of Englewood Cliffs, and that the claims specified on the schedule attached hereto, following examination and approval by the finance committee, be paid and checks issued; accordingly, and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Englewood Cliffs that the claims totaling **\$1,503,050.85** and ratified respectively.

CERTIFICATION

I hereby certify that this resolution, consisting of 1 page(s), was adopted at the Regular Meeting of the Borough Council of the Borough of Englewood Cliffs, held on this 11th day of February 2026.

	Moved	Second	Ayes	Nays	Abstain	Absent
Biegacz						
Liang						
Patel						
Kapsaskis						
Lee						
Koutroubas						
Mayor Park						

Mark Park
Mayor

Beauty Nadim, RMC/CMR
Municipal Clerk

P.O. Type: All
 Format: Detail without Line Item Notes
 Range: 5-First
 Rcvd Batch Id Range: First to Last
 Vendors: All
 Print Alpha, Revenue, & G/L Accounts: Y
 to 6-zz-zz-zzz-zzz
 Encumbrance Date Range: First to Last
 Bid: Y State: Y Other: Y Exempt: Y
 Include Non-Budgeted: Y
 Department Page Break: No
 Subtotal CAPR: No
 Subtotal Department: No

Account	Description	Item Description	Amount	Stat/Chk	Enc Date	First Rcvd Date	Chk/Void Date	Invoice	P0	Type
5-01-20-100-203	Administration Professional Services									
25-00903	1 CONCO005 CONCORD MUNICIPAL CONSULT.LLC	DEC CONSULTING SERVICE	3,282.00	R		12/31/25	02/06/26	08-2025		
25-00903	2 CONCO005 CONCORD MUNICIPAL CONSULT.LLC	MUNICIPAL HOUSING STIPEND	1,000.00	R		02/06/26	02/06/26	JUL-DEC 2025		
			4,282.00							
5-01-20-145-201	Tax Collection Office Operations									
26-00203	1 SCHWA005 SCHWAAB, INC.	INK AND STAMPS	199.63	R		02/06/26	02/06/26	4927070		
5-01-20-155-201	Legal Services General & COAH									
25-00051	37 KINGM005 KING, MOENCH, HIRNIAK & MEHTA	DEC LEGAL SERVICES	892.50	R		02/06/26	02/06/26	96290		B
25-00051	38 KINGM005 KING, MOENCH, HIRNIAK & MEHTA	DEC LEGAL SERVICES MIRA	8,125.00	R		02/06/26	02/06/26	96289		B
25-00051	39 KINGM005 KING, MOENCH, HIRNIAK & MEHTA	DEC LEGAL SVCS M.G/HUDSON	1,015.00	R		02/06/26	02/06/26	96288		B
25-00053	19 JARDI005 JARDIM, MEISNER AND SUSSER, PC	NOV-DEC LEGAL SERVICES WUNSCH	5,288.81	R		02/06/26	02/06/26	50248		B
25-00053	20 JARDI005 JARDIM, MEISNER AND SUSSER, PC	NOV-DEC LEGAL SERVICES S&M FEE	4,500.00	R		02/06/26	02/06/26	50262		B
25-00059	10 CLARK005 CLARKE CATON HINTZ CORP.	DEC APPOINTED COURT MASTER	46.00	R		02/06/26	02/06/26	94310		B
			19,867.31							
5-01-20-155-203	Legal Services Tax Appeal & Appraisals									
25-00054	9 NORGA005 NORGAARD O'BOYLE & HANNON	DEC LEGAL TAX APPEAL	4,337.30	R		02/06/26	02/06/26	43449		B
5-01-21-180-203	Planning Board Professional Services									
25-00045	11 HARB0005 HARBOR CONSULTANTS, INC	JUN COMMUNITY ENERGY PLAN	517.50	R		02/06/26	02/06/26	07327		B
25-00045	12 HARB0005 HARBOR CONSULTANTS, INC	JUL COMMUNITY ENERGY PLAN	2,112.50	R		02/06/26	02/06/26	07525		B
25-00045	13 HARB0005 HARBOR CONSULTANTS, INC	AUG COMMUNITY ENERGY PLAN	652.50	R		02/06/26	02/06/26	07690		B
25-00045	14 HARB0005 HARBOR CONSULTANTS, INC	JUL BOROUGH PLANNING SERVICES	2,788.75	R		02/06/26	02/06/26	07526		B
25-00045	15 HARB0005 HARBOR CONSULTANTS, INC	AUG BOROUGH PLANNING SERVICES	371.25	R		02/06/26	02/06/26	07688		B
25-00045	16 HARB0005 HARBOR CONSULTANTS, INC	SEP BOROUGH PLANNING SERVICES	1,757.50	R		02/06/26	02/06/26	07869		B
25-00045	17 HARB0005 HARBOR CONSULTANTS, INC	OCT BOROUGH PLANNING SERVICES	6,787.50	R		02/06/26	02/06/26	08022		B
25-00045	18 HARB0005 HARBOR CONSULTANTS, INC	NOV BOROUGH PLANNING SERVICES	725.00	R		02/06/26	02/06/26	08152		B
25-00045	19 HARB0005 HARBOR CONSULTANTS, INC	DEC BOROUGH PLANNING SERVICES	5,407.50	R		02/06/26	02/06/26	08246		B

Account	Description	Item Description	Amount	Stat/Chk	First Rcvd Enc Date	Chk/Void Date	Invoice	P.O. Type
5-01-21-180-203	Planning Board Professional Services	Continued						
25-00045	20 HARB0005 HARBOR CONSULTANTS, INC	JUL BOROUGH PLANNING OPRA SVCS	82.50	R	02/06/26	02/06/26	07507	B
			21,202.50					
5-01-22-195-203	Construction Code Professional Services							
26-00201	1 FERNA010 FERNANDEZ, MANUEL	PLUMBING/ELECTRIC INSP.	400.00	R	02/06/26	02/06/26	20-028 A-C	
5-01-23-220-204	Employee Health Benefits Retired							
26-00206	1 MURRA010 MURRAY, CAROL A.	2025 MEDICARE REIMB/C.MURRAY	2,220.00	R	02/06/26	02/06/26	2025 B&C	
26-00207	1 MURRA005 MURRAY, GEORGE	2025 MEDICARE REIMB/G.MURRAY	2,220.00	R	02/06/26	02/06/26	PART B	
26-00208	1 LARA010 LARAIA, WILLIAM	2025 MEDICARE REIMB/W.LARAIA	2,220.00	R	02/06/26	02/06/26	2025	
			6,660.00					
5-01-25-240-202	Police Professional Development							
25-00814	1 ALLIE010 ALLIED TRAINING AND EMERGENCY	ID & MANAGEMENT SEPSIS FOR EMS	10.00	R	12/02/25	12/31/25	2033	
25-00814	2 ALLIE010 ALLIED TRAINING AND EMERGENCY	REFRESHER B CLASS	90.00	R	12/02/25	12/31/25		
25-00814	3 ALLIE010 ALLIED TRAINING AND EMERGENCY	REFRESHER C CLASS	90.00	R	12/02/25	12/31/25		
25-00814	4 ALLIE010 ALLIED TRAINING AND EMERGENCY	REFRESHER A CLASS	90.00	R	12/02/25	12/31/25		
			280.00					
5-01-25-240-205	Police Vehicle Maintenance							
25-00068	37 ENGLE015 ENGLEWOOD CLIFFS EXXON	DEC POLICE VEHICLE REPAIRS	434.52	R	12/03/25	12/31/25	6168	B
25-00068	38 ENGLE015 ENGLEWOOD CLIFFS EXXON	DEC POLICE VEHICLE REPAIRS	1,019.35	R	12/31/25	12/31/25	6137	B
25-00068	39 ENGLE015 ENGLEWOOD CLIFFS EXXON	DEC POLICE VEHICLE REPAIRS	1,924.65	R	12/31/25	12/31/25	6173	B
25-00747	1 GTBMT005 G.T.B.M.,INC.	I-PRO BWC 4000 VEHICLE HARNESS	94.00	R	10/30/25	12/31/25	I-09685	
25-00747	2 GTBMT005 G.T.B.M.,INC.	I-PRO ICV 25FT NETWORK CABLE	88.00	R	10/30/25	12/31/25		
25-00747	3 GTBMT005 G.T.B.M.,INC.	INSTALLATION	450.00	R	10/30/25	12/31/25		
25-00917	1 GTCAR005 GT CAR WASH INC.	FLEET CAR WASH	65.00	R	12/31/25	12/31/25	262	
			4,075.52					
5-01-25-240-206	Police Departmental Supplies							
25-00840	1 AXONE005 AXON ENTERPRISES, INC.	AXON TASER-10 CARTRIDGE HALT	2,400.00	R	12/15/25	12/31/25	INUS411118	
25-00840	2 AXONE005 AXON ENTERPRISES, INC.	AXON TASER-10 CARTRIDGE LIVE	2,400.00	R	12/15/25	12/31/25		
25-00912	1 HARRI005 HARRIS UNIFORMS INC.	PATROL UNIFORMS - NEW HIRE	3,480.00	R	12/31/25	12/31/25	36520	
25-00913	1 HARRI005 HARRIS UNIFORMS INC.	DRESS UNIFORMS - NEW HIRE	3,788.40	R	12/31/25	12/31/25	36521	
25-00914	1 HARRI005 HARRIS UNIFORMS INC.	DRESS UNIFORM - NEW HIRE	1,262.80	R	12/31/25	12/31/25	36563	
25-00915	1 HARRI005 HARRIS UNIFORMS INC.	PATROL UNIFORM - NEW HIRE	1,160.00	R	12/31/25	12/31/25	36562	
			14,491.20					

Account	Description	Item Description	Amount	Stat/Chk	First Rcvd Enc Date	Chk/Void Date	Invoice	PO Type
5-01-25-255-201	Fire Office Operations							
26-00212	1 SHOPR005 SHOP RITE ENGLEWOOD ASSOC. INC	2025 FD FOOD/BEVERAGES	51.60	R	02/06/26	02/06/26	01690515982	
26-00212	2 SHOPR005 SHOP RITE ENGLEWOOD ASSOC. INC	2025 FD FOOD/BEVERAGES	151.10	R	02/06/26	02/06/26	01690523932	
			<u>202.70</u>					
5-01-25-255-202	Fire Professional Development							
25-00837	1 TECHN010 TECHNICAL FIRE SERVICES, INC.	FD TRAINING SESSIONS	2,000.00	R	12/12/25	12/31/25	6449	
25-00837	2 TECHN010 TECHNICAL FIRE SERVICES, INC.	FD TRAINING SESSIONS	4,000.00	R	12/12/25	12/31/25		
			<u>6,000.00</u>					
5-01-25-255-204	Fire Equipment Purchase & Maintenance							
25-00086	3 NJFIR005 NJ FIRE EQUIPMENT CO. INC.	DEC FD EQUIPMENT & MAINT.	2,501.96	R	08/25/25	12/31/25	76273	B
25-00086	4 NJFIR005 NJ FIRE EQUIPMENT CO. INC.	DEC FD EQUIPMENT & MAINT.	719.64	R	12/04/25	12/31/25		B
25-00086	5 NJFIR005 NJ FIRE EQUIPMENT CO. INC.	DEC FD EQUIPMENT & MAINT.	5,520.00	R	12/04/25	12/31/25		B
25-00086	6 NJFIR005 NJ FIRE EQUIPMENT CO. INC.	DEC FD EQUIPMENT & MAINT.	600.00	R	12/04/25	12/31/25		B
25-00086	7 NJFIR005 NJ FIRE EQUIPMENT CO. INC.	DEC FD EQUIPMENT & MAINT.	2,900.00	R	12/04/25	12/31/25		B
25-00877	1 WITME005 WITMER PUBLIC SAFETY GROUP INC	BRUSHLESS 18" LIGHT KIT	4,500.00	R	12/19/25	12/31/25	INV819298	
			<u>16,831.60</u>					
5-01-25-255-205	Fire Vehicle Maintenance							
26-00211	1 VALTE005 VALTEK, INC.	TRUCK ACCIDENT DAMAGE REPAIR	3,988.00	R	02/06/26	02/06/26	9314785	
5-01-26-290-201	Streets Roads Office Operations							
25-00829	1 UNIFI005 UNIFIRST CORPORATION	UNIFORMS	191.05	R	12/10/25	12/31/25	1180571521	
5-01-26-290-202	Streets Roads Professional Development							
26-00213	1 MLAD1005 MLADJENOVIC, JOSHUA	CDL REIMB./J.MLADJENOVIC	1,845.00	R	02/06/26	02/06/26	587621/228328	
26-00213	2 MLAD1005 MLADJENOVIC, JOSHUA	CDL REIMB./J.MLADJENOVIC	158.75	R	02/06/26	02/06/26	DMV FEES	
26-00214	1 EMORD005 EMORD, ROBERT	CDL REIMB./R. EMORD	2,870.00	R	02/06/26	02/06/26	804175	
26-00214	2 EMORD005 EMORD, ROBERT	CDL REIMB./R. EMORD	166.00	R	02/06/26	02/06/26	DMV FEES	
			<u>5,039.75</u>					
5-01-26-290-203	Streets Roads Professional Services							
26-00210	1 BECKE005 BECK ELECTRIC CO. INC.	COUNCIL CHAMBER AUDIO	2,300.00	R	02/06/26	02/06/26	100298	
5-01-26-292-203	Shade Tree Professional Services							
25-00227	19 RELIA005 RELIABLE TREE SERVICES INC	DEC DPW TREE REMOVAL & MAINT	1,500.00	R	02/06/26	02/06/26	2135-25	B

Account	Description	Item Description	Amount	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice	PO Type
P.O. Id	Item Vendor								
5-01-26-305-201	Garbage & Trash Removal								
25-00209	3 ENVIR005 ENVIRONMENTAL RENEWAL, LLC	DEC LEAF DISPOSAL	249.40	R	12/03/25	02/06/26		341140	B
25-00209	4 ENVIR005 ENVIRONMENTAL RENEWAL, LLC	DEC LEAF DISPOSAL	249.40	R	12/31/25	02/06/26		341139	B
25-00209	5 ENVIR005 ENVIRONMENTAL RENEWAL, LLC	DEC LEAF DISPOSAL	249.40	R	12/31/25	02/06/26		341333	B
25-00209	6 ENVIR005 ENVIRONMENTAL RENEWAL, LLC	DEC LEAF DISPOSAL	25,800.00	R	02/06/26	02/06/26		MULTIPLE/DEC 25	B
			26,548.20						
5-01-26-310-201	Buildings Grounds Office Operations								
25-00205	13 APLPD005 APLPD HOLDCO INC.	DEC DPW POD STORAGE RENTAL	408.00	R	02/06/26	02/06/26		PODS010804291	B
5-01-27-360-203	Senior Citizens Professional Services								
26-00209	1 PANOR005 PANORAMA TOURS, INC	BALANCE OF SR TRIP	750.00	R	02/06/26	02/06/26		2100	
5-01-28-375-203	Parks Playgrounds Professional Services								
26-00205	1 CROWN005 CROWN TROPHY INC.	REC MEDALS	263.34	R	02/06/26	02/06/26		RE-59543	
5-01-28-375-204	Parks Playgrounds Equipment Purch/Maint.								
26-00202	1 BSNP005 BSN SPORTS, INC	POLY CAP FENCE	133.35	R	02/06/26	02/06/26		929657	
5-01-31-430-201	Electricity & Gas								
25-00223	23 PSEG0005 P S E & G	DEC BOROUGH ELECTRIC & BAS	269.46	R	02/06/26	02/06/26		MULTIPLE	
25-00238	31 OGIEN005 UGI ENERGY SERVICES, LLC	DEC NATURAL GASOLINE	600.16	R	12/31/25	12/31/25		66907925	B
			869.62						
5-01-31-435-201	Street Lighting								
25-00224	12 PSEG0005 P S E & G	NOV BOROUGH STREET LIGHTING	14,537.15	R	11/06/25	12/31/25		7216020901	B
25-00224	13 PSEG0005 P S E & G	DEC BOROUGH STREET LIGHTING	15,444.93	R	02/06/26	02/06/26		7216020901	B
			29,982.08						
5-01-31-440-201	Telephone								
25-00245	32 VERIZ005 VERIZON	DEC BOROUGH PHONE SERVICES	2,747.38	R	02/06/26	02/06/26		6131798252	B
25-00245	33 VERIZ005 VERIZON	DEC BOROUGH PHONE SERVICES	68.57	R	02/06/26	02/06/26		2015692473	B
25-00245	34 VERIZ005 VERIZON	DEC BOROUGH PHONE SERVICES	1,525.71	R	02/06/26	02/06/26		2012420511	B
			4,341.66						
		Fund Total:	175,144.81						
		Year Total:	175,144.81						

Total Charged Lines: 74 Total List Amount: 175,144.81 Total Void Amount: 0.00

Account	Description	Item Description	Amount	Stat/Chk	Enc Date	First Rcvd	Chk/Void	PO
P.O. Id	Vendor					Date	Date	Type

Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
	5-01	175,144.81	0.00	0.00	175,144.81
Total of All Funds:		<u>175,144.81</u>	<u>0.00</u>	<u>0.00</u>	<u>175,144.81</u>

Bills List

02/05/26 07:50:24 PM

EC BILLS LIST 2-11-2026 (ESCROW ITEMS)

ESCROW

BOROUGH OF ENGLEWOOD CLIFFS

<u>Check Date</u>	<u>Check #</u>	<u>Vendor</u>	<u>Description</u>	<u>Amount</u>
02/11/26	21272	BOSWELL ENGINEERING, INC.	INV #207195-38 & 208122	69,892.25
02/11/26	21273	GILMORE & ASSOCAITES, INC.	INV #2512576	1,436.25
02/11/26	21274	GILMORE & ASSOCAITES, INC.	INV #2510343	1,612.50
02/11/26	21275	HARBOR CONSULTANTS, INC	INV #8006	123.75
02/11/26	21276	COLLIERS ENGINEERING &	INV #1136513	842.50
02/11/26	21258	J MORRA MANAGEMENT, LLC	REFUND ENGINEERING ESCROW	173.04
02/11/26	21259	GOLDENBERG, GARY	REFUND POOL BOND	10,156.93
02/11/26	21260	SORRENTINO, ANTHONY	REFUND ENGINEERING ESCROW	368.61
02/11/26	21261	PATEL, PANKIL	REFUND POOL BOND	10,000.00
02/11/26	21262	PATEL, PANKIL	REFUND ENGINEERING ESCROW	347.02
02/11/26	21263	CASTLE HILL DEVELOPERS,	REFUND TREE BOND	7,400.03
02/11/26	21264	ZIMATORE, CARLO & DONNA	REFUND BUILDING ESCROW	13,603.10
02/11/26	21265	J MORRA MANAGEMENT, LLC	REFUND ENGINEERING ESCROW	89.28
02/11/26	21266	VIMAN, MARIAH	TREE BOND REFUND	500.00
02/11/26	21267	COPPOLA, SALVATORE	REFUND ENGINEERING ESCROW	689.06
02/11/26	21268	COPPOLA, SALVATORE	REFUND BUILDING BOND	5,000.00
02/11/26	21269	COPPOLA, SALVATORE	REFUND POOL BOND	10,000.00
02/11/26	21270	COPPOLA, SALVATORE	REFUND TREE BOND	10,300.00
02/11/26	21271	COPPOLA, SALVATORE	REFUND ENGINEERING ESCROW	84.95
Bank Total:		ESCROW	142,619.27	

Bills List

02/05/26 07:50:24 PM

BOROUGH OF ENGLEWOOD CLIFFS

EC BILLS LIST 2-11-2026 (ESCROW ITEMS)

Total Bill List:

142,619.27

**COUNCIL OF THE BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY**

**RESOLUTION
RESOLUTION NO. 2026-83**

TITLE: RESOLUTION AUTHORIZING THE BOROUGH ATTORNEY TO EXECUTE A CONSENT ORDER FOR CONDITIONAL COMPLIANCE CERTIFICATION (AFFORDABLE HOUSING)

WHEREAS, the Borough of Englewood Cliffs (the “Borough” or “Englewood Cliffs”) having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the “Program”) and a declaratory judgment action on January 30, 2025; and

WHEREAS, the Court entered an order on May 5, 2025 setting the Borough’s Fourth Round fair share obligations as a Present Need of zero (0) units and a Prospective Need of three hundred twenty-nine (329) 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 Borough having filed its HEFSP on June 30, 2025; and

WHEREAS, FSHC having filed a letter pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough’s HEFSP on August 29, 2025, seeking additional information and documentation before the HEFSP may be approved by the Program and trial court; and

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

WHEREAS, FSHC has proposed a consent order, attached hereto as Exhibit “A” in order to resolve all the Borough’s Fair Share Obligations for the Fourth Round; and

WHEREAS, the proposed consent order is consistent with the Borough’s HEFSP; and

WHEREAS, it is in the best interests of the Borough to execute the proposed Consent Order.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Englewood Cliffs, that the Borough Attorney is hereby authorized to execute and deliver the proposed Consent Order on behalf of the Borough.

CERTIFICATION

I hereby certify that this resolution, consisting of 2 page(s) was adopted at a Regular Meeting of the Borough Council of the Borough of Englewood Cliffs, held this 11th day of February 2026.

	Moved	Second	Ayes	Nays	Abstain	Absent
Biegacz						
Liang						
Patel						
Kapsaskis						
Lee						
Koutroubas						
Mayor Park						

Mark Park
Mayor

Beauty Nadim, RMC/CMR
Municipal Clerk

Fair Share Housing Center
510 Park Boulevard
Cherry Hill, New Jersey 08002
P: 856-665-5444
F: 856-663-8182
Attorneys for Fair Share Housing Center

By: Ariela Rutbeck-Goldman, Esq. (209022016)
arielarutbeck@fairsharehousing.org

**In the Matter of the Application of the
Borough of Englewood Cliffs, County of
Bergen.**

SUPERIOR COURT OF NEW JERSEY
Law Division, Bergen County
Docket No. BER-L-775-25

**CIVIL ACTION
(Mount Laurel)**

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

THIS MATTER having come before the Court via the joint request of the Borough of Englewood Cliffs, via counsel Robert A. Ferraro, Esq. (of Bruno & Ferraro, Esqs.) as well as Fair Share Housing Center, via counsel Ariela Rutbeck-Goldman, Esq. (on behalf of Fair Share Housing Center); and

WHEREAS, the Borough of Englewood Cliffs (the “Borough” or “Englewood Cliffs”) having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the “Program”) and a declaratory judgment action on January 30, 2025; and

WHEREAS, the Court entered an order on May 5, 2025 setting the Borough’s Fourth Round fair share obligations as a Present Need of zero (0) units and a Prospective Need of three hundred twenty-nine (329) 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 Borough having filed its HEFSP on June 30, 2025; and

WHEREAS, FSHC having filed a letter pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough’s HEFSP on August 29, 2025 seeking additional information and documentation before the HEFSP may be approved by the Program and trial court; and

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

WHEREAS, the Court having reviewed the Borough’s HEFSP, attachments, and proposed implementing ordinances and resolutions and determined that they meet the “objective standard” and are in compliance with the Fair Housing Act and the Mount Laurel doctrine so long as the conditions set forth in this order are met;

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

IT IS on this _____ day of _____, 2026, **ORDERED**

as follows:

1. Subject to the satisfaction of the Conditions in Paragraph 7 of this Order and the deadlines established therein, the Borough of Englewood Cliffs’s Fourth Round Fair Share Plan (Exhibit P-1) is hereby approved and deemed to meet the “objective standard” pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) of complying with the Fair Housing Act and the Mount Laurel doctrine and the Borough is granted a Compliance Certification as to its Rehabilitation Obligation (“Present Need”), its Prior Round Obligation (1987-1999), its Third Round Obligation

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

2. The Borough’s Compliance Certification shall remain in effect for ten (10) years beginning on July 1, 2025 and ending on June 30, 2035, and during this ten (10) year period the Borough shall have repose from exclusionary zoning litigation, including, but not limited to, Builder’s Remedy lawsuits, as provided for in the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.
3. The Borough’s Present Need or Rehabilitation Obligation is zero (0), the Borough’s Prior Round Obligation (1987-1999) is two hundred and nineteen (219), the Borough’s Third Round Obligation (1999-2025) is three hundred sixty-five (365), the Borough’s Fourth Round Prospective Need (2025-2035) is three hundred twenty-nine (329).
4. The Borough does not have a present need obligation to address in the Fourth Round.
5. The Borough’s Prior Round Obligation is 219, and the Borough’s Third Round prospective need is 365.

- a. The 187-unit Third Round RDP shall be satisfied as follows:

Table 30 : Projects Addressing the Borough's Third Round RDP Borough of Englewood Cliffs, Bergen County, NJ				
BOROUGH RDP	187			
	Completed Units	Proposed Units	Rental Bonuses	Total
<i>Proposed Affordable Housing Sites</i>				
100% Affordable Site		65	46	111
Hudson Terrace/Michaels Development/ "Cliffs on Hudson" (Municipally Sponsored 100% Affordable Site) (Approx. 2.3 +/- acres - Block 514, Lots 4 & 5; Block 513, Lots 5 & 7, and approximately 0.25-acre vacated portion of Clendinen Place)		65 (F)(R)	46 (BC)	111
Inclusionary Sites		102	-	102
New LG / North Woods (3.5-acre portion - Block 207, Lot 6)		12	-	12

b. The 371-unit Unmet Need shall be addressed as follows:

Table 31 . Projects and Mechanisms Addressing the Third Round Unmet Need Borough of Englewood Cliffs, Bergen County, NJ			
Unmet Need	371		
Mechanism	Completed Units	Proposed Units	Total
Hudson Terrace Overlay Zone		62 (78)⁽¹⁾	62 (78)⁽¹⁾
East Palisades Overlay Zone		38 (48)⁽¹⁾	38 (48)⁽¹⁾
B-3 Zone District Overlay Zone		31 (39)⁽¹⁾	31 (39)⁽¹⁾
Northern Sylvan Avenue Corridor Mixed Use Overlay Zones (A)			
910, 910-920, 930-940 Sylvan Avenue		194	194
1000 Sylvan Avenue		36	36
Northern Sylvan Avenue Corridor Mixed Use Overlay Zones (B)			
980 Sylvan Avenue		9	9
1000 Sylvan Avenue		10 (15)⁽²⁾	10 (15)⁽²⁾
Sisters of St. Joseph of Peace Site		16 ⁽³⁾	16 ⁽³⁾
Remaining Rental Bonus Credits (25% Cap)		100	100
TOTAL CREDITS AND UNITS		496 (535)	
⁽¹⁾ Projects with residential or mixed-use options (mixed-use unit numbers in parentheses)			
⁽²⁾ Projects with non-age-restricted or age-restricted options (age-restricted unit numbers in parentheses)			
⁽³⁾ Units shall be age-restricted			

6. The Borough's Fourth Round Obligation is 329 and has been adjusted through a vacant land adjustment (VLA), resulting in an RDP of 10 and an Unmet Need of 319.

a. The 10-unit RDP shall be met as follows:

Table 32 . Existing and Proposed Projects Addressing the Fourth Round RDP Borough of Englewood Cliffs, Bergen County, NJ						
BOROUGH RDP	10					
	Completed Units	Proposed Units	L	M	VL	Total
Cioffi Site (20-32 Sylvan Avenue and 4 Bayview Avenue; Block 201, Lots 10-14, Block 205, Lots 1,2, & 4)		10 (F)(R)	-	-	-	10
TOTAL UNITS						10
Bonus Credits (2.5 maximum based on 25% of 10-unit RDP)						2.5
TOTAL CREDITS AND UNITS						12.5
(R) = Rental (BC) = Bonus Credit						
(F) = Family						

- i. The Cioffi Site is eligible for 2.5 bonus credits from redevelopment on "land that is or was previously developed and utilized for retail, office, or commercial space." N.J.S.A. 52:27D-311(k)(6). The site is currently developed with buildings that currently or formerly operated as commercial/office uses.
- b. The surplus 2.5 credits from RDP shall be applied to the Unmet Need, resulting in a remaining obligation of 316.5 units which shall be addressed through the following mechanisms:

Table 33 . Existing and Proposed Projects Addressing the Fourth Round Unmet Need Borough of Englewood Cliffs, Bergen County, NJ						
Fourth Round Unmet Need	316.5					
	Completed Units	Proposed Units	L	M	VL	Total
New Overlay Zones		177 (213) ⁽¹⁾	-	-	-	177 (213) ⁽¹⁾
New Southern Sylvan Ave Corridor Overlay Zone C		11 (14) ⁽¹⁾	-	-	-	11 (14) ⁽¹⁾
New Southern Sylvan Ave Corridor Overlay Zone D		166 (199) ⁽¹⁾	-	-	-	166 (199) ⁽¹⁾
Other Mechanisms		60	-	-	-	60
Mandatory Set-Aside Ordinance (MSO)		60	-	-	-	60
Remaining Bonus Credits to Reach 25% Cap						79.5
TOTAL CREDITS AND UNITS						316.5
⁽¹⁾ Projects with residential or mixed-use options (mixed-use unit numbers in parentheses)						

- i. Upon the potential completion of these Unmet Need mechanisms, the RDP may be recalculated in accordance with Paragraph 10, and the Borough may be eligible for additional bonus credits depending on the specifications of the project. The Borough may not receive bonus credits towards its Unmet Need obligation pursuant to N.J.A.C. 5:97-5.3(c), and the remaining potential 79.5 bonus credits are currently hypothetical.

7. The Borough's Compliance Certification is deemed conditional until the following conditions are met:

- a. The Borough shall provide the following administrative documents within thirty (30) days:

- b. The Borough will provide site plan approval, a construction timetable, and deed restrictions when available for the Cioffi site, currently undergoing review before Special Hearing Officer Maurice J. Gallipoli (ret.).
 - c. The Borough shall prepare and adopt a Spending Plan that complies with the regulations at N.J.A.C. 5:99 before March 15, 2026.
 - d. The Borough shall update its Affordable Housing Ordinance, Development Fee Ordinance, Affirmative Marketing Plan, and other administrative documents in accordance with the regulations at N.J.A.C. 5:80-26.1, et seq, and N.J.A.C. 5:99 before March 15, 2026.
8. No later than 48 hours after adoption or March 16, 2026, whichever is sooner, the Borough shall file the information required by Paragraph 7 and any other adopted ordinances and resolutions on eCourts.
9. No later than April 15, 2026, the Borough and FSHC shall provide via filing on eCourts a form of consent order granting final compliance certification for the Court's review, or identify any remaining issues of compliance that may be disputed at which point the court shall schedule a conference to review any such areas.
10. The Borough and FSHC recognize that substantial changes in circumstances affecting the Borough's RDP are possible pursuant to the holding in Fair Share Housing Center v. Cherry Hill, 173 N.J. 393, (2002) and related law. In the event such a substantial changed circumstance occurs, the Borough shall have one hundred twenty (120) days to present to the trial court and FSHC a plan to address such change in circumstances on notice and opportunity to be heard from FSHC.

The Borough agrees that any additional RDP generated due to changed circumstances must be addressed in a manner that is consistent with controlling law.

11. The Borough's Compliance Certification shall be subject to required ongoing monitoring as follows:

- a. The Borough by February 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of a detailed accounting of all development fees and any other payments into its trust fund that have been collected including residential and non-residential development fees, along with the current balance in the municipality's affordable housing trust fund as well as trust funds expended, including purposes and amounts of such expenditures, in the previous year from January 1st to December 31st.
- b. The Borough by February 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of up-to-date municipal information concerning the number of affordable housing units actually constructed, construction starts, certificates of occupancy granted, and the start and expiration dates of deed restrictions. With respect to units actually constructed, the information shall specify the characteristics of the housing, including housing type, tenure, affordability level, number of bedrooms, date and expiration of affordability controls, and whether occupancy is reserved for families, senior citizens, or other special populations.

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

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

Hon. Lina P. Corrison, J.S.C.

On behalf of the Borough of Englewood Cliffs:

Robert A. Ferraro, Esq.

On behalf of Fair Share Housing Center:

Ariela Rutbeck-Goldman, Esq.

**COUNCIL OF THE BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY**

**RESOLUTION
RESOLUTION NO. 2026-84**

**TITLE: APPOINTMENT OF MUNICIPAL RISK MANAGEMENT
CONSULTANT: AL ALEXANDER AGENCY, INC.**

WHEREAS, the Borough of Englewood Cliffs (the “Borough”) desires to retain a Risk Management Consultant in connection with the South Bergen Municipal Joint Insurance Fund and the Municipal Excess Liability Joint Insurance Fund for the year 2026, and the Borough of Englewood Cliffs has followed a fair and open process as required by N.J.S.A. 19:44A-20.7 to the extent that a contract has been publicly advertised in newspapers providing sufficient time to give notice in advance of the award of a contract, and said advertisement solicited proposals and disclosed the criteria required by the Borough of Englewood Cliffs, and said proposals were received, and publicly opened, and announced when awarded; and

WHEREAS, the Mayor and Council of the Borough of Englewood Cliffs have determined that the value of the contracts above may exceed \$17,500, but the positions are an exception to the requirement for public bidding under N.J.S.A. 40a:11-5(A)(i) as a Professional Service Contract; and

WHEREAS, Al Alexander Agency Inc. of 552 Union Blvd. Totowa, New Jersey has submitted a proposal in response to the Borough’s Request for Proposals” (“RFP”) indicating it will provide risk management services pursuant to the terms of the proposed agreement for the position for the period between February 11, 2026 and December 31, 2026; and

WHEREAS, the proposed agreement for the risk management position provides that the Borough of Englewood Cliffs will Al Alexander Agency Inc. an amount equal to six percent (6%) of the municipality’s annual assessment, as promulgated by the South Bergen Municipal Joint Insurance Fund and NJ Municipal Excess Liability Joint Insurance Fund; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the temporary budget for payment of the pro-rated amount of the contract through the period of the temporary budget and will certify at that time of any amendment to the temporary budget or the adoption of the final budget that the funds will be available before any services or payment is authorized beyond the temporary budget.; and

WHEREAS, the exact line appropriation is Joint Insurance Fund: 6-01-23-210-201

IT IS HEREBY RESOLVED that Al Alexander Agency Inc. is hereby retained as risk management consultant for the Borough of Englewood Cliffs pursuant to the terms of the agreements referenced above and which are incorporated herein, and the Mayor and Clerk are hereby authorized to execute said agreement.

IT IS FURTHER RESOLVED that the Borough Clerk will advertise public notice of this appointment in accordance with law, and a copy of the agreement authorized by this resolution shall be kept on file with the Borough Clerk and available for inspection.

CERTIFICATION

I hereby certify that this resolution, consisting of 2 pages, was adopted at the Regular Meeting of the Borough Council of the Borough of Englewood Cliffs, held on this 11th day of February 2026.

	Moved	Second	Ayes	Nays	Abstain	Absent
Biegacz						
Liang						
Patel						
Kapsaskis						
Lee						
Koutroubas						
Mayor Park						

Mark Park
Mayor

Beauty Nadim, RMC/CMR
Municipal Clerk

**COUNCIL OF THE BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY**

**RESOLUTION
RESOLUTION NO. 2026-85**

**TITLE: APPOINTMENT OF BOROUGH COAH ADMINISTRATIVE AGENT:
TRIAD ASSOCIATES**

WHEREAS, the Borough of Englewood Cliffs (the “Borough”) desires to appoint an affordable housing administrative agent for the year 2026; and the Borough of Englewood Cliffs has followed a fair and open process as required by N.J.S.A. 19:44A-20.7 to the extent that a contract has been publicly advertised in newspapers providing sufficient time to give notice in advance of the award of a contract, and said advertisement solicited proposals and disclosed the criteria required by the Borough of Englewood Cliffs, and said proposals were received, and publicly opened, and announced when awarded; and

WHEREAS, the Mayor and Council of the Borough of Englewood Cliffs have determined that the value of the contracts above may exceed \$17,500, but the positions are an exception to the requirement for public bidding under N.J.S.A. 40a:11-5(A)(i) as a Professional Service Contract; and

WHEREAS, Triad Associates of 1301 W. Forest Grove Road, Suite 3, Vineland, New Jersey has submitted a proposal in response to the Borough’s Request for Proposals” (“RFP”) indicating it will provide affordable housing administrative agent services pursuant to the terms of the proposed agreement for the position for the period between February 11, 2026 and December 31, 2026; and

WHEREAS, the services to be provided are set forth on Exhibit “A’ attached hereto; and

WHEREAS, the compensation schedule is set forth on Exhibit “B” attached hereto; and

WHEREAS, the Chief Financial Officer has certified that funds are available in the temporary budget for payment of the pro-rated amount of the contract through the period of the temporary budget and will certify at that time of any amendment to the temporary budget or the adoption of the final budget that the funds will be available before any services or payment is authorized beyond the temporary budget.; and

WHEREAS, the exact line appropriation is Affordable Housing Trust Fund: T-24-500-000

IT IS HEREBY RESOLVED that **TRIAD ASSOCIATES** is hereby retained as affordable housing administrative agent for the Borough of Englewood Cliffs pursuant to the terms of the agreement referenced above and which are incorporated herein, and the Mayor and Clerk are hereby authorized to execute said agreement.

IT IS FURTHER RESOLVED that the Borough Clerk will advertise public notice of this appointment in accordance with law, and a copy of the agreement authorized by this resolution shall be kept on file with the Borough Clerk and available for inspection.

CERTIFICATION

I hereby certify that this resolution, consisting of 2 pages, was adopted at the Regular Meeting of the Borough Council of the Borough of Englewood Cliffs, held on this 11th day of February 2026.

	Moved	Second	Ayes	Nays	Abstain	Absent
Biegacz						
Liang						
Patel						
Kapsaskis						
Lee						
Koutroubas						
Mayor Park						

Mark Park
Mayor

Beauty Nadim, RMC/CMR
Municipal Clerk

PROPOSED SCOPE OF SERVICES

Triad Associates proposes to serve as Affordable Housing Administrative Agent for the Borough of Englewood Cliffs based upon the following scope of services:

PROJECT DESCRIPTION / SUMMARY OF SERVICES

- I. Administrative Agent Services: Sale Units
- II. Administrative Agent Services: Rental Units
- III. Affordability Assistance Program Development and Operating Manuals
- IV. Market to Affordable Program – Sale Units (New Program)
- V. Market to Affordable Program – Rental Units
- VI. Accessory Apartments Program – New Design W/Manuals & Implementation
- VII. Compliance – Operating Manuals
- VIII. Housing Rehabilitation Services (Owner-Occupied & Rental)
- IX. Extension of Controls
- X. Transition of Administrative Agent Services
- XI. Affordable Housing Trust Fund Reporting
- XII. Technical Assistance on Affordable Housing Requirements
- XIII. Municipality's Responsibilities

SCOPE OF SERVICES

I. ADMINISTRATIVE AGENT SERVICES: SALE UNITS

The Consultant, upon the request of the Principal and in compliance with the Court Judgment of Repose and Compliance Order or Fourth Round Compliance Certification (if applicable), shall assist the Principal to perform the duties and responsibilities of an administrative agent as are governed by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq., (the Act), Section 5:80-26.1 et seq. of the regulations promulgated there under (the Rules) for the administration of units approved through the Fair Share Housing Center Settlement Agreement and the Housing Element and Fair Share Plan, and the Substantive Rules of the New Jersey Council on Affordable Housing (N.J.A.C. 5:99-1.1, et seq.), governing the responsibilities of Administrative Agents, which include:

A. Operating Manual

1. Creating, reviewing and/or updating written operating manual, for approval by the Court, setting forth procedures for administering affordability controls;

B. Affirmative Marketing

1. Assisting the Municipality with the preparation of an updated Affirmative Marketing Plan consistent with provisions of the applicable law;
2. Conducting an outreach process to ensure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of the Municipality and the provisions of New Jersey Fair Housing Act;

3. Ensure that new development/waiting lists are posted on the New Jersey Housing Resource Center website (www.njhrc.gov) at least 60 days prior to holding a lottery, pursuant to P.L.2020, c.51 (C.52:27D-321.3 et seq.);
4. Market units in accordance with the Fair Chance in Housing Act (enacted 1/1/2022);
5. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as required; and
6. Providing information for counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

C. General Administrative/Waitlist Management

1. Maintain an applicant pool and waiting list for sale/resale units;
2. Waiting lists may be closed when there are sufficient number of applicants to fill approximately two years' worth of vacant units. Wait lists will be re-opened when the applicant pool is not sufficient to fill vacant units. Additional marketing may be required;
3. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in the applicable law; and

D. Household Certification

1. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a very-low, low- or moderate-income unit;
2. Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
3. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of the ownership certificate set forth in the New Jersey Fair Housing Act regulations.; and
4. Employing a random selection process as provided in the Affirmative Marketing Plan of the Municipality when referring households for certification to affordable units.

E. Affordability Controls

1. Furnishing to attorneys or closing agents' forms of deed restrictions, mortgage, mortgage note and Certificate for Applicants Certified to Ownership Unit required for recording at the time of conveyance of title of each restricted unit;
2. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
3. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;
4. Communicating with lenders regarding foreclosures; and

F. Resales

1. Institute and maintain an effective means of communicating information between owners and the Administrative Agent regarding the resale of restricted units;

2. Institute and maintain an effective means of communicating information to very-low, low- and moderate-income households regarding the availability of restricted units for resale or rental; and
3. Ensuring ongoing compliance with the applicable regulations set forth in the New Jersey Fair Housing Act.

G. Processing Requests from Unit Owners

1. Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
2. 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 cost of central air conditioning systems;
3. Notifying the Municipality of an owner's intent to sell a restricted unit; and
4. Processing requests and making determinations on requests by owners of restricted units for hardship waivers.

H. Enforcement

1. Securing annually from municipalities lists of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
2. 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;
3. Providing reports to Principal and/or DCA, as requested.

I. Public Records: Records received, retained, retrieved, or transmitted under the terms of this contract may constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality. The Administrative Agent named in this contract must agree to administer and dispose of such records in compliance with the State's public records laws and associated administrative rules.

J. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder

II. ADMINISTRATIVE AGENT SERVICES: RENTAL UNITS

The Consultant, upon the request of the Principal and in compliance with the Court Judgment of Repose and Compliance Order (if applicable), shall assist the Principal to perform the duties and responsibilities of an administrative agent as are set forth, including but not limited to the Municipality's Fair Share Plan, New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq., (the Act) Fair Housing Act rules and regulations, UHAC regulations, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, and the Substantive Rules of the New Jersey Council on Affordable Housing (N.J.A.C. 5:99-1.1, et seq.), governing the responsibilities of Administrative Agents, which includes:

A. Operating Manuals

1. Creating/reviewing and publishing written operating manual(s), as approved by the Court, setting forth procedures for administering affordability controls;
- B. Affirmative Marketing (as needed)**
1. Assisting the Municipality with the preparation of an updated Affirmative Marketing Plan consistent with the provisions of the applicable law;
 2. Conducting an outreach process to ensure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of the Municipality and the provisions of the New Jersey Fair Housing Act;
 3. Ensure that new development/waiting lists are posted on the New Jersey Housing Resource Center website (www.njhrc.gov) at least 60 days prior to holding a lottery, pursuant to P.L.2020, c.51 (C.52:27D-321.3 et seq.);
 4. Market units in accordance with the Fair Chance in Housing Act (enacted 1/1/2022);
 5. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as needed; and
 6. Providing information for counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- C. General Administrative/Waitlist Management**
1. Maintain an applicant pool and waiting list for rental units with at least two years' worth of applicants for anticipated units available;
 2. Sending annual letters to all tenants of affordable dwelling units, providing them with the maximum allowable rents and the contact information for Triad Associates where complaints of excess rents can be reported pursuant to the applicable law; and
 3. Notification of annual allowable rent increases sent to landlords upon the release of the annual Affordable Housing Regional Income Limits by Household Size.
- D. Household Certification**
1. Soliciting, scheduling, conducting and following up on interviews with interested households;
 2. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a very-low, low- or moderate-income unit;
 3. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of the rental certificate set forth in the New Jersey Fair Housing Act regulations;
 4. Employing a random selection process as provided in the Affirmative Marketing Plan of the Municipality when referring households for certification to affordable units.
 5. Ensuring ongoing compliance with the applicable regulations set forth in the New Jersey Fair Housing Act.
- E. Enforcement:** The posting annually in all rental properties, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;

F. Public Records: Records received, retained, retrieved, or transmitted under the terms of this contract may constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality. The Administrative Agent named in this contract must agree to administer and dispose of such records in compliance with the State's public records laws and associated administrative rules.

G. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

III. AFFORDABILITY ASSISTANCE PROGRAM DEVELOPMENT AND OPERATING MANUAL

The Consultant shall, upon the request of the Principal, in accordance with the provisions of the Fair Housing Act, the Uniform Housing Affordability Control (UHAC) regulations (N.J.A.C. 5:80-26.1 et seq.), and the Substantive Rules of the New Jersey Council on Affordable Housing (N.J.A.C. 5:99-1.1, et seq.), governing the responsibilities of Administrative Agents, work with municipal staff to identify eligible services and level of financing for the Affordability Assistance Program. Once determined, Consultant will create or update an Affordability Assistance Operating Manual for sales and rental units, to include:

1. Overview
2. Eligible Services
3. Eligible Participants
4. Eligible Properties
5. Level of Financing
6. Program Financing
7. Administration
8. Forms for Program Implementation

Technical Assistance Services: Upon Principal's request, Consultant will provide technical assistance as needed to address in-house staff questions, follow up discussions with government officials and/or staff, follow up with other issues associated with the Affordability Assistance Program. Technical Assistance services to be pre-approved by Principal.

IV. MARKET TO AFFORDABLE PROGRAM: SALE UNITS

The Consultant will provide services to implement the Market to Affordable program in accordance with the provisions of the Fair Housing Act, the Uniform Housing Affordability Control (UHAC) regulations (N.J.A.C. 5:80-26.1 et seq.), and the Substantive Rules of the New Jersey Council on Affordable Housing (N.J.A.C. 5:99-1.1, et seq.). All Market to Affordable program guidelines are subject to the review and approval of the Court..

The Consultant can implement the program through Direct Purchase by Certified Household or Property Acquisition and Substantial Rehab.

A. Program Guidelines and Operating Manuals: The Consultant will create/update Market to Affordable Program Guidelines, including Affirmative Marketing plan, Operating Manual for Sale Units, Operating Manual for Rent Units and all program forms, as needed.

B. Direct Purchase by Certified Household

The Municipality will provide a subsidy from its Affordable Housing Trust Funds to the title company for a certified household at closing on a market rate home, placing 30-year deed restrictions on the unit making it part of the Municipality's Affordable Housing portfolio. Title will be transferred directly to the qualified Affordable Housing buyer. In these cases, the Consultant will provide project management and oversight services, as is outlined in more detail below:

- a. **Property Identification:** On behalf of, and in consultation with the Principal, Consultant will identify units that are on the MLS to be acquired by a pre-qualified buyer. Consultant shall utilize a systematic approach to evaluating and screening potential target properties to ensure optimum utilization of available funds.
- b. **Property Rehabilitation, if applicable:** Upon acquisition by the Affordable buyer, Consultant will; directly or through a sub-consultant, act as manager for the rehabilitation of the project. Consultant will complete the rehabilitation process by preparing and assessing housing rehabilitation work-writeups, inspections, bids and other construction coordination efforts. Rehabilitation will comply with applicable laws, codes and requirements related to safety, quality and habitability. Consultant will ensure all properties are brought up to code. Consultant and/or its delegated sub-contractor will coordinate all pre-construction conferences, construction contract signings, inspections, interacting with code officials and historic review boards, performing site visits, and preparing all legal construction documentation. Consultant will review proposed rehabilitation scope with Principal and Owner and obtain authorization prior to proceeding with proposed scope.
- c. **Closing Documents:** Consultant will prepare all closing documents, to include deed restriction, recapture mortgage, mortgage note and Form of Certificate For Applicants Certified To Ownership Unit as required by the applicable law.
- d. **Records Maintenance:** Consultant shall prepare and maintain such records and accounts, including program records, project records, financial records, program administration records, equal opportunity and fair housing records, and affirmative marketing records.
- e. **Reporting:** Consultant shall advise the Principal on a quarterly basis with respect to the status of its identification of suitable units and progress of the program.
- f. **Time Frame:** The Principal will provide authorization to the Consultant on an annual basis of the number of units to be completed.

C. Property Acquisition and Substantial Rehab

Upon request and in consultation with the Principal, Consultant will identify units that are in need of substantial rehab (over \$20,000 and/or major Housing Code Violations). Triad Associates will provide technical assistance to the Principal for the Principal to acquire the property (through such strategies as tax foreclosure, purchase from real estate market, etc.). The Principal shall hold title to units acquired under this agreement. The proceeds from the resale of the unit, with an affordable housing deed restriction, will be returned to the Principal's Housing Trust Fund.

- a. **Property Acquisition:** Consultant shall utilize a systematic approach to evaluating and screening potential properties to ensure optimum utilization of Housing Trust Funds. Properties listed on the Principal's Abandoned Properties List (if applicable) will receive

first priority. Principal may subcontract with a licensed real estate professional to assist in the acquisition process. Consultant will present viable options to the Principal for property acquisition.

- b. **Property Management/Rehabilitation**: Upon acquisition by the Principal, Consultant will, directly or through a sub-contractor, carry-out property management tasks and corresponding responsibilities and will act as manager for the rehabilitation of the project. Consultant will complete the rehabilitation process by preparing and assessing housing rehabilitation work-write-ups, inspections, bids and other construction coordination efforts. Rehabilitation will comply with applicable laws, codes and requirements related to safety, quality and habitability. Consultant will ensure all properties are brought up to code and be in compliance with the Municipality's basic minimum standards for exterior treatments and interior quality. Consultant and/or its delegated sub-contractor will coordinate all pre-construction conferences, construction contract signings, inspections, interacting with code officials and historic review boards, performing site visits, and preparing all legal construction documentation. Consultant will review proposed rehabilitation scope with Principal and obtain authorization prior to proceeding with proposed scope.
- c. **Sale of Unit**: Consultant will calculate affordable sales price and identify a certified applicant to purchase the unit and place 30-year deed restriction on property, making it part of the Municipality's Affordable Housing portfolio. Please note, the Municipality will receive 1 COAH credit for each unit, however, the unit may not count towards the Municipality's Housing Rehabilitation obligation.
- d. **Records Maintenance**: Consultant shall maintain such records and accounts, including program records, project records, financial records, program administration records, equal opportunity and fair housing records, and affirmative marketing records.

D. Affirmative Marketing and Property Sale services for the Market To Affordable program

1. Refer to Section - Administrative Agent Services for Sale Units

V. MARKET TO AFFORDABLE FOR RENT PROGRAM

The Consultant will provide consultation, technical assistance and implementation services in matters relating to the Principal's Market to Affordable Rental Program. The Consultant shall undertake the necessary analyses, applications and related activities to accomplish the following activities:

- A. Preparation/Update of Market to Affordable Rental Program Operating Manual
- B. Landlord Identification to include:
 1. Preparation/Update of an Informational Packet to distribute to prospective landlords;
 2. Review of landlord applications
 3. Preparation of estimates for the amount of subsidy to be provided to landlords.
 4. Establishment of affordable rents in accordance with COAH guidelines.
 5. All applications from Landlords and subsidy amounts to be forwarded to the municipality for review and approval.

- C. Preparation of all required program agreements and deed restrictions for forwarding to municipal attorney;
- D. Affirmative marketing and property rental services for the Market to Affordable Rental program

The Consultant, upon the request of the Principal and with DCA/Court requirements, shall assist the Principal to perform the duties and responsibilities of an administrative agent as are set forth, including but not limited to the Municipality's Fair Share Plan, New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq., (the Act) Fair Housing Act rules and regulations, UHAC regulations, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, and the Substantive Rules of the New Jersey Council on Affordable Housing (N.J.A.C. 5:99-1.1, et seq.), which includes:

1. Affirmative Marketing

- a. Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of the Municipality and the provisions of the applicable law;
- b. Employing a random selection process as provided in the Affirmative Marketing Plan of the Municipality when referring households for certification to affordable units; and
- c. 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;

2. General Administrative/Waitlist Management

- a. Maintain an applicant pool and waiting list for rental units with at least two years' worth of applicants for anticipated units available;
- b. Sending annual letters to all tenants of affordable dwelling units, providing them with the maximum allowable rents and the contact information for Triad Associates where complaints of excess rents can be reported pursuant to the applicable law; and

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 very-low, low- or moderate-income unit;
- c. 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 New Jersey Fair Housing Act regulations;
- d. Employing a random selection process as provided in the Affirmative Marketing Plan of the Municipality when referring households for certification to affordable units.
- e. Ensuring ongoing compliance with the applicable regulations set forth in the New Jersey Fair Housing Act.

4. Enforcement

- a. The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made.

VI. ACCESSORY APARTMENT PROGRAM DESIGN AND IMPLEMENTATION SERVICES

A. Accessory Apartment Services: The Consultant, upon the request of the Principal and in accordance with Court Judgment of Repose and Compliance Order or Fourth Round Compliance Certification (if applicable), shall implement the Municipality's Accessory Apartment Program. The program shall be implemented in accordance with the Municipality's Housing Element and Fair Share Plan and in accordance with N.J.A.C. 5:93, including but not limited to:

1. Preparation of an Accessory Apartment Policies and Procedures Manual;
2. Development of a Marketing Program and Landlord Pamphlet to solicit applications and interest from potential landlords;
3. Establish program guidelines for the provision of subsidies to Property Owners for the physical creation of accessory apartments conforming to the requirements of the Municipality's Accessory Apartment Ordinance; and
4. Monitor the distribution of the program subsidy, the oversight of securing the certificates of occupancy, qualifying properties, handling application forms, overseeing the preparing deed restrictions for recording, and filing monitoring reports to the Principal and DCA/Courts.

B. Administrative Agent Services for Accessory Apartments: The Consultant, upon the request of the Principal and with Court Judgment of Repose and Compliance Order or Fourth Round Compliance Certification (if applicable), shall assist the Principal to perform the duties and responsibilities of an administrative agent as are set forth, including but not limited to the Municipality's Fair Share Plan, New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq., (the Act) Fair Housing Act rules and regulations, UHAC regulations, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, and the Substantive Rules of the New Jersey Council on Affordable Housing (N.J.A.C. 5:99-1.1, et seq.), governing the responsibilities of Administrative Agents, which includes:

1. *Affirmative Marketing*

- a. Assisting the Municipality with the preparation of an updated Affirmative Marketing Plan consistent with the provisions of the applicable law;
- b. Conducting an outreach process to ensure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of the Municipality and the provisions of N.J.A.C. 5:80-26.15;
- c. Ensure that the new Accessory Apartment rental program is posted on the New Jersey Housing Resource Center website (www.njhrc.gov) at least 60 days prior to holding a lottery, pursuant to P.L.2020, c.51 (C.52:27D-321.3 et seq.);
- d. Market units in accordance with the Fair Chance in Housing Act (enacted 1/1/2022);
- e. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as necessary; and

- f. Providing counseling or referrals to counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
2. **General Administrative/Waitlist Management**
 - a. Maintain an applicant pool and waiting list for rental units with at least two years' worth of applicants for anticipated units available;
 - b. Sending annual letters to all tenants of affordable dwelling units, providing them with the maximum allowable rents and the contact information for Triad Associates where complaints of excess rents can be reported pursuant to the applicable law; and
 - c. Notification of annual allowable rent increases sent to landlords upon the release of the annual Affordable Housing Regional Income Limits by Household Size.
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 very-low, low- or moderate-income unit;
 - c. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of the rental certificate set forth in the New Jersey Fair Housing Act regulations.;
 - d. Employing a random selection process as provided in the Affirmative Marketing Plan of the Municipality when referring households for certification to affordable units.
 - e. Ensuring ongoing compliance with the applicable regulations set forth in the New Jersey Fair Housing Act.
4. **Enforcement**
 - a. The posting annually in all rental properties , of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;
5. Records received, retained, retrieved, or transmitted under the terms of this contract may constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality. The Administrative Agent named in this contract must agree to administer and dispose of such records in compliance with the State's public records laws and associated administrative rules.
6. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

VII. COMPLIANCE: OPERATING MANUALS

- A. Creating, reviewing and/or updating written operating manual, for approval by the Court, setting forth procedures for administering affordability controls and adhering to all Affordable Housing regulations;
- B. Operating Manuals can be for the following programs, as needed:

1. Operating Manual for the Administration of For Sale Programs
2. Operating Manual for the Administration of For Rent Programs
3. Accessory Apartment Manual
4. Affordability Assistance Manual
5. Housing Rehabilitation for Owner Occupied Units
6. Housing Rehabilitation for Rental Units

VIII. HOUSING REHABILITATION PROGRAM MANAGEMENT SERVICES: OWNER OCCUPIED AND RENTAL

A. Housing Rehabilitation Program General Oversight: Triad Associates shall represent the Municipality in carrying out all aspects of the proposed Owner Occupied and Rental Housing Rehabilitation Program in accordance with the guidelines and regulations included in the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq., (the Act) and Section 5:80-26.14 of the regulations promulgated there under (the Rules), and the Substantive Rules of the New Jersey Council on Affordable Housing (N.J.A.C. 5:99-1.1, et seq.), governing the responsibilities of Administrative Agents, Services will include the following to complete an authorized number of cases in accordance with the time schedule determined by the Municipality:

1. Market the Housing Rehabilitation Program;
2. Maintain eligible contractor list including valid licenses and insurance;
3. Attend meetings as requested/required by the Municipality during the term of this engagement;
4. Present information to Municipality officials regarding cases processed, waitlists, program marketing, and opportunities to increase the scope of the Housing Rehabilitation Program; and
5. Prepare Status and Financial Reports, as requested.

B. Prepare or Update Operating Manual: Manual will include the following policy/procedures for Housing Rehab:

1. Eligible Participants
2. Program Funding Terms
3. Subordination Policy
4. Property Improvements
5. Rehabilitation Standards
6. Administrative Procedures
7. Contractor Requirements
8. Maintenance of Records and Client Files
9. Sample Forms and Agreements

C. Owner Occupied & Rental Housing Rehabilitation Case Management Services

1. Coordinate all aspects of the Housing Trust Fund Housing Rehabilitation Program. This includes project file set-up, forms and contract review, application intake and processing procedures, file maintenance, eligibility criteria, etc.;
2. Initial Application review, client file initiation, preliminary documentation of work-up;
3. Respond to email and phone requests from applicants during waiting period;

4. Refresh application information when due for rehab;
5. Final review of intake process determining eligibility and letter of approval/denial to client;
6. Create and maintain case management tracking spreadsheet;
7. Coordinate initial inspection with Third Party Housing Rehabilitation Inspector and client;
8. Review Work Write-Ups from Third Party Housing Rehabilitation Inspector outlining deficiencies and work necessary to correct serious code violations;
9. Prepare and submit Section 106 Historic Preservation review documentation (if required);
10. Prepare Bid Announcement and send to eligible contractors;
11. Conduct bid opening including tabulate and analyze bids, provide recommendation for selection of contractor, and email bid awards;
12. If two bids are not obtained, Triad staff will prepare re-bid – This will be billed hourly outside of per case fee;
13. Prepare construction contracts and loan documents;
14. Coordinate contract signing and pre-construction conference with homeowner and contractor (if needed);
15. Coordinate a job-site conference between homeowner, Third Party Housing Rehabilitation Inspector and contractor in conjunction with the Municipality's construction Code Official;
16. Track progress of project and keep lines of communication open between homeowner, contractor, municipality and inspectors;
17. Coordinate interim and final inspections with homeowner, contractor and Third Party Housing Rehabilitation Inspector;
18. Obtain signatures from homeowners and contractors (see Forms Section of Housing Rehabilitation Manual);
19. Update project file during the contract period;
20. Triad Rehabilitation Specialist will provide direct assistance in resolving contractor/homeowner disputes that may arise during implementation, prepare Change Orders, attend project construction meetings, etc.;
21. Verify and obtain municipal code official approval of close-out of project, including permitting; and
22. Prepare Mortgage and Cover Sheet for Municipality to file.

D. Emergency Rehabilitation Case Management Services:

1. Emergency Rehabilitation Case Management follows the same procedures as non-emergency Housing Rehabilitation with the exception of the bidding process; Triad staff will obtain a minimum of two quotes from qualified contractors. If two quotes are not received, Triad staff will obtain approval from the Municipality to accept the sole quote;

2. Triad Housing Rehabilitation staff may recommend full Housing Rehabilitation for cases where adequate funds have been retained for Emergency Rehabilitation needs but non-emergency code violations have been identified; and
3. Housing Rehabilitation cases in which emergency conditions are identified will be phased to address the emergency first followed by the remainder of the rehabilitation process.

E. THIRD-PARTY INSPECTION SERVICES (*Principal to contract with and pay inspector directly*)

Third-Party Property Inspection Services are not part of this contract, but are listed here for informational purposes only.

1. Inspect dwellings being considered for the program funding, take required photographs and prepare a work write-up with an estimate of cost.
2. Conduct lead inspections and risk assessments of participating properties as required.
3. Conduct interim and final inspections of contracted work for release of payments to contractors.

IX. EXTENSION OF CONTROLS:

The Consultant will implement Extension of Controls Program for units in the Municipality's Affordable Housing inventory whose affordability controls are expiring. Services to include:

- A. Maintain a list of dates of expiring controls for each unit;
- B. Provide written notice to each owner of offer of funding in return for extension of controls;
- C. Prepare updated deed and affordability documents for signatures and ensure recording by County Clerk;
- D. Process payment from the Township to homeowner; and
- E. Update all tracking spreadsheets with updated control expiration dates

X. TRANSITIONING ADMINISTRATIVE AGENT SERVICES

Provide assistance with the transition of Administrative Agent duties from the Municipality to Triad. These services to include:

- Attendance at transition meetings with Triad and municipality representatives, if needed;
- Oversight of transferring of affordable housing documents;
- Processing outstanding preliminary applications/reviewing waiting lists;
- Notification to all homeowners, landlords and/or developers of Triad being the new Administrative Agent for the Municipality; and
- Any additional transition services, as needed.

XI. AFFORDABLE HOUSING TRUST FUND REPORTING:

Upon Principal's request, Triad will provide the following:

- A. The preparation and submission of the Affordable Housing Trust Fund reporting. These services to include:

- Analyze the data from the date of the adoption of the Municipality's most recent Spending Plan to the date determined by NJDCA.
 - Prepare the reporting form and file the reporting with the NJDCA by the date determined by NJDCA.
- B. Additional Hours may be needed if analysis of data during the time period prior to the adoption of the Municipality's most recent spending plan, any forensic accounting analysis, or other tasks are required to address any discrepancies. This will be performed on an hourly basis after approval from the Principal.

XII. MUNICIPAL ADMINISTRATIVE AGENT-TECHNICAL ASSISTANCE ON AFFORDABLE HOUSING REQUIREMENTS:

Upon request, Consultant will provide the following services:

- A. Meet with Municipality's designated staff to establish project implementation goals for contract year;
- B. Meet with Municipality's designated staff to review general oversight responsibilities of the Municipality, the Administrative Agent and the those of each project developer;
- C. Prepare and/or update Trust Fund Spending Plan, Illustrative Rents/Sales Prices and/or Affirmative Marketing Plan for the For-Sale and Rental Program, as needed;
- D. Preparation of Mid-Point Reviews and Annual Reports as required by the Court Judgment of Repose and Compliance Order;
- E. Complete Annual Monitoring of all affordable units as follows and to obtain needed information:
 - 1. Report any non-compliance identified to Municipality's Solicitor and ensure all follow-up notices and actions are taken;
 - 2. Contact all Administrative Agents to obtain updated information on waiting lists, affirmative marketing efforts and lists of units sold or rented to date and current allowable rents from landlords; and
 - 3. Contact all Group Home managers to obtain documentation on continued use and current licenses;
- F. Provide technical assistance with affordable unit documentation required for Third Round Plan compliance and attend case management/compliance hearings, as needed.

XIII. MUNICIPALITY'S RESPONSIBILITIES: The Municipality shall:

- 1. Provide to the name, title and telephone number and email address of the municipal official designated as the Municipal Housing Liaison and primary contact person for all matters related to this Scope of Work to the Administrative Agent;
- 2. Review applicable local ordinances to ensure they are not in conflict with, and will enable efficient implementation of, the Scope of Work;
- 3. Monitor the status of all restricted units in the Municipality's Fair Share Plan based on the information supplied and reports submitted by the Administrative Agent;
- 4. Review and verify monthly/annual reports, manuals, Affirmative Marketing Plans and other documents supplied by the Administrative Agent, and submit, if required, to the Court or FSHC;

5. Attend meetings with affordable housing providers as arranged by the Administrative Agents, as applicable;
6. Monitor that all restricted affordable units are identified as affordable within the tax assessor's office and any Municipal Utility Authority (MUA) database. The Municipality and MUA shall promptly notify the Administrative Agent of a change in billing address, payment delinquency of two billing cycles, transfer of title, or institution of a writ of foreclosure on all affordable units;
7. Provide all reasonable and necessary assistance to the Administrative Agent in support of efforts to enforce provisions of the Municipality Fair Share Plan, the Fair Housing Act Rules and regulations, as amended, deed covenants, mortgages, court decisions or other authorities governing the affordability control services to be provided under this Scope of Work and subsequent Agreements.

AGENCY ENFORCEMENT AND DELEGATION. Under this Agreement, the Principal delegates to the Consultant, and the Consultant accepts, the primary responsibility for enforcing the substantive provisions of the Act and the Rules. However, if the Consultant fails to Act, the Principal shall retain ultimate responsibility for ensuring effective compliance with the Rules and the Consultant will come under the supervision of the Principal.

ASSIGNMENT OF AFFORDABLE HOUSING UNITS. This Agreement shall govern the provision of affordability control services for the following affordable housing units located within the municipality that fall under the jurisdiction of the Act: Units to be specified upon receipt of Substantive Certification for the municipality's Third Round Plan.

INFORMATION TO BE FURNISHED TO CONSULTANT: The Principal shall provide the Consultant information and documentation, which the Consultant may require to properly render the services provided for in this Agreement.

PROPOSED FEE SCHEDULE

Triad Associates proposes to provide Affordable Housing Administrative Agent services according to the following fee schedule which includes all travel, clerical and related expenses:

I. ADMINISTRATIVE AGENT SERVICES: SALE UNITS

Service	Fee	Paid by
<u>Operating Manual:</u> Prepare/Update Operating Manual and/or Affirmative Marketing Plan, as needed	\$165.00 per hour not to exceed \$2,000.00 for each manual/plan as needed	Principal
<u>Affirmative Marketing:</u> For NEW DEVELOPMENTS only, Consultant will be paid for Affirmative Marketing to Homebuyers, completion of randomization process (lottery) and the establishment of an applicant pool. <u>Post Lottery:</u> Wait list management fee will be charged.	\$3,500.00 Lump sum fee plus 100% reimbursement for all direct costs associated with marketing, as needed, including but not limited to advertising fees, printing/ postage. <i>Direct costs not to exceed \$750.00</i> Additional direct costs will be billed after prior approval from Principal	Principal or Developer if authorized by Ordinance
Additional Outreach needed once wait list becomes exhausted will be performed on an hourly basis after approval from the Principal or Developer.	\$165.00 per hour plus direct costs for ads, marketing etc., after prior approval from Principal or Developer.	Principal or Developer if authorized by Ordinance
<u>General Administration/Wait list Management</u> <ul style="list-style-type: none"> • Maintain Waiting List/Applicant pool and complete annual mailing to ensure owner compliance with UHAC guidelines. 	\$200.00 per month plus direct costs for postage.	Principal or Developer under separate contract
<u>Household Certifications - Sales:</u> <ul style="list-style-type: none"> • Certify applicants for eligibility (Per case fee) • Certification fee may be charged if income qualification is required for Affordability Assistance Program 	\$1,200.00 for the completion of each Eligibility Certification or Denial	Principal or Developer under separate contract
<u>Affordability Controls</u> <ul style="list-style-type: none"> • Prepare closing documents to include deed restriction, mortgage, mortgage note and Certificate for Applicants Certified to Ownership Unit • Removal of Deed Restrictions and cancellation of mortgage note upon expiration of controls 	\$650.00 for each certified applicant that proceeds to closing \$275.00 for each mortgage discharge or subordination as needed.	Principal
<u>For Re-Sales only</u> <ul style="list-style-type: none"> • Issue Notice of Intent to Re-Sell • Consultant will be paid three percent (3%) of sales price upon closing. 	3% of the Sales Price (Fee Payable by Seller at Closing) Minimum fee - \$1,500.00	Property Owner

Service	Fee	Paid by
<u>Refinancing & Home Equity Transactions</u> – Owner Occupied Units only	Lump Sum Fee of \$375.00 per case to be paid at closing	Property Owner
<u>Enforcement</u> <ul style="list-style-type: none"> Notifying absentee owners of compliance issues Providing project status reports, as requested 	\$165.00 per hour	Principal

II. ADMINISTRATIVE AGENT SERVICES: RENTAL UNITS

Service	Fee	Paid by
<u>Operating Manual:</u> Prepare/Update Operating Manual and/or Affirmative Marketing Plan, as needed	\$165.00 per hour not to exceed \$2,000.00 for each manual or Plan as needed	Principal
<u>Affirmative Marketing:</u> For NEW DEVELOPMENTS only, Consultant will be paid for Affirmative Marketing to Affordable Households, completion of randomization process (lottery) and the establishment of an applicant pool. <u>Post Lottery:</u> Wait list management fee will be charged.	\$3,500.00 Lump sum fee plus 100% reimbursement for all direct costs associated with marketing, as needed, including but not limited to advertising fees, printing/ postage. <i>Direct costs not to exceed \$750.00</i> Additional direct costs will be billed after prior approval from Principal	Principal or Developer if authorized by Ordinance
Additional Outreach needed once wait list becomes exhausted will be performed on an hourly basis after approval from the Principal or Developer.	\$165.00 per hour plus direct costs for ads, marketing etc., after prior approval from Principal or Developer.	Principal or Developer if authorized by Ordinance
<u>General Administration/Wait list Management</u> <ul style="list-style-type: none"> Maintain Waiting List/Applicant pool Annual Letters to Tenants Annual Rental Increase Allowances to Landlords 	\$200.00 per month plus direct costs for postage.	Principal or Developer under separate contract
<u>Household Certifications – Rentals/Re-rentals:</u> <ul style="list-style-type: none"> Certify applicants for eligibility (Per case fee) Certification fee may be charged if income qualification is required for Affordability Assistance Program 	\$950.00 for the completion of each Eligibility Certification or Denial	Principal or Developer under separate contract
<u>Enforcement</u> <ul style="list-style-type: none"> Notifying absentee owners of compliance issues Providing project status reports, as requested 	\$165.00 per hour as needed	Principal

III. AFFORDABILITY ASSISTANCE PROGRAM DEVELOPMENT

Service	Fee	Paid by
<u>Affordability Assistance Program Development:</u> <ul style="list-style-type: none"> Consult with Municipality regarding program options Create draft manual for review Revise existing operating manual, if needed Prepare Resolution to adopt Manual, if needed 	\$165.00 per hour not to exceed \$2,000.00	Principal
<u>Technical Assistance Services:</u> Upon Principal's request, Consultant will provide technical assistance and attendance at meetings with Municipality as needed to address in-house staff questions, follow up discussions with government officials and/or staff, follow up with other issues associated with Affordability Assistance Program. Technical Assistance services to be pre-approved by Principal.	\$185.00 per hour with prior approval	Principal

IV. MARKET TO AFFORDABLE PROGRAM ADMINISTRATION: FOR-SALE PROGRAM (NEW PROGRAM)

Service	Fee	Paid By
Preparation of Market to Affordable Sale Program Guidelines and Operating Manual	\$165.00 per hour not to exceed \$3,000	Principal
<u>Direct Purchase by Certified Household</u> Reviewing of potential units for program; oversight of minor rehab (if applicable).	\$165.00 per hour	Principal
<u>Property Acquisition and Substantial Rehab</u> Property Identification and Technical Assistance to Municipality for Acquisition, Developer Services, Case Management through Property Sale Services	\$165.00 per hour once approved by the Principal. All direct costs (acquisition, title fees, realtor fees, insurance, property taxes, rehabilitation work, advertising fees, and third-party inspection fees) shall be reimbursed at cost or paid by the Principal. Budgets will be provided to Principal once properties are identified	Principal
<u>Affirmative Marketing:</u> Consultant will be paid for Affirmative Marketing to homebuyers, completion of randomization process (lottery) and the establishment of an applicant pool. <u>Post Lottery:</u> Wait list management fee will be charged.	\$3,500.00 Lump sum fee plus 100% reimbursement for all direct costs associated with marketing, as needed, including but not limited to advertising fees, printing/ postage. <i>Direct costs not to exceed \$750.00</i> Additional direct costs will be billed after prior approval from Principal	Principal
Additional Outreach needed once wait list becomes exhausted will be performed on an hourly basis after approval from the Principal.	\$165.00 per hour plus direct costs for ads, marketing etc., after prior approval from Principal.	Principal

Service	Fee	Paid By
<u>General Administration/Wait list Management</u> <ul style="list-style-type: none"> Maintain Waiting List/Applicant pool and complete annual mailing to ensure owner compliance with UHAC guidelines. 	\$200.00 per month plus direct costs for postage.	Principal
<u>Household Certifications - Sales:</u> <ul style="list-style-type: none"> Certify applicants for eligibility (Per case fee) Certification fee may be charged if income qualification is required for Affordability Assistance Program 	\$1,200.00 for the completion of each Eligibility Certification or Denial	Principal
<u>Affordability Controls</u> <ul style="list-style-type: none"> Prepare closing documents to include deed restriction, mortgage, mortgage note and Certificate for Applicants Certified to Ownership Unit Removal of Deed Restrictions and cancellation of mortgage note upon expiration of controls Records Maintenance 	\$450.00 for each certified applicant that proceeds to closing \$275.00 for each mortgage discharge or subordination prepared.	Principal
<u>For Re-Sales only</u> <ul style="list-style-type: none"> Issue Notice of Intent to Re-Sell Consultant will be paid three percent (3%) of sales price upon closing. 	3% of the Sales Price (Fee Payable by Seller at Closing) Minimum Fee \$1,500.00	Property Owner
<u>Refinancing & Home Equity Transactions</u> <ul style="list-style-type: none"> Owner Occupied Units only 	Lump Sum Fee of \$375.00 per case to be paid at closing	Property Owner
<u>Enforcement</u> <ul style="list-style-type: none"> Notifying absentee owners of compliance issues Providing project status reports, as requested 	\$165.00 per hour as needed	Principal

V. MARKET TO AFFORDABLE PROGRAM ADMINISTRATION: FOR-RENT PROGRAM

Service	Fee	Paid By
<u>Operating Manual:</u> Preparation of Market to Affordable Rental Program Operating Manual	\$165.00 per hour not to exceed \$3,000.00	Principal
<u>Landlord Identification</u> Consultant will outreach to possible landlords and identify Landlords for participation in the program	\$165.00 per hour plus direct expenses for preparation of flyers, mailers and postage.	Principal
Preparation of required program agreements and deed restrictions	\$165.00 per hour	Principal

Service	Fee	Paid By
<u>Affirmative Marketing</u> Affirmative Marketing to establish wait list for tenants, completion of randomization process (lottery) and the establishment of an applicant pool. <u>Post Lottery:</u> Wait list management fee will be charged.	\$3,500.00 plus direct expenses not to exceed \$750.00	Principal
Additional Outreach needed once wait list becomes exhausted will be performed on an hourly basis after approval from the Principal.	\$165.00 per hour plus direct costs for ads, marketing etc., after prior approval from Principal.	Principal
<u>Wait List Management/Enforcement</u> <ul style="list-style-type: none"> Maintain an applicant pool and waiting list for the Rental and/ or Re-Rental of Units, including mailing annual monitoring letters. 	\$200.00 per month/ \$2,400.00 per year	Principal
<u>Household Certification Rentals</u> <ul style="list-style-type: none"> For completion of each Eligibility Certification or Denial in accordance with the Scope of Services 	\$950.00 per certification	Principal for first certification; Property owner for subsequent certifications

VI. ACCESSORY APARTMENT PROGRAM – PROGRAM DEVELOPMENT AND IMPLEMENTATION

Service	Fee	Paid By
a. Program Consultant will be paid a fee for the preparation of program manuals	\$165.00 per hour not to exceed \$2,000.00	Principal
b. Program Consultant will be paid a fee for the following services: <ul style="list-style-type: none"> Development of a Marketing Program and Landlord Pamphlet to solicit applications and interest from potential landlords Establish program guidelines for the provision of subsidies to Property Owners for the physical creation of accessory apartments conforming to the requirements of the Municipality's Accessory Apartment Ordinance. Monitor the distribution of the program subsidy, the oversight of securing the certificates of occupancy, qualifying properties, handling application forms, overseeing the filing deed restrictions, and filing monitoring reports to the Municipality and DCA/Courts 	\$165.00 per hour not to exceed \$4,000.00 Direct costs associated with marketing, as needed, including but not limited to advertising fees, printing/postage will be invoiced as incurred as pass through items.	Principal

Service	Fee	Paid By
Affirmative Marketing: For NEW PROGRAMS only, Consultant will be paid for Affirmative Marketing to Affordable Households, completion of randomization process (lottery) and the establishment of an applicant pool. <u>After lottery date – monthly wait list management fee will start.</u>	\$3,500.00 Lump sum fee plus 100% reimbursement for all direct costs associated with marketing, as needed, including but not limited to advertising fees, printing/postage. <i>Direct costs not to exceed \$750.00</i> Additional direct costs will be billed after prior approval from Principal	Principal
General Administration/Wait list Management <ul style="list-style-type: none"> • Maintain Waiting List/Applicant pool • Annual Letters to Tenants • Annual Rental Increase Allowances to Landlords 	\$200.00 per month plus direct costs for postage	Principal
Household Certifications – Rentals/Re-rentals: <ul style="list-style-type: none"> • Certify applicants for eligibility (Per case fee) • Certification fee may be charged if income qualification is required for Affordability Assistance Program 	\$950.00 for the completion of each Eligibility Certification or Denial	Principal for first certification, Landlord for subsequent certifications
Enforcement <ul style="list-style-type: none"> • Notifying absentee owners of compliance issues • Providing project status reports, as requested 	\$165.00 per hour as needed	Principal

VII. COMPLIANCE – OPERATING MANUALS

Service	Fee	Paid by
Operating Manuals: Fee for Preparation/Review of Policy & Procedure Operating Manual to include affordability controls for Court compliance and adhering to all Affordable Housing regulations; Operating Manuals can be for the following programs, as needed: <ul style="list-style-type: none"> • Operating Manual for the Administration of For Sale Programs • Operating Manual for the Administration of For Rent Programs • Affordability Assistance Manual • Accessory Apartment Manual • Housing Rehabilitation for Owner Occupied Units • Housing Rehabilitation for Rental Units 	\$165.00 per hour not to exceed \$2,000.00 per manual as needed	Principal

VIII. HOUSING REHABILITATION PROGRAM (Owner Occupied and Rental)

Service	Fee	Paid by
Operating Manual: Fee for Preparation of Policy & Procedure Manual to include affordability controls for COAH credit for compliance with court judgement and local rental and homeowner assistance	\$165.00 per hour not to exceed \$2,000.00 per manual as needed	Principal
<ul style="list-style-type: none"> • Market and outreach for Homeowner /Rental Rehab Program • Maintain Wait List (Annual Fee) • Qualify and maintain eligible contractor list 	\$165.00 per hour as needed, plus 100% reimbursement for all direct costs associated with marketing, as needed, including but not limited to advertising fees, printing/ postage.	Principal
Case Management Services (per case fee) as described in the Scope of Services Case Management Fee does not include third party inspection fees.	Case Management Services shall be \$4,800.00 per case. In those instances where a property owner opts not to continue the project after entering into the Rehabilitation Program Agreement, but has not proceeded through the construction phase, compensation shall be prorated based on the amount of time and expense required up to time of withdrawal.	Principal

IX. EXTENSION OF CONTROLS PROGRAM

Service	Fee	Paid by
Consultant will implement Extension of Controls Program for units in the Affordable Housing inventory whose affordability controls are expiring. Services to include: <ul style="list-style-type: none"> • Maintain a list of dates of expiring controls for each unit • Provide written notice to each owner of offer of funding in return for extension of controls • Prepare updated deed and affordability documents for signatures and ensure recording by County Clerk • Process payment from the Principal to homeowner • Update all tracking spreadsheets with updated control expiration dates 	\$165.00 per hour	Principal

X. TRANSITION OF ADMINISTRATIVE AGENT SERVICES

Service	Fee	Paid by
Program Consultant will be paid an hourly fee for provision of services to transition Administrative Agent Services from the Principal to the Consultant as outlined in the Scope of Services	\$165.00 per hour	Principal

XI. AFFORDABLE HOUSING TRUST FUND REPORTING

Service	Fee	Paid by
Prepare and submit the Affordable Housing Trust Fund Reporting documentation on or before the date determined by NJDCA	We anticipate 12 hours billed hourly at \$185.00 per hour or \$1,800.00	Principal
Additional Hours may be needed if analysis of data during the time period prior to the adoption of the Municipality's most recent spending plan, any forensic accounting analysis, or other tasks are required to address any discrepancies. This will be performed on an hourly basis after approval from the Principal.	\$185.00 per hour	

XII. TECHNICAL ASSISTANCE SERVICES

Service	Fee	Paid by
<p>Program Consultant will be paid a fee for the provision of the following services:</p> <ul style="list-style-type: none"> • Meet with Municipality designated staff to establish project implementation goals for contract year; • Meet with Municipality designated staff to review general oversight responsibilities of the Municipality, the Administrative Agent and the those of each project developer; • Prepare and/or update Trust Fund Spending Plan, Illustrative Rents/Sales Prices and/or Affirmative Marketing Plan, as needed; • Preparation of Mid-Point Reviews and Annual Reports as required by the Fair Share Housing Center; • Complete Annual Monitoring of all affordable units as follows and to obtain needed information: <ul style="list-style-type: none"> ○ Report any non-compliance identified to Municipality Solicitor and ensure all follow-up notices and actions are taken; ○ Contact all Administrative Agents to obtain updated information on waiting lists, affirmative marketing efforts and lists of units sold or rented to date and current allowable rents from landlords; and ○ Contact all Group Home managers to obtain documentation on continued use and current licenses; • Provide technical assistance with affordable unit documentation required for Third Round Plan compliance and attend case management/compliance hearings, as needed. • Throughout the term of the contract, attend meetings and provide monthly update reports, as needed. 	\$185.00 per hour	Principal

Note: Costs included in this proposal are estimates for initial budgetary purposes.

A detailed proposed contract can be found in Section 6 (Appendix) of this proposal.

**COUNCIL OF THE BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY**

**RESOLUTION
RESOLUTION NO. 2026-86**

**TITLE: APPOINTMENT OF BOROUGH ELEVATOR SUB-CODE
CONTRACTOR: MUNICIPAL INSPECTION CORPORATION**

WHEREAS, the Borough of Englewood Cliffs (the “Borough”) has adopted a fair and open process pursuant to N.J.S.A. 19:44A-20.4 with respect to the retention of an Elevator Sub-Code Contractor to assist the Borough in 2026; and

WHEREAS, the Borough has received responses to the Request for Proposals (the “RFP”) for the aforementioned position and has reviewed all the RFP’s submitted; and

WHEREAS, the Borough has determined that it is in the best interest to retain Municipal Inspection Corporation for the period beginning on the date hereof and ending on December 31, 2026; and

WHEREAS, the Borough has reviewed the credentials of submission of Municipal Inspection Corporation (hereinafter “MIC”) and has found that they have the requisite expertise and experience to assist the Borough; and

WHEREAS, the Borough seeks to enter into an Agreement with MIC for performance of the services set forth above; and

WHEREAS, the compensation shall be 100% of the DCA approved fees, less than 35% administrative cost which is retained by the Borough of Englewood Cliffs.

WHEREAS, the Chief Financial Officer has certified the availability of funds; and

WHEREAS, the exact line-item appropriation is Revenue-Elevator Inspection Fees: 6-01-08-192-118

NOW, THEREFORE, BE IT RESOLVED that Mayor Mark Park be and the same is hereby authorized to execute and deliver and Agreement between the Borough and MIC in accordance with the terms hereof and MIC’s response to the RFP; and

IT IS FURTHER RESOLVED that the Borough Clerk will advertise public notice of this appointment in accordance with law, and this resolution shall be kept on file with the Borough Clerk and available for inspection.

CERTIFICATION

I hereby certify that this resolution, consisting of 2 pages, was adopted at the Regular Meeting of the Borough Council of the Borough of Englewood Cliffs, held on this 11th day of February 2026.

	Moved	Second	Ayes	Nays	Abstain	Absent
Biegacz						
Liang						
Patel						
Kapsaskis						
Lee						
Koutroubas						
Mayor Park						

Mark Park
Mayor

Beauty Nadim, RMC/CMR
Municipal Clerk

**COUNCIL OF THE BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY**

**RESOLUTION
RESOLUTION NO. 2026-87**

**TITLE: RESOLUTION TO APPROVE THE SETTLEMENT OF A TAX
APPEAL FOR 333 SYLVAN AVENUE IN THE AMOUNT OF
\$36,519.00**

WHEREAS, the Mayor and Council of the Borough of Englewood Cliffs have been advised of the proposed settlement of a property Tax Appeal filed by 333 SYLVAN AVE LLC. (herein the Tax Appeal) under Docket Numbers:5575-2021, 5785-2022, 4217-2023, 3599-2024, and 2844-2025 ; and

WHEREAS, the subject property consists of one parcel located at Block 412 Lot 4 and is more known as 333 Sylvan Avenue, on the tax assessment map of the Borough; and

WHEREAS, the Governing Body has been advised as to the merits of the subject Tax Appeal settlement by legal counsel and the Borough tax assessor; and

WHEREAS, the proposed Tax Appeal settlement components are set forth in the attached Schedule A hereto and made a part hereof; and

WHEREAS, it is in the best interest of the Borough to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove; and

WHEREAS, the Tax Assessor has been consulted with and is in agreement with the settlement; and

WHEREAS, the judgment will result in a refund in the amount of \$36,519.00; and

WHEREAS, the Chief Financial Officer has certified the availability of funds; and

WHEREAS, the line-item appropriation is GL Account No. 6-01-250-004 – Reserve Tax Appeals

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Englewood Cliffs, that the settlement of the aforesaid Tax Appeal be finalized in accordance with the enclosed Schedule A; and

BE IT FURTHER RESOLVED that with respect to same, the Mayor, Borough Administrator, Borough Attorney and /or any other appropriate Borough official is hereby authorized to perform any act necessary to effectuate the purpose set forth in this Resolution.

BE IT FURTHER RESOLVED that the Judgment is accepted, and the Finance and Tax offices are instructed to take the necessary steps to refund and/or credit the account.

CERTIFICATION

I hereby certify that this resolution, consisting of 2 page(s) was adopted at a Regular Meeting of the Borough Council of the Borough of Englewood Cliffs, held this 11th day of February 2026.

	Moved	Second	Ayes	Nays	Abstain	Absent
Biegacz						
Liang						
Patel						
Kapsaskis						
Lee						
Koutroubas						
Mayor Park						

Mark Park
Mayor

Beauty Nadim, RMC/CMR
Municipal Clerk

SCHEDULE A

- A.** The terms of the aforesaid tax appeal settlement for the property located at Block 412, Lot 4, shall consist of the following:

2021- WITHDRAWN

2022- WITHDRAWN

2023- WITHDRAWN

2024- WITHDRAWN

2025- Reduction from \$9,000,000.00 to \$7,687,000

2026- Reduction from \$9,000,000.00 to \$7,214,000

MEMO

TO: MAYOR & COUNCIL
FROM: KARL J. NORGAARD, ESQ.
DATE: JANUARY 12, 2026
RE: 333 SYLVAN AVE, LLC V. BOROUGH OF ENGLEWOOD CLIFFS,
BLOCK 412; LOT 4 (333 Sylvan Avenue)

Dear Mayor & Council,

I have provided you with a Resolution to approve the Settlement of a tax appeal known as 333 SYLVAN AVE, LLC V. BOROUGH OF ENGLEWOOD CLIFFS. The appeals were filed for the following years: 2021, 2022, 2023, 2024, and 2025. This agreement was reached with the input of tax assessor, Sarah Holbig, as well as the Borough's appraisal firm Integra Realty Resources.

The parties have agreed to a reduction in assessment as follows:

2021- WITHDRAWN
2022- WITHDRAWN
2023- WITHDRAWN
2024- WITHDRAWN
2025- Reduction from \$9,000,000.00 to \$7,687,000
2026- Reduction from \$9,000,000.00 to \$7,214,000

The refund will be in the amount of \$36,519.00.

If you have any questions, please contact the undersigned or Ms. Holbig directly.

Karl J. Norgaard, Esq.

**COUNCIL OF THE BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY**

**RESOLUTION
RESOLUTION NO. 2026-88**

**TITLE: RESOLUTION TO APPROVE THE SETTLEMENT OF A TAX
APPEAL FOR 375 SYLVAN AVENUE IN THE AMOUNT OF
\$8,953.00**

WHEREAS, the Mayor and Council of the Borough of Englewood Cliffs have been advised of the proposed settlement of a property Tax Appeal filed by COMMERCIAL PLAZA INC. (herein the Tax Appeal) under Docket Numbers: 5573-2021, 5792-2022, 4208-2023, 3601-2024, and 2843-2025; and

WHEREAS, the subject property consists of one parcel located at Block 412 Lot 5 and is more known as 375 Sylvan Avenue, on the tax assessment map of the Borough; and

WHEREAS, the Governing Body has been advised as to the merits of the subject Tax Appeal settlement by legal counsel and the Borough tax assessor; and

WHEREAS, the proposed Tax Appeal settlement components are set forth in the attached Schedule A hereto and made a part hereof; and

WHEREAS, it is in the best interest of the Borough to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove; and

WHEREAS, the Tax Assessor has been consulted with and is in agreement with the settlement; and

WHEREAS, the judgment will result in a refund in the amount of \$8,953.00; and

WHEREAS, the Chief Financial Officer has certified the availability of funds; and

WHEREAS, the line-item appropriation is GL Account No. 6-01-250-004 – Reserve Tax Appeals

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Englewood Cliffs, that the settlement of the aforesaid Tax Appeal be finalized in accordance with the enclosed Schedule A; and

BE IT FURTHER RESOLVED that with respect to same, the Mayor, Borough Administrator, Borough Attorney and /or any other appropriate Borough official is hereby authorized to perform any act necessary to effectuate the purpose set forth in this Resolution.

BE IT FURTHER RESOLVED that the Judgment is accepted, and the Finance and Tax offices are instructed to take the necessary steps to refund and/or credit the account.

CERTIFICATION

I hereby certify that this resolution, consisting of 2 page(s) was adopted at a Regular Meeting of the Borough Council of the Borough of Englewood Cliffs, held this 11th day of February 2026.

	Moved	Second	Ayes	Nays	Abstain	Absent
Biegacz						
Liang						
Patel						
Kapsaskis						
Lee						
Koutroubas						
Mayor Park						

Mark Park
Mayor

Beauty Nadim, RMC/CMR
Municipal Clerk

SCHEDULE A

- A.** The terms of the aforesaid tax appeal settlement for the property located at Block 412, Lot 5, shall consist of the following:

2021- WITHDRAWN

2022- WITHDRAWN

2023- WITHDRAWN

2024- WITHDRAWN

2025- Reduction from \$3,437,500 to \$3,155,000

2026- Reduction from \$3,437,500 to \$2,961,000

MEMO

TO: MAYOR & COUNCIL
FROM: KARL J. NORGAARD, ESQ.
DATE: JANUARY 12, 2026
RE: COMMERCIAL PLAZA INC V. BOROUGH OF ENGLEWOOD
CLIFFS,
BLOCK 412; LOT 5 (375 Sylvan Avenue)

Dear Mayor & Council,

I have provided you with a Resolution to approve the Settlement of a tax appeal known as COMMERCIAL PLAZA INC V. BOROUGH OF ENGLEWOOD CLIFFS. The appeals were filed for the following years: 2021, 2022, 2023, 2024, and 2025. This agreement was reached with the input of tax assessor, Sarah Holbig, as well as the Borough's appraisal firm Integra Realty Resources.

The parties have agreed to a reduction in assessment as follows:

2021- WITHDRAWN
2022- WITHDRAWN
2023- WITHDRAWN
2024- WITHDRAWN
2025- Reduction from \$3,437,500 to \$3,155,000
2026- Reduction from \$3,437,500 to \$2,961,000

The refund will be in the amount of \$8,953.00.

If you have any questions, please contact the undersigned or Ms. Holbig directly.

Karl J. Norgaard, Esq.

**COUNCIL OF THE BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY**

**RESOLUTION
RESOLUTION NO. 2026-89**

**TITLE: RESOLUTION TO APPROVE THE SETTLEMENT OF A TAX
APPEAL FOR 385 SYLVAN AVENUE IN THE AMOUNT OF
\$8,202.00**

WHEREAS, the Mayor and Council of the Borough of Englewood Cliffs have been advised of the proposed settlement of a property Tax Appeal filed by 385 SYLVAN AVE LLC. (herein the Tax Appeal) under Docket Numbers: 5565-2021, 5787-2022, 4224-2023, 3600-2024, and 2845-2025 ; and

WHEREAS, the subject property consists of one parcel located at Block 412 Lot 6 and is more known as 385 Sylvan Avenue, on the tax assessment map of the Borough; and

WHEREAS, the Governing Body has been advised as to the merits of the subject Tax Appeal settlement by legal counsel and the Borough tax assessor; and

WHEREAS, the proposed Tax Appeal settlement components are set forth in the attached Schedule A hereto and made a part hereof; and

WHEREAS, it is in the best interest of the Borough to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove; and

WHEREAS, the Tax Assessor has been consulted with and is in agreement with the settlement; and

WHEREAS, the judgment will result in a refund in the amount of \$8,202.00; and

WHEREAS, the Chief Financial Officer has certified the availability of funds; and

WHEREAS, the line-item appropriation is GL Account No. 6-01-250-004 – Reserve Tax Appeals

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Englewood Cliffs, that the settlement of the aforesaid Tax Appeal be finalized in accordance with the enclosed Schedule A; and

BE IT FURTHER RESOLVED that with respect to same, the Mayor, Borough Administrator, Borough Attorney and /or any other appropriate Borough official is hereby authorized to perform any act necessary to effectuate the purpose set forth in this Resolution.

BE IT FURTHER RESOLVED that the Judgment is accepted, and the Finance and Tax offices are instructed to take the necessary steps to refund and/or credit the account.

CERTIFICATION

I hereby certify that this resolution, consisting of 2 page(s) was adopted at a Regular Meeting of the Borough Council of the Borough of Englewood Cliffs, held this 11th day of February 2026.

	Moved	Second	Ayes	Nays	Abstain	Absent
Biegacz						
Liang						
Patel						
Kapsaskis						
Lee						
Koutroubas						
Mayor Park						

Mark Park
Mayor

Beauty Nadim, RMC/CMR
Municipal Clerk

SCHEDULE A

- A.** The terms of the aforesaid tax appeal settlement for the property located at Block 412, Lot 6, shall consist of the following:

2021- WITHDRAWN

2022- WITHDRAWN

2023- WITHDRAWN

2024- WITHDRAWN

2025- Reduction from \$2,981,200.00 to \$2,717,000.00

2026- Reduction from \$2,981,200.00 to \$2,550,000.00

MEMO

TO: MAYOR & COUNCIL
FROM: KARL J. NORGAARD, ESQ.
DATE: JANUARY 12, 2026
RE: 385 SYLVAN AVE, LLC V. BOROUGH OF ENGLEWOOD CLIFFS,
BLOCK 412; LOT 6 (385 Sylvan Avenue)

Dear Mayor & Council,

I have provided you with a Resolution to approve the Settlement of a tax appeal known as 385 SYLVAN AVE, LLC V. BOROUGH OF ENGLEWOOD CLIFFS. The appeals were filed for the following years: 2021, 2022, 2023, 2024, and 2025. This agreement was reached with the input of tax assessor, Sarah Holbig, as well as the Borough's appraisal firm Integra Realty Resources.

The parties have agreed to a reduction in assessment as follows:

2021- WITHDRAWN
2022- WITHDRAWN
2023- WITHDRAWN
2024- WITHDRAWN
2025- Reduction from \$2,981,200.00 to \$2,717,000.00
2026- Reduction from \$2,981,200.00 to \$2,550,000.00

The refund will be in the amount of \$8,202.00.

If you have any questions, please contact the undersigned or Ms. Holbig directly.

Karl J. Norgaard, Esq.

**COUNCIL OF THE BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY**

**RESOLUTION
RESOLUTION NO. 2026-90**

**TITLE: RESOLUTION TO APPROVE THE SETTLEMENT OF A TAX
APPEAL FOR 600 SYLVAN AVENUE IN THE AMOUNT OF
\$33,761.00**

WHEREAS, the Mayor and Council of the Borough of Englewood Cliffs have been advised of the proposed settlement of a property Tax Appeal filed by 600 SYLVAN AVE LLC. (herein the Tax Appeal) under Docket Numbers: 5563-2021, 5796-2022, 4223-2023, 3602-2024, and 2846-2025; and

WHEREAS, the subject property consists of one parcel located at Block 806 Lot 8 and is more known as 600 Sylvan Avenue, on the tax assessment map of the Borough; and

WHEREAS, the Governing Body has been advised as to the merits of the subject Tax Appeal settlement by legal counsel and the Borough tax assessor; and

WHEREAS, the proposed Tax Appeal settlement components are set forth in the attached Schedule A hereto and made a part hereof; and

WHEREAS, it is in the best interest of the Borough to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove; and

WHEREAS, the Tax Assessor has been consulted with and is in agreement with the settlement; and

WHEREAS, the judgment will result in a refund in the amount of \$33,761.00; and

WHEREAS, the Chief Financial Officer has certified the availability of funds; and

WHEREAS, the line-item appropriation is GL Account No. 6-01-250-004 – Reserve Tax Appeals

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Englewood Cliffs, that the settlement of the aforesaid Tax Appeal be finalized in accordance with the enclosed Schedule A; and

BE IT FURTHER RESOLVED that with respect to same, the Mayor, Borough Administrator, Borough Attorney and /or any other appropriate Borough official is hereby authorized to perform any act necessary to effectuate the purpose set forth in this Resolution.

BE IT FURTHER RESOLVED that the Judgment is accepted, and the Finance and Tax offices are instructed to take the necessary steps to refund and/or credit the account.

CERTIFICATION

I hereby certify that this resolution, consisting of 2 page(s) was adopted at a Regular Meeting of the Borough Council of the Borough of Englewood Cliffs, held this 11th day of February 2026.

	Moved	Second	Ayes	Nays	Abstain	Absent
Biegacz						
Liang						
Patel						
Kapsaskis						
Lee						
Koutroubas						
Mayor Park						

Mark Park
 Mayor

Beauty Nadim, RMC/CMR
 Municipal Clerk

SCHEDULE A

- A. The terms of the aforesaid tax appeal settlement for the property located at Block 806, Lot 8, shall consist of the following:

2021- WITHDRAWN

2022- WITHDRAWN

2023- WITHDRAWN

2024- WITHDRAWN

2025- Reduction from \$8,250,000.00 to \$7,034,000.00

2026- Reduction from \$8,250,000.00 to \$6,601,000.00

MEMO

TO: MAYOR & COUNCIL
FROM: KARL J. NORGAARD, ESQ.
DATE: JANUARY 12, 2026
RE: 600 SYLVAN AVE, LLC V. BOROUGH OF ENGLEWOOD CLIFFS,
BLOCK 806; LOT 8 (600 Sylvan Avenue)

Dear Mayor & Council,

I have provided you with a Resolution to approve the Settlement of a tax appeal known as 600 SYLVAN AVE, LLC V. BOROUGH OF ENGLEWOOD CLIFFS. The appeals were filed for the following years: 2021, 2022, 2023, 2024, and 2025. This agreement was reached with the input of tax assessor, Sarah Holbig, as well as the Borough's appraisal firm Integra Realty Resources.

The parties have agreed to a reduction in assessment as follows:

2021- WITHDRAWN
2022- WITHDRAWN
2023- WITHDRAWN
2024- WITHDRAWN
2025- Reduction from \$8,250,000.00 to \$7,034,000.00
2026- Reduction from \$8,250,000.00 to \$6,601,000.00

The refund will be in the amount of \$33,761.00.

If you have any questions, please contact the undersigned or Ms. Holbig directly.

Karl J. Norgaard, Esq.

**COUNCIL OF THE BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY**

**RESOLUTION
RESOLUTION NO. 2026-91**

**TITLE: RESOLUTION TO APPROVE THE SETTLEMENT OF A TAX
APPEAL FOR 474 SYLVAN AVENUE IN THE AMOUNT OF
\$1,165.00**

WHEREAS, the Mayor and Council of the Borough of Englewood Cliffs have been advised of the proposed settlement of a property Tax Appeal filed by Karjen L.L.C. (herein the Tax Appeal) under Docket Numbers: 003649-2024, and 001623-2025, and

WHEREAS, the subject property consists of one parcel located at Block 510 Lot 4 and is more known as 474 Sylvan Avenue, on the tax assessment map of the Borough; and

WHEREAS, the Governing Body has been advised as to the merits of the subject Tax Appeal settlement by legal counsel and the Borough tax assessor; and

WHEREAS, the proposed Tax Appeal settlement components are set forth in the attached Schedule A hereto and made a part hereof; and

WHEREAS, it is in the best interest of the Borough to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove; and

WHEREAS, the Tax Assessor has been consulted with and is in agreement with the settlement; and

WHEREAS, the judgment will result in a refund in the amount of \$1,165.00; and

WHEREAS, the Chief Financial Officer has certified the availability of funds; and

WHEREAS, the line-item appropriation is GL Account No. 6-01-250-004 – Reserve Tax Appeals

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Englewood Cliffs, that the settlement of the aforesaid Tax Appeal be finalized in accordance with the enclosed Schedule A; and

BE IT FURTHER RESOLVED that with respect to same, the Mayor, Borough Administrator, Borough Attorney and /or any other appropriate Borough official is hereby authorized to perform any act necessary to effectuate the purpose set forth in this Resolution.

BE IT FURTHER RESOLVED that the Judgment is accepted, and the Finance and Tax offices are instructed to take the necessary steps to refund and/or credit the account.

CERTIFICATION

I hereby certify that this resolution, consisting of 2 page(s) was adopted at a Regular Meeting of the Borough Council of the Borough of Englewood Cliffs, held this 11th day of February 2026.

	Moved	Second	Ayes	Nays	Abstain	Absent
Biegacz						
Liang						
Patel						
Kapsaskis						
Lee						
Koutroubas						
Mayor Park						

Mark Park
Mayor

Beauty Nadim, RMC/CMR
Municipal Clerk

SCHEDULE A

- A.** The terms of the aforesaid tax appeal settlement for the property located at Block 510, Lot 4, shall consist of the following:

2024- WITHDRAWN

2025- Reduction from \$1,600,000.00 to \$1,500,000.00

2026- Book change to \$1,400,000.00

MEMO

TO: MAYOR & COUNCIL
FROM: KARL J. NORGAARD, ESQ.
DATE: JANUARY 21, 2026
RE: KARJEN L.L.C. V. BOROUGH OF ENGLEWOOD CLIFFS,
BLOCK 510; LOT 4 (474 SYLVAN AVENUE)

Dear Mayor & Council,

I have provided you with a Resolution to approve the Settlement of a tax appeal known as KARJEN L.L.C. V. BOROUGH OF ENGLEWOOD CLIFFS. The appeals were filed for the following years: 2024 and 2025. This agreement was reached with the input of tax assessor, Sarah Holbig.

The parties have agreed to a reduction in assessment as follows:

2024- WITHDRAWN
2025- Reduction from \$1,600,000.00 to \$1,500,000.00
2026- Book change to \$1,400,000.00

The refund will be in the amount of \$_____.

If you have any questions, please contact the undersigned or Ms. Holbig directly.

Karl J. Norgaard, Esq.

**COUNCIL OF THE BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY**

**RESOLUTION
RESOLUTION NO. 2026-92**

**TITLE: RESOLUTION TO APPROVE THE SETTLEMENT OF A TAX
APPEAL FOR 800 SYLVAN AVENUE – CONOPCO, INC.
(UNILEVER) IN THE AMOUNT OF \$483,166.64**

WHEREAS, the Mayor and Council of the Borough of Englewood Cliffs have been advised of the proposed settlement of a property Tax Appeal filed by CONOPCO, INC. D/B/A UNILEVER, TENANT IN PARCEL OWNED BY 800 SYLVAN AVENUE CONDOMINIUM ASSOC., (herein the Tax Appeal) under Docket Numbers: 6509-2022, 2634-2023, 3485-2024, and 3234-2025; and

WHEREAS, the subject property consists of one parcel located at Block 910 Lot 1 Qual C0CB1 and is more known as 800 Sylvan Avenue, on the tax assessment map of the Borough; and

WHEREAS, the Governing Body has been advised as to the merits of the subject Tax Appeal settlement by legal counsel and the Borough tax assessor; and

WHEREAS, the proposed Tax Appeal settlement components are set forth in the attached Schedule A hereto and made a part hereof; and

WHEREAS, it is in the best interest of the Borough to settle the subject Tax Appeal in accordance with the settlement proposal set forth hereinabove; and

WHEREAS, the Tax Assessor has been consulted with and is in agreement with the settlement; and

WHEREAS, the judgment will result in a refund in the amount of \$283,166.64 and a tax credit of \$200,000 on the next assessment in 2026; and

WHEREAS, the Chief Financial Officer has certified the availability of funds; and

WHEREAS, the line-item appropriation is GL Account No. 6-01-250-004 – Reserve Tax Appeals

WHEREAS,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Englewood Cliffs, that the settlement of the aforesaid Tax Appeal be finalized in accordance with the enclosed Schedule A; and

BE IT FURTHER RESOLVED that with respect to same, the Mayor, Borough Administrator, Borough Attorney and /or any other appropriate Borough official is hereby authorized to perform any act necessary to effectuate the purpose set forth in this Resolution.

BE IT FURTHER RESOLVED that the Judgment is accepted, and the Finance and Tax offices are instructed to take the necessary steps to refund and/or credit the account.

CERTIFICATION

I hereby certify that this resolution, consisting of 2 page(s) was adopted at a Regular Meeting of the Borough Council of the Borough of Englewood Cliffs, held this 11th day of February 2026.

	Moved	Second	Ayes	Nays	Abstain	Absent
Biegacz						
Liang						
Patel						
Kapsaskis						
Lee						
Koutroubas						
Mayor Park						

Mark Park
Mayor

Beauty Nadim, RMC/CMR
Municipal Clerk

SCHEDULE A

- A. The terms of the aforesaid tax appeal settlement for the property located at Block 910, Lot 1, Qual C0CB1, shall consist of the following:

2022- WITHDRAWN

2023- WITHDRAWN

2024- Reduction from \$47,223,300 to \$30,124,700

2025- Reduction from \$47,223,300 to \$22,701,600

2026- Reduction from \$47,223,300 to \$20,696,300

2027- Reduction from \$47,223,300 to \$20,696,300

2028- Reduction from \$47,223,300 to \$20,696,300

MEMO

TO: MAYOR & COUNCIL
FROM: KARL J. NORGAARD, ESQ.
DATE: FEBRUARY 4, 2026
RE: CONOPCO, INC. D/B/A UNILEVER, TENANT IN PARCEL OWNED
BY 800 SYLVAN AVENUE CONDOMINIUM ASSOC.V. BOROUGH
OF ENGLEWOOD CLIFFS
BLOCK 910, LOT 1, QUAL C0CB1 (800 Sylvan Avenue)

Dear Mayor & Council,

I have provided you with a Resolution to approve the Settlement of a tax appeal known as CONOPCO, INC. D/B/A UNILEVER, TENANT IN PARCEL OWNED BY 800 SYLVAN AVENUE CONDOMINIUM ASSOC.V. BOROUGH OF ENGLEWOOD CLIFFS. The appeals were filed for the following years: 2022, 2023, 2024, and 2025. This agreement was reached with the input of tax assessor, Sarah Holbig, as well as the Borough's appraisal firm Integra Realty Resources.

The parties have agreed to a reduction in assessment as follows:

2022- WITHDRAWN
2023- WITHDRAWN
2024- Reduction from \$47,223,300 to \$30,124,700
2025- Reduction from \$47,223,300 to \$22,701,600
2026- Reduction from \$47,223,300 to \$20,696,300
2027- Reduction from \$47,223,300 to \$20,696,300
2028- Reduction from \$47,223,300 to \$20,696,300

As shown by the enclosed settlement letter and stipulation of settlement, the refund will be in the amount of \$283,166.64 and must be paid within 60 days of entry of judgment by the Tax Court. A \$200,000.00 credit will also be applied to the taxpayer's 2026 obligations. The dispute in this matter concerned whether the highest and best use for the taxpayer's property was either office space or laboratory space. Approximately one-third of the property contained outdated laboratory space and was valued by the Borough on a square footage basis as follows:

2022: \$313.03/sq. ft.;
2023: \$344.97/sq. ft.;
2024: \$352.71/sq. ft.;
2025: \$364.03/sq. ft.

The settlement results in the following, which is an effective valuation of \$245/sq. ft. for the years of 2022 through and including 2028:

2022 valuation accepted;
2023 valuation accepted;
2024: \$225/sq. ft.;
2025: \$175/sq. ft.;
2026 through 2028: \$170/sq. ft.

By way of example the resolutions in the below matters all concerned office space and settlements were reached by valuing the office space at \$145/sq. ft.

1. 600 SYLVAN AVE LLC. (herein the Tax Appeal) under Docket Numbers: 5563-2021, 5796-2022, 4223-2023, 3602-2024, and 2846-2025;
2. 333 SYLVAN AVE LLC. (herein the Tax Appeal) under Docket Numbers: 5575-2021, 5785-2022, 4217-2023, 3599-2024, and 2844-2025;
3. 385 SYLVAN AVE LLC. (herein the Tax Appeal) under Docket Numbers: 5565-2021, 5787-2022, 4224-2023, 3600-2024, and 2845-2025;
4. COMMERCIAL PLAZA INC. (herein the Tax Appeal) under Docket Numbers: 5573-2021, 5792-2022, 4208-2023, 3601-2024, and 2843-2025.

This settlement also results in the Borough not being placed at risk of judgment being entered requiring it to pay interest on all overpaid taxes.

Should you have any questions, please contact the undersigned or Ms. Holbig directly.

Karl J. Norgaard, Esq.

Enclosures

	Original Assessment	County Tax Board Judgment	Requested Tax Court Judgment
Land	12,448,000	N/A	
Improvements	<u>34,775,300</u>	DIRECT	<u>WITHDRAW</u>
Total	47,223,300	APPEAL	

3. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment entered as follows:

Block: 901
 Lot: 1
 Qual: C0CB1
 Street: 800 Sylvan Avenue
 Year: 2024

	Original Assessment	County Tax Board Judgment	Requested Tax Court Judgment
Land	12,448,000	N/A	12,448,000
Improvements	<u>34,775,300</u>	DIRECT	<u>17,676,700</u>
Total	47,223,300	APPEAL	30,124,700

4. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment entered as follows:

Block: 901
 Lot: 1
 Qual: C0CB1
 Street: 800 Sylvan Avenue
 Year: 2025

	Original Assessment	County Tax Board Judgment	Requested Tax Court Judgment
Land	12,448,000	N/A	12,448,000
Improvements	<u>34,775,300</u>	DIRECT	<u>10,253,600</u>
Total	47,223,300	APPEAL	22,701,600

5. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment entered as follows:

Block: 901
 Lot: 1
 Qual: C0CB1
 Street: 800 Sylvan Avenue
 Year: 2026

	Original Assessment	County Tax Board Judgment	Requested Tax Court Judgment
Land	12,448,000	N/A	12,448,000
Improvements	<u>34,775,300</u>	DIRECT	<u>8,248,300</u>
Total	47,223,300	APPEAL	20,696,300

6. Any Counterclaims filed on behalf of Defendant be and are herein withdrawn.

7. The undersigned have made such examination of the value and proper assessment of the property and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into the stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.

8. Based upon the foregoing, the undersigned represent to the court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law.

9. The total refund for tax years 2024 and 2025 equals \$483,166.64. The refund shall be provided by the Borough in the following manner: a refund check in the amount of \$283,166.64, paid within 60 days following entry of the Tax Court Judgment and a credit in the amount of \$200,000 against the next occurring future tax payments such that the credit for the refund is applied in full before any future tax is due. If the refund for tax years 2024 and 2025 is conveyed in such manner, the taxpayer waives interest that may otherwise be payable pursuant to N.J.S.A. 54:3-27.2 for the refunds that are due as a result of this settlement.

10. Any refunds as a result of the settlement set forth herein shall be paid by check made payable to "Archer & Greiner, P.C. as Trustee for Conopco, Inc." and forwarded to Archer & Greiner, P.C.

Archer & Greiner, P.C.
Attorneys for Plaintiff

Date: _____

REBECCA L. HUTCHEON

Norgaard, O'Boyle & Hannon
Attorneys for Defendant

Date: _____

KARL J. NORGAARD

231664627 v1



Rebecca L. Hutcheon
Also Member of New York Bar
rhutcheon@archerlaw.com
609-250-0287 Direct
609-580-3760 Direct Fax

Archer & Greiner, P.C.
902 Carnegie Center
Suite 500
Princeton, NJ 08540
609-580-3700 Main
609-580-0051 Fax
www.archerlaw.com

February 3, 2026

VIA EMAIL

Karl J. Norgaard, Esq.
Norgaard, O'Boyle & Hannon
184 Grand Avenue
Englewood, NJ 07631

**Re: Conopco, Inc. d/b/a Unilever, tenant in a parcel owned by 800 Sylvan Avenue
Condominium Assoc. v. Englewood Cliffs Borough
Block 901, Lot 1 Qual C0CB1 — 800 Sylvan Avenue
Docket Nos. 006509-2022, 002634-2023, 003485-2024, 003234-2025 &
_____ -2026**

Dear Mr. Norgaard:

This will confirm that the parties have agreed to the following with respect to the 2022 through 2028 tax years in the above-referenced matter ("Agreement"):

1. Plaintiff shall withdraw its pending property tax appeals for tax years **2022 and 2023** and Defendant shall withdraw any appeal(s) or counterclaim(s) filed in connection with the above-referenced property.
2. With respect to tax year **2024**, the parties agree that the total assessment for Block 901, Lot 1 Qual C0CB1 (800 Sylvan Avenue) shall be reduced from 47,223,300 to 30,124,700.
3. With respect to tax year **2025**, the parties agree that the total assessment for Block 901, Lot 1 Qual C0CB1 (800 Sylvan Avenue) shall be reduced from 47,223,300 to 22,701,600.
4. With respect to tax year **2026**, the parties agree that the total assessment for Block 901, Lot 1 Qual C0CB1 (800 Sylvan Avenue) shall be reduced from 47,223,300 to **20,696,300**. The parties further agree that either party shall have the right to file a tax appeal for the 2026 tax year to obtain a judgment(s) to implement, enforce, effectuate, affirm, and/or confirm the total assessment agreed upon herein.

5. With respect to tax year **2027**, the parties agree that the total assessment for Block 901, Lot 1 Qual C0CB1 (800 Sylvan Avenue) shall be reduced from 47,223,300 to **20,696,300**, assuming there has been no material depreciation of the type described in N.J.S.A. 54:4-35.1 to the building(s) on this parcel before January 1, 2027. The parties further agree that either party shall have the right to file a tax appeal for the 2027 tax year to obtain a judgment(s) to implement, enforce, effectuate, affirm, and/or confirm the total assessment agreed upon herein.

6. With respect to tax year **2028**, the parties agree that the total assessment for Block 901, Lot 1 Qual C0CB1 (800 Sylvan Avenue) shall be reduced from 47,223,300 to **20,696,300**, assuming there has been no material depreciation of the type described in N.J.S.A. 54:4-35.1 to the building(s) on this parcel before January 1, 2028. However, if the 2028 Director's Average Ratio for the Borough is equal to or less than 72.63%, the parties agree that the assessment shall be the set by multiplying the 2026 implied market value of 25,645,300 by the 2028 Director's Average Ratio for the Borough, assuming there has been no material depreciation of the type described in N.J.S.A. 54:4-35.1 to the building(s) on this parcel before January 1, 2028. The parties further agree that either party shall have the right to file a tax appeal for the 2028 tax year to obtain a judgment(s) to implement, enforce, effectuate, affirm, and/or confirm the total assessment agreed upon herein.

7. The total refund for tax years 2024 and 2025 equals \$483,166.64. The refund shall be provided by the Borough in the following manner: a refund check in the amount of \$283,166.64, paid within 60 days following entry of the Tax Court judgment, and a credit in the amount of \$200,000 against the next occurring future tax payments such that the credit for the refund is applied in full before any future tax is due. If the refund for tax years 2024 and 2025 is conveyed in such matter, the taxpayer waives interest that may otherwise be payable pursuant to N.J.S.A. 54:3-27.2 for the refunds that are due as a result of this settlement.

8. The Borough represents that there are no municipal-wide revaluations or reassessments currently scheduled to be effective for tax years 2026, 2027, and/or 2028.

9. The foregoing terms are an integral part of the settlement of the parties, each party having entered into this Agreement, in part, in consideration for the forgoing terms. Both parties agree to use their best efforts to defend this Agreement should any third party bring a challenge to same. The parties agree to cooperate in the defense of the terms, provisions, and assessments agreed to in this Agreement should any third party bring a challenge to any of the agreed upon assessments and/or any term and/or any provision of this Agreement in a Court of competent jurisdiction. The parties further agree that if the assessments are not set on the tax list at the amounts agreed upon herein for tax years 2026, 2027, and 2028 (or if a third party raises a challenge to the legal enforceability of any paragraph of this Agreement and such challenge is upheld by a Court of competent jurisdiction), then Plaintiff has the following options:

- a. Plaintiff may appeal the assessment(s) and Defendant hereby agrees to enter into Stipulation(s) of Settlement setting the assessment(s) as agreed upon in this Agreement;
- b. Plaintiff may seek enforcement of this Agreement;
- c. Plaintiff may make application to the Court to void this Agreement in its entirety, void any Stipulations of Settlement filed pursuant to this Agreement, vacate any judgments entered, and proceed with the litigation; or,
- d. Plaintiff may choose to proceed with the settlement for tax years effectuated pursuant to this Agreement, and litigate only the tax year(s) not effectuated pursuant to this Agreement.

10. Each of the parties agrees to execute or cause its counsel to execute any additional documents and take any further action which may reasonably be required to consummate this Agreement.

11. The provisions of paragraphs 5, 6, 7, 8, 9 and 10 shall survive Judgment even if not included on the Judgment(s) issued by the Tax Court of New Jersey.

12. The undersigned have made such examination of the value and proper assessment of the property and have obtained such appraisals, analyses and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into this Agreement. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this Agreement and has concurred.

13. Based upon the foregoing, the undersigned shall represent to the court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law.

14. Except as otherwise provided in this Agreement, this Agreement constitutes the entire agreement of the parties with respect to the subject matter hereof and supersedes any and all prior written or oral understandings, negotiations, and agreements.

15. This Agreement was jointly drafted by the parties and the language of all parties of this Agreement shall in all cases be construed as a whole according to its meaning and not strictly for or against any of the parties.

16. The parties hereto have executed this Agreement through the signatures of their undersigned representatives. Each person signing this Agreement represents and warrants that he or she has been duly authorized to enter into this Agreement by the entity on whose behalf it is indicated the person is signing.

Karl J. Norgaard, Esq.
February 3, 2026
Page 4

To memorialize your agreement with the foregoing, please countersign this Agreement where indicated below and return the original to my attention. We appreciate your courtesies and cooperation in this regard.

Very truly yours,

ARCHER & GREINER
A Professional Corporation

By: _____
Rebecca L. Hutcheon

Karl J. Norgaard, Esq.
Norgaard, O'Boyle, Hannon
Attorneys for Englewood Cliffs Borough

Sarah Holbig, CTA
Tax Assessor
Englewood Cliffs Borough

Dated: _____

Dated: _____

**COUNCIL OF THE BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY**

**RESOLUTION
RESOLUTION NO. 2026-93**

**TITLE: RESOLUTION AUTHORIZING INCREASE IN THE FIXED ASSET
LIMIT THRESHOLD FROM \$1,000.00 TO \$5,000.00 EFFECTIVE
JANUARY 1, 2026**

WHEREAS, the threshold for “non-expendable, tangible personal property”, as defined in N.J.A.C. 5:30-5.6 “Accounting for Governmental Fixed Assets”, has been increased from \$1,000.00 to \$5,000.00 for both municipalities and counties, effective January 1, 1997, bringing the threshold to a level comparative with the federal government; and

WHEREAS, the local unit may establish a capitalization level other than the revised threshold, provided that it does not exceed \$5,000.00 per unit; and

WHEREAS, it is the recommendation of the Finance Department that the fixed assets threshold limit for the Borough be adjusted to \$5,000.00 in accordance with N.J.A.C. 5:30-5.6; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englewood Cliffs, in the County of Bergen, State of New Jersey that the fixed assets limit as defined by N.J.A.C. 5:30-5.6 “Accounting for Governmental Fixed Assets, is adjusted to a maximum limit of \$5,000.00 for all non-expendable, tangible personal property effective January 1, 2026.

CERTIFICATION

I hereby certify that this resolution, consisting of 1 page(s) was adopted at a Regular Meeting of the Borough Council of the Borough of Englewood Cliffs, held this 11th day of February 2026.

	Moved	Second	Ayes	Nays	Abstain	Absent
Biegacz						
Liang						
Patel						
Kapsaskis						
Lee						
Koutroubas						
Mayor Park						

Mark Park
Mayor

Beauty Nadim, RMC/CMR
Municipal Clerk

**COUNCIL OF THE BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY**

**RESOLUTION
RESOLUTION NO. 2026-94**

TITLE: RESOLUTION AUTHORIZING NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS 2026 LOCAL RECREATION IMPROVEMENT GRANT PROGRAM

WHEREAS, the Borough of Englewood Cliffs desires to apply for and obtain a grant from the New Jersey Department of Community Affairs (“Department”) 2026 Local Recreation Improvement Grant (“LRIG”) for an amount not to exceed \$75,000 to carry out a project to renovate the tennis courts at Johnson Park; and,

BE IT RESOLVED,

- 1) that the Borough of Englewood Cliffs does hereby authorize the application for such a grant; and,
- 2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Englewood Cliffs and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

Mark Park
Mayor

Intashan Chowdhury
Borough Administrator

CERTIFICATION

I hereby certify that this resolution, consisting of 2 page(s) was adopted at a Regular Meeting of the Borough Council of the Borough of Englewood Cliffs, held this 11th day of February 2026.

	Moved	Second	Ayes	Nays	Abstain	Absent
Biegacz						
Liang						
Patel						
Kapsaskis						
Lee						
Koutroubas						
Mayor Park						

Mark Park
Mayor

Beauty Nadim, RMC/CMR
Municipal Clerk

**COUNCIL OF THE BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY**

**RESOLUTION
RESOLUTION NO. 2026-95**

**TITLE: RESOLUTION CONCERNING ACCESSING PUBLIC NOTICES
FOR THE BOROUGH OF ENGLEWOOD CLIFFS**

WHEREAS, it is necessary to designate the official medium for the publication of legal notices as required by law; and

WHEREAS, currently under applicable State law, legal notices are required to be published in a newspaper circulating within the municipality or county when such publication is required; and

WHEREAS, beginning March 1, 2026, P.L. 2025, c.72 requires that when a public entity does publish or advertise a legal notice, such notice shall be published in the public entity's official website and no longer mandates that such notices be published in a local newspaper; and

WHEREAS, in accordance with P.L. 2025, c. 72 legal notices will be published in the Borough of Englewood Cliffs municipal website. The Borough's website shall be accessible and available to the public free of charge, with a direct hyperlink to legal notices placed conspicuously on the homepage. Further, legal notices will remain displayed on the official website for at least one week before being archived, and maintained in an online archive of legal notices for at least one year; and

WHEREAS, until March 1, 2026, publication in a designated official newspaper remains a lawful method of publishing required legal notices consistent with existing statutes;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Englewood Cliffs, County of Bergen, State of New Jersey, that:

1. During the transition period prior to March 1, 2026, all required legal notices shall continue to be published in the Borough's designated official newspaper in accordance with applicable law.
2. Effective March 1, 2026, all required public notices of the Borough shall be published on the Borough's official website, www.inglewoodcliffsnj.org, in compliance with P.L. 2025, c.72.
3. The Borough shall maintain an online archive of legal notices accessible to the public for at least one year following initial posting of the notice.
4. Nothing in this resolution shall prohibit the Borough from also publishing legal notices in an eligible online news publication consistent with P.L. 2025, c.72.

CERTIFICATION

I hereby certify that this resolution, consisting of 2 page(s) was adopted at a Regular Meeting of the Borough Council of the Borough of Englewood Cliffs, held this 11th day of February 2026.

	Moved	Second	Ayes	Nays	Abstain	Absent
Biegacz						
Liang						
Patel						
Kapsaskis						
Lee						
Koutroubas						
Mayor Park						

Mark Park
Mayor

Beauty Nadim, RMC/CMR
Municipal Clerk

**COUNCIL OF THE BOROUGH OF ENGLEWOOD CLIFFS
BERGEN COUNTY, NEW JERSEY**

**RESOLUTION
RESOLUTION NO. 2026-96**

TITLE: RESOLUTION AUTHORIZING TO ENTER INTO EXECUTIVE / CLOSED SESSION FOR MATTERS PERTAINING TO PENDING LITIGATION

WHEREAS, the Mayor and Council of the Borough of Englewood Cliffs has deemed it necessary to go into executive (closed) session to discuss certain confidential matters; and,

WHEREAS, the minutes of this Closed Session will remain confidential as permitted under the Open Public Meetings Act or shall be released when there is no further need for confidentiality, as authorized by the Borough Attorney.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Englewood Cliffs will go into closed session for the following matters as permitted under the Open Public Meetings Act, N.J.S.A. 10:4-12

- Pending Litigation

CERTIFICATION

I hereby certify that this resolution, consisting of 1 page(s), was adopted at the Regular Meeting of the Borough Council of the Borough of Englewood Cliffs, held on this 11th day of February 2026.

	Moved	Second	Ayes	Nays	Abstain	Absent
Biegacz						
Liang						
Patel						
Kapsaskis						
Lee						
Koutroubas						
Mayor Park						

Mark Park
Mayor

Beauty Nadim, RMC/CMR
Municipal Clerk