

**Wood-Ridge Planning Board Meeting**  
**February 3, 2026 – 7pm**  
**Agenda**

- A. Call to Order
- B. Open Public Meetings Act Statement

This meeting is being held in accordance with Public Law 1975 Chapter 231, the Open Public Meetings Act, also known as the “Sunshine Law”. The public meeting notice stating the date, time and place of this meeting was posted on the municipal bulletin board and the municipal website and was forwarded to The Record and TAPinto of Hasbrouck Heights/Wood-Ridge/Teterboro.

- C. Flag Salute
- D. Roll Call

<b>Class IV Members:</b>	Frank Finke Kevin Trotter Robert Ruhle Anthony Iacovino Christopher J. Inserra Omid S. Irani, Esq.
<b>Class I Member (Mayor’s Alternate):</b>	Borough Administrator Christopher Eilert
<b>Class II Member:</b>	Zoning Officer Richard Pronti
<b>Class III Member:</b>	Councilman Michael Donato
<b>Class IV Alternate Members:</b>	Anthony Sarlo (Alternate #1) Donald Conger (Alternate #2) Christian Leone (Alternate #3) Christopher Musante (Alternate #4)
<b>Secretary:</b>	Cathleen Calabro
<b>Attorney:</b>	Gerald Salerno, Esq.
<b>Engineer/Planner:</b>	Brian Intindola, PE

- E. Approval of Minutes:

Reorganization Meeting of January 6, 2026

Motion:                      Second:

Roll Call: Trotter, Ruhle, Iacovino, Inserra, Irani, Eilert, Pronti, Donato, Finke, Sarlo, Conger, Leone, Musante.

- F. Old Business - NONE

G. New Business:

1. Public Hearing on the Revised Housing Plan Element and Fair Share Plan as an Amendment to the Borough of Wood-Ridge's Master Plan.

Chairman opens the Public Hearing

Chairman closes the Public Hearing

2. Resolution 2026-6BR to Adopt the Revised Housing Plan Element and Fair Share Plan as an Amendment to the Borough of Wood-Ridge's Master Plan.

Motion: Second:

Roll Call: Trotter, Ruhle, Iacovino, Inserra, Irani, Eilert, Pronti, Donato, Finke, Sarlo, Conger, Leone, Musante

3. Master Plan consistency review of Ordinance 2026-1 amending Article IV, entitled Development Fees, of Chapter 264, entitled Fees, as referred by the Mayor and Council.

Motion: Second:

Roll Call: Trotter, Ruhle, Iacovino, Inserra, Irani, Eilert, Pronti, Donato, Finke, Sarlo, Conger, Leone, Musante

4. Resolution 2026-7BR of the Planning Board of the Borough of Wood-Ridge, Regarding Master Plan Consistency Review of Ordinance 2026-1.

Motion: Second:

Roll Call: Trotter, Ruhle, Iacovino, Inserra, Irani, Eilert, Pronti, Donato, Finke, Sarlo, Conger, Leone, Musante

5. Master Plan consistency review of Ordinance 2026-2 amending Chapter 530, entitled Zoning as referred by the Mayor and Council.

Motion: Second:

Roll Call: Trotter, Ruhle, Iacovino, Inserra, Irani, Eilert, Pronti, Donato, Finke, Sarlo, Conger, Leone, Musante

6. Resolution 2026-8BR of the Planning Board of the Borough of Wood-Ridge, Regarding Master Plan Consistency Review of Ordinance 2026-2.

Motion: Second:

Roll Call: Trotter, Ruhle, Iacovino, Inserra, Irani, Eilert, Pronti, Donato, Finke, Sarlo, Conger, Leone, Musante

H. Hearing of Citizens

Chairman opens the Hearing of Citizens

Chairman closes the Hearing of Citizens

I. Adjournment

Motion:

Second:

Vote by acclamation

Borough of Wood-Ridge Planning Board

Minutes of Re-Organization - January 6, 2026

Wood-Ridge Municipal Building Council Chamber

The meeting was called to order at 7:00 pm by Chairman Finke. Chairman Finke read the Open Public Meetings Act Statement. The Pledge of Allegiance was recited. Attendance was as follows:

- Class IV Members: Chairman Frank Finke – present  
 Vice Chair Kevin Trotter – excused  
 Robert Ruhle – present  
 Anthony Iacovino - present  
 Christopher J. Inserra – present  
 Omid S. Irani, Esq. – present
- Class I Member (Mayor’s Alternate): Borough Administrator Christopher Eilert–present
- Class II Member: Zoning Officer Richard Pronti – present
- Class III Member: Councilman Michael Donato – present
- Class IV Alternate Members: Anthony Sarlo (Alt #1)-present  
 Donald Conger (Alternate #2) present  
 Christian Leone (Alternate #3) present  
 Christopher Musante (Alternate #4) present
- Secretary: Cathleen Calabro – present
- Attorney: Gerald Salerno, Esq. – excused
- Engineer/Planner: Brian Intindola, PE, PP – excused

Mayor Paul Sarlo administered the oath of office to the newly appointed members.

Christopher Eilert	Class I Member (Mayor’s Alternate)	1-year term to 12/31/26
Richard Pronti	Class II Member	1-year term to 12/31/26
Michael Donato	Class III Member	1-year term to 12/31/26
Frank Finke	Class IV Member	4-year term to 12/31/29
Anthony Iacovino	Class IV Member	4-year term to 12/31/29
Donald Conger	Class IV Alternate #2 Member	2-year term to 12/31/27
Christopher Musante	Class IV Alternate #4 Member	2-year term to 12/31/27

Mayor Sarlo stated to the board that the Planning Board is the most important board in a community, and that the decisions they make not only shape what community looks like, but for the future as well. Mayor Sarlo thanked the board for their service.

Member Eilert made the Nominations for Planning Board positions:

Nomination of **Frank Finke** as Chairman of the Planning Board was approved on a motion by Eilert second by Donato and a roll call of all members present voting yes.

Nomination of **Kevin Trotter** as Vice Chairman of the Planning Board was approved on a motion by Eilert second by Donato and a roll call of all members present voting yes.

Nomination of **Cathleen Calabro** as Recording Secretary of the Planning Board was approved on a motion by Eilert second by Donato and a roll call of all members present voting yes.

Nomination of **Kellie Romero** as Financial Secretary of the Planning Board was approved on a motion by Eilert second by Donato and a roll call of all members present voting yes.

Nomination of **Gerald Salerno** as Board Attorney of the Planning Board was approved on a motion by Eilert second by Donato and a roll call of all members present voting yes.

Nomination of **Neglia Group** as Board Engineer of the Planning Board was approved on a motion by Eilert second by Donato and a roll call of all members present voting yes.

Nomination of **Neglia Group and Phillips Preiss Grygiel LLC** as Planning Consultants of the Planning Board was approved on a motion by Eilert second by Donato and a roll call of all members present voting yes.

**CONSENT AGENDA:**

All matters listed below are considered to be routine in nature and will be enacted by one motion. There will be no separate discussion of these items. If any discussion is desired by the Board Members, that particular item will be removed from the Consent Agenda and will be considered separately.

**RESOLUTIONS:** Adoption of the following

- Resolution 2026-1BR Designate Newspapers
- Resolution 2026-2BR Meeting dates 2026
- Resolution 2026-3BR Appointment of Board Attorney
- Resolution 2026-4BR Appointment of Board Engineer
- Resolution 2026-5BR Appointment of Board Planners

Board member Eilert, second by Inserra moved to the adoption of all matters on the above **Consent Agenda** and a roll call of all members present voting yes.

Under New Business the following was approved:

The minutes of the **December 2, 2025** meeting were approved on a motion by Eilert second by Ruhle and a roll call of all members present and eligible to vote, voting yes except Inserra, Irani, Pronti, Donato, Finke, and Musante who abstained.

New Business: NONE

**Chairman Finke** declared the hearing of citizens to be open. With no one wishing to be heard, Chairman Finke declared the Hearing of Citizens closed.

The Board's next meeting is scheduled for February 3, 2026.

With no other business before the board, the meeting was adjourned at 7:13 pm.

Submitted by:

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Cathleen Calabro, Planning Board Secretary

Date

# **BOROUGH OF WOOD-RIDGE MASTER PLAN HOUSING ELEMENT AND FAIR SHARE PLAN**

*Prepared for:*

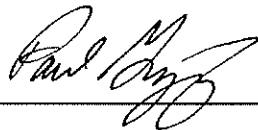
Planning Board  
Borough of Wood-Ridge  
85 Humboldt Street  
Wood-Ridge, New Jersey 07075

*Prepared by:*

Phillips Preiss Grygiel Leheny Hughes LLC  
Planning and Real Estate Consultants  
70 Hudson Street, Suite 5B  
Hoboken, New Jersey 07030

Adopted June 3, 2025  
REVISED January 2026

The original of this report was signed and  
sealed in accordance with N.J.S.A. 13:41-1.2

A handwritten signature in black ink, appearing to read "Paul Grygiel", is written over a horizontal line.

Paul Grygiel, AICP, PP  
New Jersey Professional Planner License # 5518

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# Acknowledgments

## Planning Board

### Members (Class I-III)

(I) Paul A Sarlo, Mayor

(II) Richard Pronti, Zoning Officer

(III) Michael Donato, Council Liaison

Mayor's Designated Alternate Class I Member: Christopher W. Eilert

### Members (Class IV)

Frank Finke, Chair

Kevin Trotter, Vice Chair

Robert Ruhle

Anthony Iacovino

Christopher J. Inserra

Omid S. Irani, Esq.

Anthony Sarlo, Alternate 1

Donald Conger, Alternate 2

Christian Leone, Alternate 3

Cathleen Calabro, Recording Secretary

Kellie Romero, Financial Secretary

Gerald Salerno, Esq., Attorney

Neglia Group, Engineer and Planner

Phillips Preiss Grygiel Leheny Keller LLC, Planner

## I. Introduction

This Housing Element and Fair Share Plan has been prepared on behalf of the Borough of Wood-Ridge, Bergen County, in accordance with the New Jersey Municipal Land Use Law per N.J.S.A. 40:55D-28b(3) and the Fair Housing Act (N.J.S.A. 52:27D-301, et seq.).

The Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., requires that a municipal master plan include a Housing Element in order for the municipality to exercise the power to zone and regulate land use. The Housing Element and Fair Share Plan is adopted by the Borough Planning Board and endorsed by the governing body. It is intended to achieve the goal of meeting the Borough's obligations to plan and regulate land use to provide for a fair share of the regional need for affordable housing.

Wood-Ridge remains committed to meeting its constitutional obligation to provide through its land use regulations a realistic opportunity for a fair share of the region's present and prospective needs for housing for low- and moderate-income families. This Housing Element and Fair Share Plan document outlines how the Borough will address its affordable housing obligations.

## II. Affordable Housing in New Jersey

In 1975 the Supreme Court of New Jersey in South Burlington County N.A.A.C.P. v. Township of Mount Laurel, 67 N.J. 151 (1975), ruled that the developing municipalities in the State of New Jersey exercising their zoning power, in general, had a constitutional obligation to provide a realistic opportunity for the construction of their fair share of the region's low- and moderate-income housing needs. In 1983, the Supreme Court refined that constitutional obligation in South Burlington County N.A.A.C.P. v. Township of Mount Laurel, 92 N.J. 158 (1983), to apply to those municipalities having any portion of their boundaries within the growth area as shown on the State Development Guide Plan. In 1985, the New Jersey Legislature adopted, and the Governor signed, the Fair Housing Act N.J.S.A. 52:2D-301, et seq. ("FHA") which transformed the judicial doctrine that became known as the "Mount Laurel doctrine" into a statutory one and provided an alternative administrative process in which municipalities could elect to participate in order to establish a Housing Element and Fair Share Plan ("HEFSP") that would satisfy its constitutional obligation by creating an administrative agency known as the Council on Affordable Housing ("COAH") to develop regulations to define the obligation and implement it. COAH proceeded to adopt regulations for First Round obligations applicable from 1987 to 1993 and Second Round obligations that created a cumulative obligation from 1987 to 1999.

COAH first proposed Third Round substantive and procedural rules in 2003, but due to multiple legal challenges, these rules were not adopted until 2008. However, the Third Round rules adopted in 2008 were challenged in an appeal entitled In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 416 N.J. Super. 462 (App. Div. 2010) (the "2010 Case"). In October 2010, the Appellate Division determined, among other things, that the methodology in the rules adopted in 2008 was invalid and that COAH should adopt regulations utilizing methodologies similar to the ones utilized in the First and Second Rounds, i.e., 1987-1999. In 2013, the Supreme Court of New Jersey affirmed the Appellate Division's invalidation of the third iteration of the Third Round regulations, sustained their determination that the growth share methodology was invalid, and directed COAH to adopt new regulations based upon the methodology utilized in the First and Second Rounds, In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 215 N.J. 578 (2013) (the "2013 Case"). COAH proceeded to propose such regulations in accordance with the schedule established by the New Jersey Supreme Court in the 2013 Case. On October 20, 2014, COAH deadlocked with a 3-3 vote and failed to adopt the revised Third Round regulations.

Due to COAH's failure to adopt the revised regulations and subsequent inaction, Fair Share Housing Center ("FSHC"), a party in the 2010 Case and the 2013 Case, filed a motion with the New Jersey Supreme Court to enforce litigant's rights. On March 10, 2015, the New Jersey Supreme Court issued its decision on FSHC's motion. The Supreme Court found that the COAH administrative process had become non-functioning and, as a result, returned primary jurisdiction over affordable housing matters to the trial courts. In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (the "2015 Case"). In doing so, the Supreme Court declined to adopt a specific methodology or formula to calculate the Third Round affordable housing obligations of the municipalities. The Court did provide some guidance by reiterating its endorsement of the

previous methodologies employed in the First and Second Round Rules as the template to establish Third Round affordable housing obligations.

In light of the unsettled landscape described above, in 2008 the Borough of Wood-Ridge, its Planning Board and Wood-Ridge Redevelopment, LLC entered into a Settlement Agreement with FSHC regarding the provision of affordable housing on the Curtiss-Wright site, a large industrial complex in the western portion of the Borough. Wood-Ridge initiated the process of substantive certification<sup>1</sup> from COAH. This process involved the preparation and adoption of the Housing Plan Element and Fair Share Plan. Through no fault of its own, New Milford, like a number of other municipalities, did not receive substantive certification of its 2008 plan due to inaction by COAH and subsequent legal challenges. While the 2015 Case shifted the jurisdiction of affordable housing certification compliance to the courts, Wood-Ridge already had a settlement agreement in place with FSHC.

On March 20, 2024, Governor Phil Murphy signed a package of affordable housing bills (the “2024 Affordable Housing Laws”). One of these overhauled the FHA and eliminated COAH, and set forth the process of determining Fourth Round (2025 to 2035) affordable housing obligations. The New Jersey Department of Community Affairs (DCA) calculated statewide and regional affordable housing needs, including its non-binding determination of each municipality’s Fourth Round affordable housing obligations. Municipalities were able to either the accept the DCA determination of their obligation, or to provide their own municipal determination of their Fourth Round obligation. This Housing Element and Fair Share Plan has been prepared pursuant to applicable law and regulations and addresses Wood-Ridge’s affordable housing compliance.

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<sup>1</sup> A determination by the Council approving a municipality’s housing element and fair share plan in accordance with the provisions of N.J.S.A 52:27D-322. A grant of substantive certification shall be valid for a period of 6 years.

### III. Housing Element/ Fair Share Plan Requirements

In accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.), a municipal Master Plan must include a housing element as the foundation for the municipal zoning ordinance. Pursuant to the Fair Housing Act, a municipality's housing element must be designed to provide access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing. The housing element must contain at least the following, as per the FHA at N.J.S.A. 52:27D-310:

- An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated;
- A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development, and probable residential development of lands;
- An analysis of the municipality's demographic characteristics, including, but not necessarily limited to, household size, income level, and age;
- An analysis of the existing and probable future employment characteristics of the municipality;
- A determination of the municipality's present and prospective fair share of low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low- and moderate-income housing; and
- A consideration of the lands most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing; and
- An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, pursuant to N.J.S.A. 52:27D-329.20f.(1); and
- An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

Administrative Directive #14-24 issued on December 13, 2024 by the Administrative Office of the Courts promulgates procedures and guidelines implementing the Affordable Housing Alternative Dispute Resolution Program ("the Program") established pursuant to section 5 of P.L.2024, c.2 (N.J.S.A. 52:27D-313.2). Additional required elements of a Housing Element and Fair Share Plan (HEFSP) are appended to this Directive and include the following:

- Detailed site suitability analyses, based on the best available data, for each of the un-built inclusionary or 100 percent affordable housing sites in the plan as well as an identification of each of the sites that were proposed for such development and rejected, along with the reasons for such rejection.
- The concept plan for the development of each of the selected sites should be overlaid on the most up to date environmental constraints map for that site as part of its analysis to see what changes will be needed (either to the selected sites or to their zoning) to ensure that all of the units required by the settlement agreement will actually be produced.
- Documentation of the creditworthiness of all of the existing affordable housing units in its HEFSP and to demonstrate that it has followed all of the applicable requirements for extending expiring controls, including confirmation that all of the units on which the controls have been extended are code-compliant or have been rehabilitated to code-compliance, and that all extended controls cover a full 30-year period beginning with the end of the original control period. Documentation as to the start dates and lengths of affordability controls applicable to these units and applicable Affordable Housing Agreements and/or deed restrictions is also required. Additionally, the income and bedroom distributions and continued creditworthiness of all other existing affordable units in the HEFSP must be provided.
- An analysis of how the HEFSP complies with or will comply with all of the terms of the executed settlement agreement.

The HEFSP must also include (in an Appendix) all of the adopted ordinances and resolutions needed to implement the HEFSP, including:

- All zoning amendments (or redevelopment plans, if applicable).
- An Affordable Housing Ordinance that includes, among other required regulations, its applicability to 100 percent affordable and tax credit projects, the monitoring and any reporting requirements set forth in the settlement agreement, requirements regarding very low income housing and very low income affordability consistent with the FHA and the settlement agreement, provisions for calculating annual increases in income levels and sales prices and rent levels, and a clarification regarding the minimum length of the affordability controls (at least 30 years, until the municipality takes action to release the controls).
- The adoption of the mandatory set aside ordinance, if any, and the repeal of the existing growth share provisions of the code.
- An executed and updated Development Fee Ordinance that reflects the court's jurisdiction.
- An Affirmative Marketing Plan adopted by resolution that contains specific directive to be followed by the Administrative Agent in affirmatively marketing affordable housing units, with an updated COAH form appended to the Affirmative Marketing Plan, and with both documents specifically reflecting the direct notification requirements set forth in the settlement agreement.
- An updated and adopted Spending Plan indicating how the municipality intends to allocate development fees and other funds, and detailing (in mini manuals) how the municipality

proposes to expend funds for affordability assistance, especially those funds earmarked for very low-income affordability assistance.

- A resolution of intent to fund any shortfall in the costs of the municipality's municipally sponsored affordable housing developments as well as its rehabilitation program, including by bonding if necessary.
- Copies of the resolution(s) and/or contract(s) appointing one or more Administrative Agent(s) and of the adopted ordinance creating the position of, and resolution appointing, the Municipal Affordable Housing Liaison.
- A resolution from the Planning Board adopting the HEFSP, and, if a final Judgment is sought before all of the implementing ordinances and resolutions can be adopted, a resolution of the governing body endorsing the HEFSP.

## IV. Housing Stock and Demographic Analysis

The following information was taken from the 2023 American Community Survey 5-Year Estimates. Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, the decennial census is the official source of population totals for April 1st of each decennial year. In between censuses, the Census Bureau's Population Estimates Program produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units and the group quarters population for states and counties. Data is based on a sample and is subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error. The effect of nonsampling error is not represented in these tables. Users must consider potential differences in geographic boundaries, questionnaire content or coding, or other methodological issues when comparing ACS data from different years. Statistically significant differences shown in ACS Comparison Profiles, or in data users' own analysis, may be the result of these differences and thus might not necessarily reflect changes to the social, economic, housing, or demographic characteristics being compared.

### Housing Stock Inventory

In 2023, there were 3,888 housing units in Wood-Ridge Borough, of which 67, or 1.7 percent, were vacant. Of the 3,821 occupied units, 65 percent were owner occupied and 35 percent were renter occupied. Table 1, Housing Units by Occupancy Status, 2023, illustrates this occupancy status.

*Table 1. Housing Units by Occupancy Status, 2023*

	Housing Units	Owner Occupied	Renter Occupied
<b>Occupied</b>	3,821	2,469	1,352
<b>Vacant</b>	67	-	-
<b>Total</b>	3,888	-	-

*Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)*

Less than half of the total housing stock consists of single-family detached units. Structures with three or more units make up approximately 32 percent of the total housing stock. See Table 2, Housing Units by Number of Units in Structure, 2023, for a detailed explanation of the Borough's housing units.

The unit counts in the "1, Attached" category are attributed to traditional style 3-story townhomes, almost all of which are located in the Wesmont Station neighborhood. The unit counts in the "2" category are attributable to two-family homes (Note: 1 two-family home equals 2 housing units) which are located throughout the Borough as well as to residential units in small mixed-use buildings almost

all of which are located on Valley Boulevard and Hackensack Street. The unit counts in the “3 or 4” and “5 to 9” categories are mostly attributable to the stacked townhouse models found in the Wesmont Station neighborhood, but are also attributable to the small condominium and apartment buildings and mixed-use buildings that are prevalent on Valley Boulevard and Hackensack Street. The unit counts in the “10 to 19” and “20+” categories are attributable to condominium and apartment buildings and garden apartment complexes which are located on Valley Boulevard, Hackensack Street, Moonachie Avenue, Rosie Square and Avalon Drive.

*Table 2. Housing Units by Number of Units in Structure, 2023*

<b>Number of Units</b>	<b>Total Number of Housing Units</b>	<b>Percent</b>
<b>1, Detached</b>	1,891	48.6%
<b>1, Attached</b>	509	13.1%
<b>2</b>	240	6.2%
<b>3 or 4</b>	360	9.3%
<b>5 to 9</b>	205	5.3%
<b>10 to 19</b>	214	5.5%
<b>20+</b>	469	12.1%
<b>Mobile Home</b>	0	0.0%
<b>Other</b>	0	0.0%
<b>Total</b>	3,888	100.0%

*Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)*

Table 3, Housing Units by Age, 2023, illustrates the age of the Borough’s housing stock. As one would expect from a smaller, largely built-out community, relatively few housing units, 1.6 percent, were built after 2020. A major influx in housing units, 21% of all housing in the Borough, occurred between 2010 and 2019. Before 2010, the majority of housing units were constructed prior to 1940, indicating fast growth at the turn of the century.

Table 3. Housing Units by Age, 2023

Year Built	Total Units	Percent
2020 or later	62	1.6
2010-2019	815	21.0
2000-2009	267	6.9
1990-1999	55	1.4
1980-1989	332	8.5
1970-1979	197	5.1
1960-1969	345	8.9
1950-1959	682	17.5
1940-1949	321	8.3
Before 1940	812	20.9
<b>Total</b>	<b>3,888</b>	<b>100.0%</b>

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

Table 4, Housing Units by Number of Rooms for the Borough of Wood-Ridge and Bergen County, 2023, shows that in Wood-Ridge, approximately 25 percent of housing units have between one and three rooms; 39 percent have between four and six rooms; and 55 percent have seven or more rooms. In Bergen County, 15 percent of housing units have between one and three rooms; 46 percent have between four and six rooms; and 35 percent have seven or more rooms. The mean number of rooms per housing unit in Wood-Ridge and Bergen County are equal at 5.6, indicating that the Borough has unit sizes that are consistent with the County. Note that in this table a room is counted as a separate room only if it is separated from another room by a partition wall that extends from floor to ceiling. Therefore, in any housing unit (regardless of style: apartment, condominium, townhome, detached home, etc.) with an open floorplan in which the kitchen, living room and dining area share a single open space, the open space would constitute 1 room in this table.

Table 4. Housing Units by Number of Rooms for the Borough of Wood-Ridge and Bergen County, 2023

Rooms	Number of Units in Wood-Ridge	Percent of Units in Wood-Ridge	Number of Units in Bergen County	Percent of Units in Bergen County
1	191	4.9%	10,297	2.8%
2	161	4.1%	13,741	3.7%
3	646	16.6%	45,353	12.2%
4	426	11.0%	55,571	15.0%
5	460	11.8%	55,034	14.9%
6	640	16.5%	51,102	13.8%
7	487	12.5%	42,525	11.5%
8	538	13.8%	39,219	10.6%
9+	339	8.7%	57,622	15.6%
<b>Total</b>	<b>3,888</b>	<b>100.0%</b>	<b>370,464</b>	<b>100.0%</b>
<b>Mean Rooms per Unit</b>	<b>5.6</b>		<b>5.6</b>	

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

Tables 5 and 6, Housing Values, Owner Occupied, 2013 and 2023, respectively, show that the median housing value of owner-occupied housing in Wood-Ridge increased by 35 percent between 2013 and 2023. During this same time, the median value in Bergen County increased by 41 percent. In 2013, Wood-Ridge's median housing value of \$395,400 was 10 percent lower than that of Bergen County (i.e., \$435,100). In 2023, Wood-Ridge's median housing value of \$532,900 was 15 percent lower than that of Bergen County (i.e., \$615,300). Note that the count for housing units valued at "Less than \$50,000" are attributable to transactions made between related parties for nominal consideration, often of \$1.00.

Table 5. Housing Values, Owner Occupied, 2013

Housing Value	Number in Wood-Ridge	Percent in Wood-Ridge	Number in Bergen County	Percent in Bergen County
Less than \$50,000	34	1.5%	7,460	3.4%
\$50,000 to \$99,999	0	0.0%	1,897	0.9%
\$100,000 to \$149,999	0	0.0%	3,074	1.4%
\$150,000 to \$199,999	59	2.5%	6,042	2.8%
\$200,000 to \$299,999	285	12.2%	23,592	10.8%
\$300,000 to \$499,999	1,466	62.6%	97,503	44.7%
\$500,000 to \$999,999	496	21.2%	64,254	29.4%
\$1,000,000 or more	0	0.0%	14,478	6.6%
<b>Total</b>	<b>2,340</b>	<b>100.0%</b>	<b>218,300</b>	<b>100.0%</b>
<b>2013 Median Value</b>	<b>\$395,400</b>		<b>\$435,100</b>	

Source: American Community Survey, 2009-2013 (Table DP04 Selected Housing Characteristics)

Table 6. Housing Values, Owner Occupied, 2023

Housing Value	Number in Wood-Ridge	Percent in Wood-Ridge	Number in Bergen County	Percent in Bergen County
Less than \$50,000	41	1.7%	4,098	1.8%
\$50,000 to \$99,999	0	0.0%	2,827	1.2%
\$100,000 to \$149,999	0	0.0%	2,032	0.9%
\$150,000 to \$199,999	0	0.0%	2,309	1.0%
\$200,000 to \$299,999	78	3.2%	10,304	4.5%
\$300,000 to \$499,999	1,008	40.8%	54,311	23.5%
\$500,000 to \$999,999	1,283	52.0%	123,522	53.5%
\$1,000,000 or more	59	2.4%	31,660	13.7%
<b>Total</b>	<b>2,469</b>	<b>100.0%</b>	<b>231,063</b>	<b>100.0%</b>
<b>2023 Median Value</b>	<b>\$532,900</b>		<b>\$615,300</b>	

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

Monthly rental costs in Wood-Ridge are, on average, higher than monthly rental costs County-wide, with almost 97 percent of Borough renters paying \$1,000 or more per month in rent versus 92 percent in Bergen County. In Wood-Ridge, the largest percentage of renters, 72 percent, pay \$1,500 or more. See Table 7, Comparison of the Borough of Wood-Ridge and Bergen County, Monthly Rental Cost, 2023 for additional details.

Table 7. Comparison of the Borough of Wood-Ridge and Bergen County, Monthly Rental Cost, 2023

Monthly Rent	Number in Wood-Ridge	Percent in Wood-Ridge	Number in Bergen County	Percent in Bergen County
Less than \$500	0	0.0%	3,595	3.0%
\$500 to \$999	44	3.3%	6,103	5.0%
\$1,000 to \$1,499	326	24.5%	21,914	18.0%
\$1,500 to \$1,999	383	28.8%	39,382	32.4%
\$2,000 to \$2,499	221	16.6%	20,033	16.5%
\$2,500 to \$2,999	267	20.1%	12,117	10.0%
\$3,000 or more	90	6.8%	18,316	15.1%
<b>Total</b>	<b>1,331</b>	<b>100.0%</b>	<b>121,460</b>	<b>100.0%</b>
<b>Median Rent</b>	<b>\$1,886</b>		<b>\$1,870</b>	

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

In 2023, about 24 percent of Wood-Ridge owner occupied households contributed 30 percent or more of their income towards monthly housing costs, and approximately 50 percent of Wood-Ridge owner occupied households put less than 20 percent of their income towards monthly housing costs. See Table 8, Monthly Housing Costs as Percentage of Household Income in the Past 12 Months – Owner Occupied Housing Units, 2023, for additional information.

*Table 8. Monthly Housing Costs as Percentage of Household Income in the Past 12 Months – Owner Occupied Housing Units, 2023*

	Less than 20 percent	20 to 29 percent	30 percent or more
Less than \$20,000	0.0%	0.0%	4.0%
\$20,000 - \$34,999	0.0%	0.0%	1.0%
\$35,000 - \$49,999	0.0%	0.0%	5.3%
\$50,000 - \$74,999	1.0%	2.0%	3.0%
\$75,000 or more	49.1%	24.4%	10.2%
Zero or Negative Income	0.0%		

Source: American Community Survey, 2019-2023 (Table S2503 Financial Characteristics)

In 2023, 43 percent of Wood-Ridge renter occupied households contributed less than 20 percent, whereas only 36.5 percent of Wood-Ridge renter occupied households contributed 30 percent or more of their income towards monthly housing costs. See Table 9, Monthly Housing Costs as a Percentage of Household Income in the Past 12 Months – Renter Occupied Housing Units, 2023, for further information.

*Table 9. Monthly Housing Costs as a Percentage of Household Income in the Past 12 Months – Renter Occupied Housing Units, 2023*

	Less than 20 percent	20 to 29 percent	30 percent or more
Less than \$20,000	0.0%	0.0%	5.0%
\$20,000 - \$34,999	0.0%	0.0%	5.2%
\$35,000 - \$49,999	0.0%	3.3%	8.4%
\$50,000 - \$74,999	0.0%	0.9%	17.9%
\$75,000 or more	43.0%	12.2%	0.0%
Zero or Negative Income	2.7%		
No Cash Rent	1.6%		

Source: American Community Survey, 2019-2023 (Table S2503 Financial Characteristics)

Wood-Ridge has no housing units that lack complete plumbing facilities or lack complete kitchen facilities. The Borough has 121 units that are overcrowded (defined as having 1.01 or more persons per room) and 44 units that have no telephone service available. See Table 10, Selected Quality Indicators, Occupied Housing Stock, 2023, for further information. Note that the count for units that are overcrowded (defined as having 1.01 or more persons per room) is likely impacted by the criteria used to define a room (as described on Page 10 in Table 4) by which a room is counted as a separate room only if it is separated from another room by a partition wall that extends from floor to ceiling. This definition causes studio apartments occupied by 2 people to be deemed as overcrowded. It also causes 1-bedroom apartments with an open floorplan for the kitchen, living room, and dining area to be counted as a 2-room housing unit, which, if it is occupied by a couple with a baby, would be deemed as overcrowded.

Note that for the count of units that have no telephone service available, the data source contains a disclaimer that the data may not be accurate and may reflect units in which landline telephone service was discontinued.

Table 10. Selected Quality Indicators, Occupied Housing Stock, 2023

	Overcrowded	No Telephone Service Available	Lacking Complete Plumbing	Lacking Complete Kitchen Facilities
Units	121	44	0	0

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

### General Population Characteristics

There has been an overall increase in Wood-Ridge's population in the years since 1980, from 2010 to 2020 (i.e., +32.9 percent) in particular. There was a slight increase in Wood-Ridge's population between 1990 and 2000 and a minor decrease in population between 2000 and 2010. The County's population experienced an overall increase between 1990 and 2020; however, such increases are significantly miniscule compared to the large jump in Wood-Ridge's population between 2010 and 2020. See Table 11, Population Change, 1980-2010, for more information.

Table 11. Population Change, 1980-2010

	1990	2000	Percent Change (1990-2000)	2010	Percent Change (2000-2010)	2020	Percent Change (2010-2020)
Wood-Ridge	7,506	7,644	1.8%	7,626	-0.2%	10,137	32.9%
Bergen County	825,380	884,118	7.1%	905,116	2.4%	955,732	5.6%

Source: 1990, 2000, 2010, and 2020 U.S. Census

From 2010 to 2020, there were shifts in Wood-Ridge's age distribution. The age group 15 through 24 increased from 812 persons to 1,100 persons (i.e., 36 percent). The age group 25 through 34 more than doubled over the decade from 787 persons to 1,589 persons (i.e., 102 percent). The age group 65 through 74 increased from 516 persons to 873 persons (i.e., 69 percent), and the age group 75 and older decreased from 607 persons to 542 persons (i.e., -11 percent). See Table 12, Age Distribution, 2010-2020, for additional details.

Table 12. Age Distribution, 2010-2020

Age Group	2010	Percent	2020	Percent	Percent Change
Under 5	376	4.9%	654	6.5%	73.9%
5-14	970	12.7%	996	9.9%	2.7%
15-24	812	10.6%	1,100	10.9%	35.5%
25-34	787	10.3%	1,589	15.7%	101.9%
35-44	1,196	15.7%	1,599	15.8%	33.7%
45-54	1,312	17.2%	1,384	13.6%	5.5%
55-64	1,050	13.8%	1,400	13.8%	33.3%
65-74	516	6.8%	873	8.6%	69.2%
75+	607	8.0%	542	5.4%	-10.7%
<b>Totals</b>	<b>7,626</b>	<b>100.0%</b>	<b>10,137</b>	<b>100.0%</b>	<b>-</b>

Source: 2010 and 2020 U.S. Census

### Household Characteristics

A household is defined by the U.S. Census Bureau as those persons who occupy a single room or group of rooms constituting a housing unit; however these persons may or may not be related. As a subset of households, a family is identified as a group of persons including a householder and one or more persons related by blood, marriage or adoption, all living in the same household. In 2023, there were 3,821 households in Wood-Ridge, with an average of 2.64 persons per household and an average of 3.16 persons per family. Approximately 59 percent of the households are comprised of married couples with or without children. Almost 28 percent of the Wood-Ridge households are non-family households, which includes individuals (Source: ACS 2019-2023, Table S1101).

### Income Characteristics

Persons residing in Wood-Ridge have, on average, higher incomes than that of Bergen County as a whole. Annual median income for Borough households in 2023 was \$131,412, whereas annual median income for Bergen County households was \$123,715. Table 13, Household and Family Income by Income Brackets for Wood-Ridge and Bergen County, 2023, further illustrates these findings by noting the number of households in each of the income categories.

Table 13. Household and Family Income by Income Brackets for Wood-Ridge and Bergen County, 2023

	Wood-Ridge		Bergen County	
	Households	Percent	Households	Percent
Less than \$5,000	61	1.6%	7,259	2.1%
\$5,000 to \$9,999	27	0.7%	3,942	1.1%
\$10,000 to \$14,999	26	0.7%	7,234	2.0%
\$15,000 to \$19,999	88	2.3%	6,577	1.9%
\$20,000 to \$24,999	10	0.3%	6,705	1.9%
\$25,000 to \$34,999	85	2.2%	15,240	4.3%
\$35,000 to \$49,999	287	7.5%	23,079	6.5%
\$50,000 to \$74,999	402	10.5%	39,916	11.3%
\$75,000 to \$99,999	426	11.1%	35,056	9.9%
\$100,000 to \$149,999	767	20.1%	62,751	17.8%
\$150,000 or more	1,642	43.0%	145,548	41.2%
<b>Total</b>	<b>3,821</b>	<b>100.0%</b>	<b>353,307</b>	<b>100.0%</b>
<b>Median Income</b>	<b>\$131,412</b>		<b>\$123,715</b>	

Source: American Community Survey, 2019-2023 (Table S2503 Financial Characteristics)

Although the Census data does not provide a breakdown of household income by household size, the 2024 Regional Income Limits prepared by the Affordable Housing Professionals of New Jersey<sup>1</sup> for Bergen, Hudson, Passaic and Sussex Counties (Region 1) indicate the median household income for a household of one person was \$84,288. As such, the moderate-income threshold for a household of one person was \$67,430 (i.e., 80 percent of \$84,288). In attempting to approximate the number of low- and moderate-income households in the Borough, using a household size of one is a conservative approach that represents just a minimum threshold. Table 13 above shows that the percentage of households in the Borough for which income was below the closest breakpoint to this minimum threshold (i.e., \$50,000-\$74,999) was approximately 10.5 percent.

The percentage of persons and household below the poverty level, as defined by the 2023 American Community Survey, equates to 6.5 percent of all Wood-Ridge residents. This is slightly lower than the County as a whole, wherein 6.7 percent of County residents were living below the poverty level in 2023.

### Employment Characteristics

Table 14, Employment Status, 2023, indicates the number of Borough residents 16 years and over who are in the labor force, the type of labor force (i.e., civilian or armed forces) and employment status. Approximately 73 percent of Wood-Ridge residents 16 and over are in the labor force and, among those in the labor force, all are in the civilian labor force. Of the residents in the civilian labor force, approximately 95 percent are employed and approximately 5 percent are unemployed.

Table 14. *Employment Status, 2023*

	Number in Wood-Ridge	Percent in Wood-Ridge
Population 16 years and over	8,378	-
In Labor Force	6,097	72.8%
Civilian Labor Force	6,097	72.8%
<i>Employed</i>	5,813	69.4%
<i>Unemployed</i>	284	3.4%
Armed Forces	0	0.0%
Not in Labor Force	2,281	27.2%

Source: American Community Survey, 2019-2023 (Table DP03 Selected Economic Characteristics)

Table 15, *Employment by Occupation, Wood-Ridge, 2023*, identifies the occupations of employed persons. While Wood-Ridge residents work in a variety of industries, 56 percent of employed residents work in Management, Business, Science, and Arts occupations; 19 percent are employed in Sales and Office occupations; and approximately 18 percent work in Service-related occupations.

Table 15. *Employment by Occupation, Wood-Ridge, 2023*

Sector Jobs	Number	Percent
Management, Business, Science, and Arts Occupations	3,260	56.1%
Service	1,081	18.6%
Sales and Office	1,103	19.0%
Natural Resources, Construction, and Maintenance	173	3.0%
Production, Transportation, and Moving	196	3.4%
Total	5,813	100.0%

Source: American Community Survey, 2019-2023 (Table DP03 Selected Economic Characteristics)

Table 16, *Distribution of Employment by Industry, Borough Residents, 2023*, shows the distribution of employment by industry for employed Wood-Ridge residents. The four industries to capture the largest segments of the population were the Educational, Health and Social Services sector at 17 percent; the Professional, Scientific, Management, Administrative, and Waste Management Services sector at 16 percent; the Financing, Insurance, Real Estate, Renting, and Leasing sector at 14 percent; and the Retail Trade sector at 13 percent.

Table 16. Distribution of Employment by Industry, Borough Residents, 2023

Sector Jobs	Number	Percent
Agriculture, Forestry, Fishing and Hunting, and Mining	0	0.0%
Construction	312	5.4%
Manufacturing	285	4.9%
Wholesale Trade	173	3.0%
Retail Trade	741	12.7%
Transportation and Warehousing, and Utilities	133	2.3%
Information	297	5.1%
Financing, Insurance, Real Estate, Renting, and Leasing	798	13.7%
Professional, Scientific, Management, Administrative, and Waste Management Services	905	15.6%
Educational, Health and Social Services	1026	17.7%
Arts, Entertainment, Recreation, Accommodation and Food Services	342	5.9%
Public Administration	305	5.2%
Other	496	8.5%
<b>Total</b>	<b>5,813</b>	<b>100.0%</b>

Source: American Community Survey, 2019-2023 (Table DP03 Selected Economic Characteristics)

Of employed Borough residents, approximately 79 percent are private wage and salary workers; 16 percent are government workers; and 5 percent are self-employed. See Table 17, Distribution by Class of Worker, 2023, for additional details.

Table 17. Distribution by Class of Worker, 2023

	Number in Wood-Ridge	Percent in Wood-Ridge
Private Wage and Salary Workers	4618	79.4%
Government Workers	903	15.5%
Self-employed in own not incorporated business workers	292	5.0%
Unpaid family workers	0	0.0%
<b>Total</b>	<b>5,813</b>	<b>100.0%</b>

Source: American Community Survey, 2019-2023 (Table DP03 Selected Economic Characteristics)

The New Jersey Department of Labor and Statistics tracks covered employment throughout the State. See Table 18, Employment in Wood-Ridge by Industry Sector, 2012, 2017, 2022, for additional details. According to the New Jersey Department of Labor and Statistics, there were 1,551 private sector jobs in Wood-Ridge in 2022. Whole Sale Trade; Manufacturing; and Retail Trade were the largest sectors of in-town employment, with 331, 294 and 186 jobs, respectively. Table 18 also shows the number of employees by sector in Wood-Ridge in 2012 and 2017. The private sector workforce saw a decrease

in employment with a 3 percent decrease between 2012-2017 and a 6 percent decrease between 2017-2022. Overall, between 2012 and 2022, the Borough saw an 8 percent decrease in private sector employees. Though the Borough had a general decrease in the private workforce, individual job categories saw slight increases over these 10 years. The sector which saw the largest increase in private employment between 2012 and 2022 was the Wholesale Trade sector, with an increase of 70 jobs (or 27 percent). The Professional, Scientific and Technical sector saw the largest decrease in local employment during the same time period, with a loss of 69 jobs (or 62 percent).

Table 18. Employment in Wood-Ridge by Industry Sector, 2012, 2017, 2022

PRIVATE SECTOR JOBS	2012		2017		2022	
	COUNT	SHARE	COUNT	SHARE	COUNT	SHARE
Agriculture, Forestry, Fishing and Hunting, and Mining	0	0.0%	0	0.0%	0	0.0%
Mining, Quarrying and Oil and Gas Extraction	0	0.0%	0	0.0%	0	0.0%
Utilities	0	0.0%	0	0.0%	0	0.0%
Construction	168	9.9%	124	7.5%	113	7.3%
Manufacturing	361	21.3%	411	25.0%	294	19.0%
Wholesale Trade	261	15.4%	266	16.2%	331	21.3%
Retail Trade	217	12.8%	224	13.6%	186	12.0%
Transportation and Warehousing	93	5.5%	66	4.0%	140	9.0%
Information	0	0.0%	7	0.4%	11	0.7%
Finance and Insurance	28	1.7%	15	0.9%	28	1.8%
Real Estate/Rental & Leasing	16	0.9%	32	1.9%	43	2.8%
Professional, Scientific and Technical Services	112	6.6%	117	7.1%	43	2.8%
Management of Companies and Enterprises	1	0.1%	1	0.1%	0	0.0%
Administration & Support, Waste Management and Remediation	30	1.8%	35	2.1%	41	2.6%
Educational Services	3	0.2%	5	0.3%	0	0.0%
Health Care and Social Assistance	77	4.6%	82	5.0%	69	4.4%
Arts, Entertainment and Recreation	60	3.5%	38	2.3%	26	1.7%
Accommodation and Food Services	227	13.4%	172	10.5%	168	10.8%
Other Services (Excluding Public Administration)	38	2.2%	48	2.9%	58	3.7%
Public Administration	0	0.0%	0	0.0%	0	0.0%
<b>TOTAL PRIVATE SECTOR</b>	<b>1,692</b>	<b>100.0%</b>	<b>1,643</b>	<b>100.0%</b>	<b>1,551</b>	<b>100.0%</b>

Source: State of New Jersey Department of Labor and Workforce Development Local Employment Dynamics; <http://onthemap.ces.census.gov/>

## Growth Trends and Projections

### Residential Trends and Projections

According to the New Jersey Construction Reporter, between 2013 and 2023, Wood-Ridge issued 636 certificates of occupancy for newly constructed housing units that did not replace existing housing units. Most of these newly constructed housing units are attributable to the redevelopment of the former Curtiss-Wright industrial complex into the Wesmont Station neighborhood. See Table 19, *Residential Certificates of Occupancy, 2013-2023*, for additional details. Note that under the category of “1 & 2 Family” the data source does not break out separate counts between 1-Family and 2-Family homes. The records of the Borough’s construction code official indicate that 100% of the certificates of occupancy in this category were for 1-Family homes.

*Table 19. Residential Certificates of Occupancy, 2013-2023*

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
<b>1 &amp; 2 Family</b>	1	58	108	123	118	4	6	0	0	0	0	<b>418</b>
<b>Multifamily</b>	0	0	48	0	5	77	5	3	1	26	0	<b>165</b>
<b>Mixed-Use</b>	0	0	0	1	13	14	1	3	3	18	0	<b>53</b>
<b>Total</b>	<b>1</b>	<b>58</b>	<b>156</b>	<b>124</b>	<b>136</b>	<b>95</b>	<b>12</b>	<b>6</b>	<b>4</b>	<b>44</b>	<b>0</b>	<b>636</b>

Source: New Jersey Construction Reporter

The Borough has seen the construction of primarily one-family homes over the last decade, however, there has been a clear decrease in such unit type within the last four years. Nearly all of this development was concentrated on the former Curtiss-Wright industrial complex, which became available for redevelopment in recent years. This site is located in the West Side Wood-Ridge Redevelopment Area, and is referred to as the Wesmont Station development, which is the name of the New Jersey Transit railroad station built adjacent to this redevelopment area. A redevelopment plan was adopted for this area in 2003 (the West Side Redevelopment Plan). Due to changes in market conditions and other factors, a new Wesmont Station Redevelopment Plan was adopted in 2012. This plan was subsequently amended in 2019. Given the lack of vacant, developable land in the municipality, it is not anticipated there will be much new housing development in coming years other than redevelopment of existing developed properties.

### Nonresidential Trends and Projections

According to the New Jersey Construction Reporter, between 2003 and 2013, Wood-Ridge issued certificates of occupancy for a total of ±147,346 square feet of non-residential building space. See Table 20, *Non-Residential Certificates of Occupancy, 2003-2013*, for additional details. The majority of the non-residential growth can be attributed to:

- 59,550 square feet of office space, for which certificates of occupancy were issued in 2003, 2006-2009 and 2010,
- 37,251 square feet of educational space, for which certificates of occupancy were issued in 2004, 2007 and 2013, and

- 34,171 square feet of assembly space (i.e., libraries, restaurants, lecture halls, art galleries), for which certificates of occupancy were issued in 2004, 2008 and 2012.

*Table 20. Non-Residential Certificates of Occupancy, 2013-2023*

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
Office	0	8,771	0	0	0	0	0	0	0	0	0	8,771
Retail	0	0	0	0	0	0	0	0	0	0	0	0
A-1	0	0	0	0	0	0	0	0	0	0	0	0
A-2	0	0	0	0	0	0	0	0	0	0	0	0
A-3	0	0	0	0	0	0	0	0	0	0	0	0
A-4	0	0	0	0	0	0	0	0	0	0	0	0
A-5	0	0	0	0	0	0	0	0	0	0	0	0
Multifamily/ Dormitories	240,000	15	55,019	0	9,312	168,334	10,745	6,447	2,149	45,819	0	537,840
Hotel/ Motel	0	0	0	4,651	30,222	34,641	3,775	6,447	107,861	35,924	0	223,521
Education	0	0	0	0	0	0	0	0	0	0	0	0
Industrial	0	0	0	0	0	0	0	0	0	0	0	0
Hazardous	0	0	0	0	0	0	0	0	0	0	0	0
Institutional	0	0	0	0	0	0	0	0	0	0	0	0
Storage	0	0	0	0	0	0	193,889	0	0	0	0	193,889
Signs, Fences, Utility and Misc.	0	0	342	0	0	0	0	0	0	0	0	342
<b>TOTAL</b>	<b>240,000</b>	<b>8,786</b>	<b>55,361</b>	<b>4,651</b>	<b>39,534</b>	<b>202,975</b>	<b>280,409</b>	<b>12,894</b>	<b>110,010</b>	<b>81,743</b>	<b>0</b>	<b>964,363</b>

Source: New Jersey Construction Reporter

### Capacity for Growth

The Borough of Wood-Ridge has long been an essentially fully developed municipality. The Vacant Land Analysis in the following chapter addresses this issue in detail, and demonstrates the lack of available developable land within the Borough. The only realistic development opportunity is the reuse of existing developed properties for residential use, as was the case with the redevelopment of portions of the Curtiss-Wright industrial complex. Therefore, any existing vacant or potentially redeveloped parcels have been taken into account in this document.

## V. Fair Share Plan

### Affordable Housing Obligations

#### Introduction

The New Jersey Department of Community Affairs (DCA) has calculated statewide and regional affordable housing needs, including municipal obligations. These non-binding determination of each municipality's Fourth Round (2025 to 2035) affordable housing obligations were released on October 18, 2024. A deadline of January 31, 2025 was set for municipalities to adopt a binding resolution setting forth either their acceptance of the DCA determination of their obligations or the municipal determination of their Fourth Round obligations. Wood-Ridge's Mayor and Council adopted a resolution on January 15, 2025 accepting the Borough's Fourth Round obligations proposed by DCA. This resolution was filed with the State's Affordable Housing Dispute Resolution Program within 48 hours of adoption and was published on the Borough's website as required. Each of these obligations is discussed below.

#### Present Need

Present Need, also known as the rehabilitation obligation, is defined as the number of substandard existing deficient housing units in the municipality currently occupied by low- and moderate-income (LMI) households. DCA proposed a non-binding Present Need obligation for Wood-Ridge of 17. The Borough of Wood-Ridge has accepted this obligation.

#### Prospective Need

Municipal Prospective Need obligations are calculated as a share of the region in which the municipality is located (Wood-Ridge's region includes Bergen, Hudson, Passaic and Sussex Counties). The total Prospective Need for this region for Round 4 is 27,743, with this need allocated to municipalities throughout the region. However, "Qualified Urban Aid Municipalities" are exempt from addressing Prospective Need, which increases the remaining municipalities' obligations. Regional Prospective Need is then allocated across the non-qualified urban aid municipalities in the region by applying three factors. DCA's proposed non-binding Prospective Need obligation for Wood-Ridge is 130. The Borough of Wood-Ridge has accepted this obligation.

The Prospective Need obligation is cumulative. The new construction number consists of the Prior Round obligations for Rounds 1 and 2, the Prospective Need obligation for Round 3 and the Prospective Need obligation for Round 4.

The following table provides an overview of the Borough's affordable housing obligations for 1987-2025 published by Econsult Solutions in accordance with the methodology set forth in Judge Mary C. Jacobson's March 8, 2018 opinion on fair share obligations in Mercer County.

Prior Round Obligation (1987-1999)	38
Gap Present Need (1999-2015)	79
Third Round Prospective Need (2015-2025)	91
<b>TOTAL</b>	<b>208</b>

Although the Jacobson decision only directly affected Mercer County, its methodology has been cited in court cases in counties throughout New Jersey and is a reasonable source for what a municipality’s obligations are pursuant to case law. Based on this source, Wood-Ridge’s cumulative Prospective Need is 338.

### Vacant Land Analysis

Wood-Ridge is seeking a “vacant land adjustment” to determine the Borough’s “realistic development potential” (RDP), which has been prepared in accordance with the procedures in the Second Round Substantive Rules of the New Jersey Council on Affordable Housing (COAH) in N.J.A.C. 5:93-4.2.

The text, tables and map in Appendix 2 show a vacant land inventory (VLI) based on the most up-to-date quantitative and qualitative data and information available to the Borough. Subsection (c) allows for small properties to be excluded from the VLI if their size would not accommodate five dwelling units, based on presumptive density requirements. Subsection (e) permits a municipality to eliminate a site of part thereof the VLI if it falls within wetlands, flood hazard areas, sites with slopes exceeding 15%, C1 waterbody buffers, and open water. Other sites that may be eliminated from the VLI include historic and architecturally important sites; active recreational lands; properties designated for conservation, parklands, and open space, or Borough community services; properties subject to conservation or utility easements, and properties that are unsuitable for low and moderate income development.

The assessment also reviewed farm (Property Class 3B), public property (Property Class 15C), and other potentially developable sites. Our analysis yielded no developable sites for Property Classes 1, 3B, and 15C, as indicated in the appended tables. However, the “other” sites category includes properties that fall outside those property class designations and can potentially be developed for affordable housing if conditions permit and opportunity for such development becomes available (i.e., redevelopment areas, properties in affordable housing overlay zones, etc.). The inventory lists the amount of acreage that is suitable for development and the amount that is constrained for one or more of the above permitted reasons in N.J.A.C. 5:93-4.2.

Based on Wood-Ridge’s established development patterns, there are limited developable parcels and no uses such as active golf courses, farms, or driving ranges that could be considered.

As Wood-Ridge has an RDP of zero units, the Borough’s Fourth Round “unmet need” is 130 units.

## Proposed Compliance Mechanisms

### Present Need

Wood-Ridge will actively participate in the Bergen County Home Improvement Program.

### Prior Round and Third Round Obligations

As noted above, the Borough has a combined 1987-2025 Prior Round and Third Round Prospective Need obligation of 208.

The Borough of Wood-Ridge has long been an essentially fully developed municipality. However, the former Curtiss-Wright industrial complex became available for redevelopment as discussed in the prior chapter. The Borough, its Planning Board and Wood-Ridge Redevelopment, LLC entered into a Settlement Agreement with FSHC in 2008 regarding the provision of affordable housing on the Curtiss-Wright site (the “Wesmont Station Settlement Agreement”).

The Borough’s 2008 settlement agreement with FSHC states that Phase I of the Wesmont Station redevelopment can include 500 market rate units and 80 affordable units. Of the 80 units, 73 are credited to the Third Round and 7 are applied to the Second Round (i.e., Prior Round). The settlement agreement allowed bonus credits to be granted, subject to the limitations of COAH’s rules. The settlement agreement required an additional 14 rental affordable units in a “later phase” of the development, which would be applied to the Borough’s Second Round obligation. These numbers are also incorporated in Wood-Ridge’s 2008 Housing Plan Element and Fair Share Plan, which provided potential compliance mechanisms to address the remainder of the Borough’s Third Round obligation (two group homes for a total of eight credits and an overlay zone or additional age-restricted units in the Wesmont project for 16 credits).

The actual number of affordable units constructed in the Wesmont Station redevelopment project exceeds these figures, as 151 affordable units have been constructed and occupied to date. According to the 2019 Wesmont Station Redevelopment Plan, none of the units are age restricted. All affordable units are located within a one-half radius from the NJ Transit Bergen County/Main Line Wesmont Station. Table 20 shows the breakdown of the affordable rental units within the redevelopment area.

*Table 20. Affordable Units in Wesmont Station Redevelopment Project*

	Address	Year Constructed	Units
Avalon Bay Complex	100 Rosie Square	2012	47
The Willows at Wesmont Station/ Ingerman	100 Johnson Drive	2015	104
<b>TOTAL UNITS</b>			<b>151</b>

The map in Appendix 1 shows the location of these sites.

In conjunction with the provisions of the Wesmont Station Settlement Agreement, the Borough initiated the process of substantive certification<sup>2</sup> from COAH. This process involved the preparation and adoption of the Housing Plan Element and Fair Share Plan. However, the Borough never ended up

<sup>2</sup> A determination by the Council approving a municipality’s housing element and fair share plan in accordance with the provisions of N.J.S.A. 52:27D-322. A grant of substantive certification shall be valid for a period of 6 years.

obtaining the substantive certification as the COAH process was thrown into a state of confusion described above.

In 2015, a New Jersey Supreme Court decision shifted the jurisdiction of affordable housing certification compliance to the courts and created a new process. Wood-Ridge already had a settlement agreement in place with FSHC at this time and thus did not go through the judicial certification process.

Wood-Ridge has 151 units of affordable housing that can be applied to its Second and Third Round Prospective Need obligations. In addition, the Borough can claim additional credits for rental bonuses, which prior to the Fourth Round is one bonus credit per rental unit, up to a maximum of 25 percent of the Borough's Prior Round and Third Round obligations (208) or 52 credits.

The Wesmont Station Settlement Agreement anticipated that group homes with a total of eight units of credit would be provided within the Third Round, but these group homes were not constructed.

Therefore Wood-Ridge has a total of 203 credits to address cumulative Prior Round and Third Round Prospective Need of 208. The Borough will address this five unit Third Round gap through a market-to-affordable program described below.

#### Fourth Round Bonus Credits

The bonuses included in the amended FHA for the Fourth Round, which would be applicable to any units that address the Fourth Round obligations and beyond, are as follows:

- Supportive/Special Needs: One unit of credit and one bonus credit for each unit of low- or moderate-income housing for individuals with special needs or permanent supportive housing, as those terms are defined in section 2 of P.L. 2004, c.70 (C.34:1B-21.24)
- Ownership Units Created with Non-Profit: One unit of credit and one-half bonus credit for each low- or moderate-income ownership unit created in partnership sponsorship with a non-profit housing developer
- Transit: One unit of credit and one-half bonus credit for each unit of low- or moderate-income housing located within a one-half mile radius (or one-mile radius for projects located in a Garden State Growth Zone), surrounding a New Jersey Transit Corporation, Port Authority Transit Corporation, or Port Authority Trans-Hudson Corporation rail, bus, or ferry station, measured from the closest point on the outer perimeter of the station, including any associated park-and-ride lot, to the closest point of the housing project property
- Age-Restricted: One unit of credit and one-half bonus credit for a unit of age-restricted housing, provided that a bonus credit for age-restricted housing shall not be applied to more than 10 percent of the units of age-restricted housing constructed in compliance with the Uniform Housing Affordability Controls promulgated by the New Jersey Housing and Mortgage Finance Agency in a municipality that count towards the municipality's affordable housing obligation for any single 10-year round of affordable housing obligations

- Additional Three-Bedroom Units: One unit of credit and one-half bonus credit for each unit of low- or moderate-income family housing with at least three bedrooms above the minimum number required by the bedroom distribution
- Former Retail, Office, Commercial: One unit of credit and one-half bonus credit for a unit of low- or moderate-income housing constructed on land that is or was previously developed and utilized for retail, office, or commercial space
- Extension of Controls: One unit of credit and one-half bonus credit for each existing low- or moderate-income rental housing unit for which affordability controls are extended for a new term of affordability, in compliance with the Uniform Housing Affordability Controls, and the municipality contributes funding towards the costs necessary for this preservation
- Municipal Contribution to 100% Affordable: One unit of credit and one bonus credit for each unit of low- or moderate-income housing in a 100 percent affordable housing project for which the municipality either contributes property without which the project would not be feasible, or makes contributions from the municipal affordable housing trust fund that cover no less than 3 percent of the project cost
- Additional Very Low-Income Units: One unit of credit and one-half bonus credit for each unit of very low-income housing for families above the 13 percent of units required to be reserved for very low-income housing pursuant to section 7 of P.L.2008, c.46 (C.52:27D-329.1)
- Market to Affordable: One unit of credit and one bonus credit for each unit of low- or moderate-income housing created by transforming an existing rental or ownership unit from a market rate unit to an affordable housing unit

For the Fourth Round and beyond, a municipality shall not receive more than one type of bonus credit for any unit, and a municipality shall not be permitted to satisfy more than 25 percent of its prospective need obligation through the use of bonus credits.

#### Satisfaction of Prospective Need and Unmet Need

Wood-Ridge's Fourth Round RDP is zero. Wood-Ridge's Fourth Round Unmet Need obligation of 130 units will be addressed through the following compliance mechanisms:

**Market-to-Affordable Program:** Wood-Ridge will pursue a "market-to-affordable" program, which will seek to use the Borough's affordable housing trust funds to convert existing market-rate units to affordable units, in compliance with applicable requirements. The Borough will specifically target two existing multifamily residential properties: Windsor Apartments, 589 Moonachie Avenue and Cliffview Garden Apartments, 306 Hackensack Avenue. This program will utilize affordable housing trust fund monies to pay down the cost of not less than 15 market-rate units, including units in foreclosure, and offer them in sound condition, for rent and sale, at affordable prices to low- and moderate-income households. As noted above, five units in this program will be allocated to the remaining Third Round obligation and the remainder to Fourth Round Unmet Need.

**Existing Overlay Zone:** The Borough will address a portion of its Unmet Need through the existing Overlay of Light Industrial Park (OLIP) District. The OLIP zone will be amended to require a 20 percent set-aside of affordable dwelling units for any residential development in the zone.

**Inclusionary Zoning Requirements:** While there are no other large vacant parcels available for redevelopment at this time, it is possible that existing developed areas may be proposed for redevelopment. This ordinance is proposed to be added to the Zoning Ordinance of the Borough of Wood-Ridge by creating the following new section:

Inclusionary Housing Requirements. Any residential development consisting of five or more dwelling units at a density of six units per acre or greater shall produce low- and moderate-income housing on-site or elsewhere in the Borough. The number of affordable units to be provided or shall be equal to 20 percent of the residential units in the development.

A draft of this ordinance section is included in the proposed Zoning Ordinance amendments included in Appendix 4.

### **Consideration of Lands and Buildings for Low- and Moderate-Income Housing**

Wood-Ridge is an essentially fully developed municipality with limited vacant land. As documented by the VLA discussed above, most of the vacant land in the Borough is not developable due to environmental constraints or other factors. All development in recent years that has resulted in the construction of new affordable housing units has been the result of redevelopment of previously developed properties. This trend is expected to continue in coming years.

As of the date of this plan, there have not been any developers who have expressed a commitment to provide low- and moderate-income housing.

### **Spending Plan**

The Borough of Wood-Ridge has a development fee ordinance which provides a dedicated revenue source for affordable housing. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund for the purposes of affordable housing. These funds shall be spent for purposes including a market-to-affordable program, providing affordability assistance to low-income households and professional services related to the planning for affordable housing. The proposed Spending Plan is included in Appendix 3.

## VI. Relationship to Multigenerational Family Housing Continuity

Multigenerational housing is becoming a desired housing option in the State due to rising housing costs and an aging population. Housing for multigenerational families is necessary to offer a diverse housing stock and to account for population trends. Multigenerational housing can provide an opportunity for residents to age in place, save on costs associated with housing, and provide in-house care for an older adult or persons with disabilities. Additionally, multigenerational housing is a more sustainable approach to meeting housing obligations as there is no need for the construction of new homes in order to provide housing for additional individuals.

In addition to an aging population, recent trends show it is not uncommon for post-graduate college students to return to their parent or guardians' home, given the rise in housing costs over the past few years. As such, it is important to approach multigenerational housing with all ages in mind to accommodate multiple generations on both sides of the spectrum.

One possible approach to providing multigenerational housing that Wood-Ridge could integrate into its housing stock is multifamily residential that offers resources and amenities for elderly, young adults, middle-aged parents, and young children alike to support all ages and all generations potentially living together. Providing amenities such as ADA compliant parking spaces, ramps, and public spaces, as well as on-site playgrounds and daycares, public office space, and meeting rooms facilities cohesive living for all ages.

## VII. Consistency with the State Development and Redevelopment Plan

The New Jersey State Development and Redevelopment Plan (SDRP) was originally adopted in 1992. The purpose of the SDRP according to the State Planning Act at N.J.S.A. 52:18A-200(f) is to:

*Coordinate planning activities and establish Statewide planning objectives in the following areas: 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.*

The State Plan is not a regulation, but a policy guide, and is meant to coordinate planning activities and development throughout the state. At the municipal level, master plans are required to be evaluated and, if necessary, modified to reflect policies of the State Plan. The State Plan is also important when the State makes infrastructural and other investment decisions, i.e., in determining where available State funds should be expended.

A revised version of the plan was adopted by the State Planning Commission in 2001. While required by the State Planning Act to be revised and re-adopted every three years, the SDRP has only been readopted once during the 32 years since its original adoption. A new State Strategic Plan (SSP) was proposed in 2011 as the revision to the 2001 SDRP, but it has not been advanced in recent years. The State Office of Planning Advocacy started the process of preparing a new State Plan in 2023 and the State Planning Commission has been engaging with stakeholders. As part of the update process, the State Planning Commission approved the Preliminary State Development and Redevelopment Plan on December 4, 2024, and was undertaking the Cross-Acceptance process (i.e., review of the plan at the county level) at the time this HEFSP was first adopted. The new State Development and Redevelopment Plan was subsequently adopted in December 2025.

Spatially, the last adopted State Plan utilizes planning areas, centers, and environs as a framework for implementing Statewide goals and policies. The State Plan Map indicates that the Borough of Wood-Ridge is located within the Metropolitan Planning Area (PA1). For the Metropolitan Planning Area, the State Plan has four major aims, as follows: (1) to provide for much of the state's future redevelopment; (2) to revitalize cities and towns and promote growth in compact forms; (3) to stabilize older suburbs and redesign areas of sprawl; and (4) to protect the character of existing stable communities.

The land use policy objectives of the Metropolitan Planning Area are to:

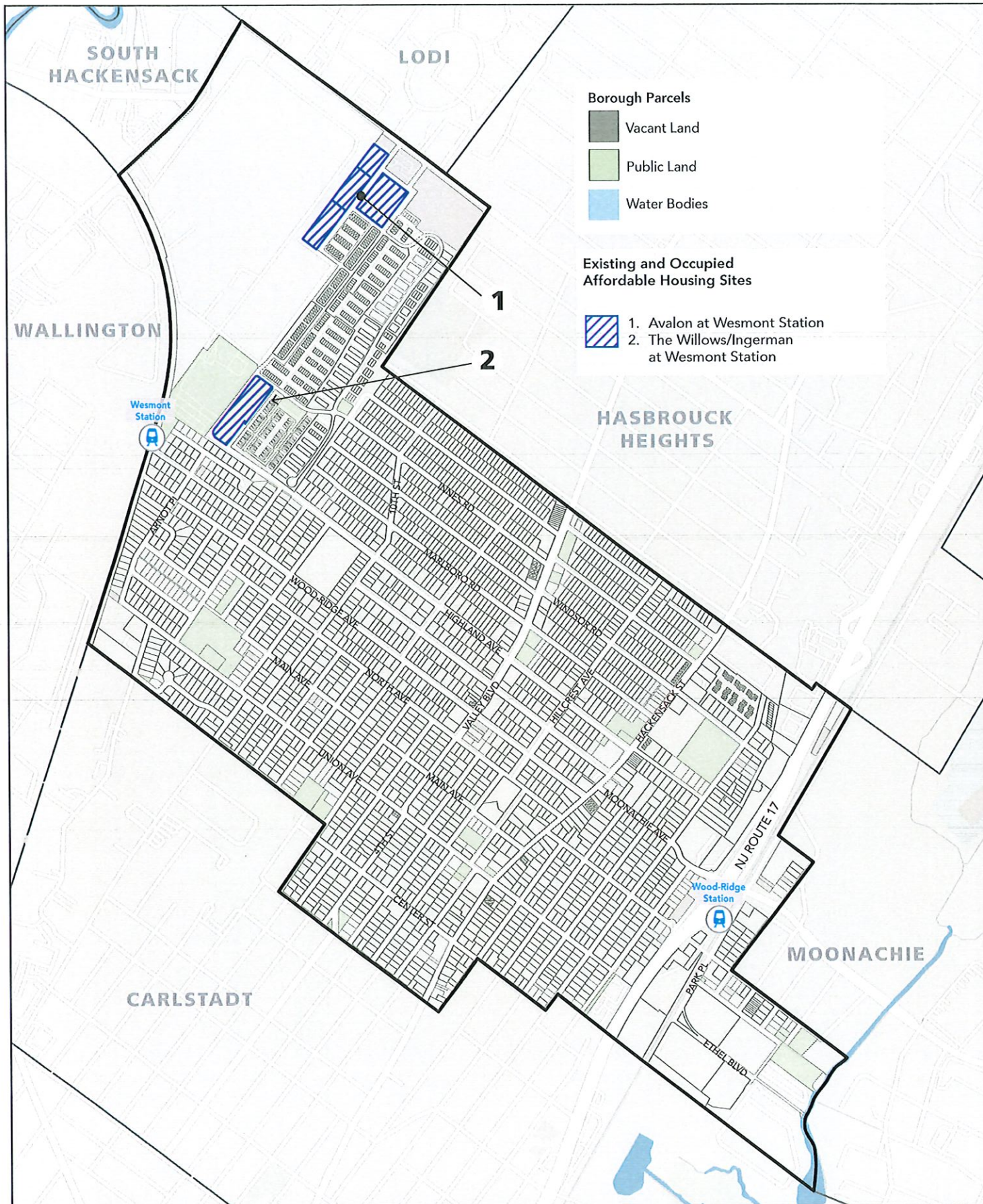
1. Promote redevelopment and development in cores and neighborhoods through cooperative regional planning efforts;
2. Promote diversification of land uses, including housing where appropriate, in single-use developments and enhance their linkages to the rest of the community; and

3. Ensure efficient and beneficial utilization of scarce land resources throughout the Planning Area to strengthen its existing diversified and compact nature.

The Wood-Ridge Master Plan recognizes the need to encourage development and redevelopment on the limited developable land in the Borough. This Housing Plan promotes higher density compact forms of housing and mixed-use development in appropriate locations served by existing infrastructure and proximate to transit, stores and services, and is therefore consistent with the State Plan.

## Appendices

- Appendix 1: Existing Affordable Housing Sites map
- Appendix 2: Vacant Land Adjustment Data and Map
- Appendix 3: Spending Plan
- Appendix 4: Draft Ordinances



## Appendix 1: Existing Affordable Housing Sites

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community

## Appendix 2: Vacant Land Adjustment

There is limited land in the Borough that is vacant or otherwise developable for affordable and/or inclusionary housing. Pursuant to the requirements of the amended Fair Housing Act, set forth at N.J.S.A. 52:27D-310.1, the Borough of Wood-Ridge is entitled to a Vacant Land Adjustment (VLA) to determine the Borough's Fourth Round Realistic Development Potential (RDP), based on the amount of vacant and/or developable land that is suitable for inclusionary development. As such, a VLA has been conducted, which determined that Wood-Ridge's Fourth Round RDP is zero units. After subtracting this number from the Fourth Round Prospective Need of 130 units, Wood-Ridge has a Fourth Round Unmet Need of 130 units. The vacant land inventory (VLI) is based on the most recent and accurate quantitative and qualitative data and information available to the Borough.

Using the most recent tax assessment data for Wood-Ridge, obtained from the state of New Jersey's assessment records, all Class 1 (vacant) and Class 15C (public land) property parcels were extracted to create a preliminary list of potentially developable properties in the Borough. There were no properties in the Borough assessed with a property class of 3B (farmland).

MOD IV Tax Assessment data and corresponding parcel shapefile data were obtained from the New Jersey Geographic Information Network (NJGIN), which serves as the Geographic Information Systems (GIS) data warehouse for New Jersey. The parcel shapefile was used in GIS to analyze environmental constraints, spatial relationships between vacant parcels, etc. In the event that there were discrepancies between the MOV IV data and the 2024 tax assessment records referenced above, data from the 2024 tax assessment records was used.

### *Eliminating Parcels from Consideration*

Parcels were initially eliminated from the preliminary list of potentially developable properties based on the following:

- a) any land that is owned by a local government entity that as of January 1, 1997, has adopted, prior to the institution of a lawsuit seeking a builder's remedy or prior to the filing of a petition for substantive certification of a housing element and fair share plan, a resolution authorizing an execution of agreement that the land be utilized for a public purpose other than housing;
- b) any land listed on a master plan of a municipality as being dedicated, by easement or otherwise, for purposes of conservation, park lands or open space and which is owned, leased, licensed, or in any manner operated by a county, municipality or tax-exempt, nonprofit organization including a local board of education, or by more than one municipality by joint agreement pursuant to P.L.1964, c.185 (C.40:61-35.1 et seq.), for so long as the entity maintains such ownership, lease, license, or operational control of such land;

- c) any vacant contiguous parcels of land in private ownership of a size which would accommodate fewer than five housing units based on appropriate standards pertaining to housing density (parcels less than 0.83 acres in size);
- d) historic and architecturally important sites listed on the State Register of Historic Places or National Register of Historic Places prior to the date of filing a housing element and fair share plan pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1) or initiation of an action pursuant to section 13 of P.L.1985, c.222 (C.52:27D-313);
- e) agricultural lands when the development rights to these lands have been purchased or restricted by covenant;
- f) sites designated for active recreation that are designated for recreational purposes in the municipal master plan;
- g) and environmentally sensitive lands where development is prohibited by any State or federal agency, including, but not limited to, the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), for lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities.

It should be noted that the rules of NJAC 5:93-4.2 were utilized, where still applicable, in order to complete the analysis of lands which may be excluded from consideration.

Tax assessment data, aerials and the NJDEP Recreation and Open Space Inventory (ROSI) were also consulted to determine those Class 15C (public) properties that were not available for development (i.e., parklands, utilities, municipal buildings, etc.).

With regard to item c) above, the limited vacant sites throughout the municipality are isolated small parcels and/or located in single-family residential neighborhoods. Even if a higher density than six units per acre were to be assigned to such lots, given their limited size (less than 0.83 acres), the cost of construction and the need to provide adequate parking for multifamily residential development would mean there is still no realistic potential for the redevelopment of such parcels with inclusionary residential development.

Therefore, Wood-Ridge's Realistic Development Potential (RDP) is zero.

#### *Environmental Constraints*

Environmentally sensitive lands per N.J.A.C. 5:93-4.2(e)2 were then mapped and deducted on those Class 1 and 15C parcels that were not eliminated from consideration based on the above criteria. To start, GIS shapefiles were obtained for the following environmental constraints:

- Wetlands and water bodies derived from the NJDEP 2020 state land use/land cover dataset
- FEMA flood hazard areas, inclusive of the 100-year floodplain. It should be noted that construction within the floodway itself is severely restricted as per NJAC 7:13-et seq, and therefore excluded. Furthermore, flood hazard areas (defined as the 100-year design flood as per NJAC 7:13-et seq) were also excluded.
- Steep slope areas exceeding 15 percent greater than 5,000 square feet as per 10-foot digital elevation model lidar data

In this analysis, these constraints were then consolidated to determine the environmentally constrained areas contained within each of the properties which had not yet been eliminated from consideration for potential development for the reasons stated above. The environmentally constrained lands layer was processed such that the constraints would not be "double-counted" in the event that they overlapped one another. Using GIS, the acreage of environmentally constrained lands was calculated for each property. The area of environmentally constrained lands was then subtracted from the property's overall acreage, leaving the remaining developable area of each property. As stated above, those properties with less than 0.83 acres of developable area remaining were eliminated from the list of potentially developable properties.

#### *Plan Area and Sewer Service Area*

Following the aforementioned steps in the VLA analysis, there were no remaining parcels available for development consideration. Nonetheless, it was determined that the entire Borough of Wood-Ridge is within a Sewer Service Area as per the Statewide Sewer Service Area for New Jersey Authoritative GIS layer obtained from the New Jersey Department of Environmental Protection Bureau of GIS. Additionally, it was found that the entire Borough is also located within a Planning Area 1 (metropolitan planning area) per the New Jersey State Plan Policy Map.

#### *Conclusion*

There are no available parcels which can be considered a realistic candidate for development of affordable/inclusionary housing as established within the criteria outlined above. The Borough's RDP is zero based on the analysis of this VLA.

**Wood-Ridge 2025 Vacant Land Adjustment**

Block	Lot	Property Class	Property Location	Owner's Name	Zone	SDRP Plan Area	Sewer Service Area	Listed Acreage	Constrained Acreage	Remaining Acreage	Remaining Acreage ≥ 0.83 acres?	Developable Acreage	Affordable Units	Constraint Notes	Additional Notes
200	1	15C	FOURTH ST & FRITSCH AVE	BOROUGH OF WOOD-RIDGE	R1	PA1	Yes	0.044	0.044	0.000	N	0.000	0.000	Designated Park-Public Community Facility in 2016 Master Plan Reexamination	Pocket Park with Gazebo
203	12	15C	FOURTH ST	BOROUGH OF WOOD-RIDGE	R1	PA1	Yes	0.223	0.223	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
206	2.02	1	CENTER ST	KANDOLA REAL ESTATE LLC	R1	PA1	Yes	0.062	0.062	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
207	7.02	1	HACKENSACK ST	SOTO, NATALIE & RENNIE, JEFFREY	R2	PA1	Yes	0.057	0.057	0.000	N	0.000	0.000	0.012 acres listed on the New Jersey or National Registers of Historic Places	Lot too small
208	23	1	AFNOT PLACE	STARFIRE LIGHTING, L.L.C.	LIP	PA1	Yes	0.121	0.121	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
209	31	15C	FLORAL LANE	BOROUGH OF WOOD-RIDGE	R1	PA1	Yes	0.045	0.045	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
210	13	1	216 FLORAL LANE	PHILIPS, ATEF F. & MONA K.	R1	PA1	Yes	0.002	0.002	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
214	7	15C	SIXTH ST	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	0.918	0.918	0.000	N	0.000	0.000	Designated Park-Public Community Facility in 2016 Master Plan Reexamination	Wood-Ridge-Moonachie Little League Field
215	7	15C	SIXTH ST	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	0.492	0.492	0.000	N	0.000	0.000	Designated Park-Public Community Facility in 2016 Master Plan Reexamination	Wood-Ridge-Moonachie Little League Field
220	1	15C	UNION & HUMBOLDT	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	0.230	0.230	0.000	N	0.000	0.000	Designated Public and Quasso-Public Community Facility in 2016 Master Plan Reexamination	Borough Hall/Police and Fire Departments
220	2	15C	83 HUMBOLDT ST	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	0.115	0.115	0.000	N	0.000	0.000	Designated Public and Quasso-Public Community Facility in 2016 Master Plan Reexamination; Wood-Ridge Belt Memorial is listed on the New Jersey or National Registers of Historic Places	Borough Hall/Police and Fire Departments
225	12.02	1	56 COLUMBIA ST	PATEL, VIJAY B. & SHILPA V.	R1	PA1	Yes	0.057	0.057	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
226	9	1	WOOD-RIDGE ST	SONG, WON CHEOL	R1	PA1	Yes	0.023	0.023	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
227	2	15C	WOOD-RIDGE ST	BOROUGH OF WOOD-RIDGE	R1	PA1	Yes	0.286	0.286	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
229	4	15C	BERRY CREEK	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	4.400	4.400	0.000	N	0.000	0.000	Designated Public and Quasso-Public Community Facility in 2016 Master Plan Reexamination	Wood-Ridge Department of Public Works
229.02	7	15C	BERRY CREEK	BOROUGH OF WOOD-RIDGE	LIP	PA1	No; only 1.66% of the lot is provided sewer service	0.738	0.738	0.000	N	0.000	0.000	Open water- Berry Creek	Lot too small
231	11	1	125 11TH ST	LOHENZO, CARLA B.	R1	PA1	Yes	0.144	0.144	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
231	17	15C	261 UNION AVE	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	0.576	0.576	0.000	N	0.000	0.000	Designated Park-Public Community Facility in 2016 Master Plan Reexamination	Union Street Field
231	18	15C	241 UNION AVE	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	3.500	3.500	0.000	N	0.000	0.000	Designated Park-Public Community Facility in 2016 Master Plan Reexamination	Union Street Field

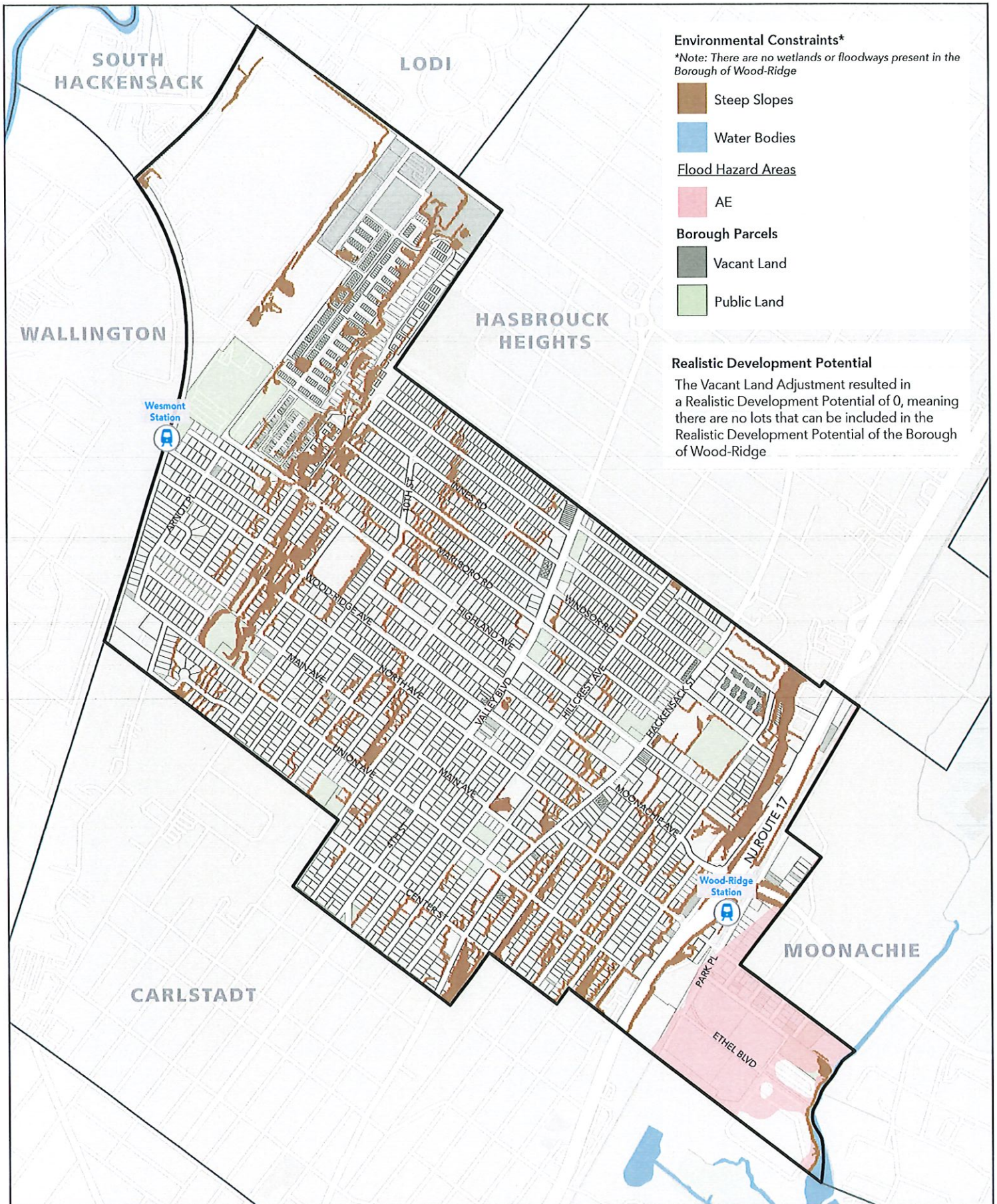
234	1.01	1	320 MAIN AVE	PALADINO, SALVATORE	R1	PA1	Yes	0.115	0.115	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Recently subdivided for residential construction
241	5	15C	111 FIRST ST	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	0.574	0.574	0.000	N	0.000	0.000	Property Located on NJ and National Registers of Historical Places; Designated Community Facility in 2016 Master Plan Reexamination	Listed on New Jersey or National Registers of Historic Places: Wood-Ridge Historical Society; Blanch House
242	9	15C	99 HACKENSACK ST	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	0.117	0.117	0.000	N	0.000	0.000	Designated Public and Quaso-Public Community Facility in 2016 Master Plan Reexamination	Wood-Bridge Borough Parking Lot
248	3.02	1	ROUTE 17	MALTESE, ROBERT	GB	PA1	Yes	0.068	0.068	0.000	N	0.000	0.000	Designated Public and Quaso-Public Community Facility in 2016 Master Plan Reexamination	E2 Ride (Commuter Shuttle & Ride Share)
249	3.01	15C	BERGER ST	BOROUGH OF WOOD-RIDGE	GB	PA1	Yes	0.029	0.029	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres. Per resolution 2021-35A, lot is to be utilized by the Borough in connection with its sewer treatment plan	Designated to Borough for sewer treatment as part of subdivision in 2021.
250	6.02	1	128 BERGER ST	KHA REALTY CORP	R2	PA1	Yes	0.115	0.115	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
252	3	15C	CONCORD STREET	BOROUGH OF WOOD-RIDGE	R2	PA1	Yes	0.115	0.115	0.000	N	0.000	0.000	Accessory Buildings for Public Works Department	Wood-Ridge Department of Public Works
252	4	15C	CONCORD STREET	BOROUGH OF WOOD-RIDGE	R2	PA1	Yes	0.115	0.115	0.000	N	0.000	0.000	Accessory Buildings & Parking for Public Works Department	Wood-Ridge Department of Public Works
253	1	15C	ANDERSON AVE	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	0.715	0.715	0.000	N	0.000	0.000	Designated Public and Quaso-Public Community Facility in 2016 Master Plan Reexamination	Wood-Ridge Department of Public Works
254	14	15C	DRAIN DITCH STRIP	BOROUGH OF WOOD-RIDGE	R1	PA1	Yes	0.151	0.151	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres. Drainage ditch	Drainage ditch
256	1	15C	WOOD-RIDGE AVE	BOROUGH OF WOOD-RIDGE	R1	PA1	Yes	0.048	0.048	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
258	1	15C	13TH ST	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	0.659	0.659	0.000	N	0.000	0.000	Designated Park-Public Community Facility in 2016 Master Plan Reexamination; listed on NJ DEP ROSI	William L. Kour Park & Playground
274	2.02	1	WOOD-RIDGE AVE	HAAS, MARGARET	R1	PA1	Yes	0.012	0.012	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
274	16.01	1	170 VALLEY BLVD	ZAMPARDI (ETAL), MICHAEL A	FB	PA1	Yes	0.077	0.077	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
274	16.03	1	170 VALLEY BLVD	TRANSFORMATION LIFE CHURCH	FB	PA1	Yes	0.077	0.077	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
274	16.04	1	170 VALLEY BLVD	TRANSFORMATION LIFE CHURCH	FB	PA1	Yes	0.170	0.170	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
280	5	1	ROUTE 17	FRATTERELLI FRANCISCO & A	GB	PA1	Yes	0.492	0.492	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
286	1	15C	JOCELYN AVE	BOROUGH OF WOOD-RIDGE	R1	PA1	Yes	0.918	0.918	0.000	N	0.000	0.000	Designated Park-Public Community Facility in 2016 Master Plan Reexamination	Bowman Park/ Jocelyn Ave. Tennis & Basketball Courts
286	16	15C	14TH ST & HIGHLAND AVE	BOROUGH OF WOOD-RIDGE	R1	PA1	Yes	0.025	0.025	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres; 0.001 acres listed on New Jersey or National Registers of Historic Places	Lot too small
288	20	15C	14TH ST & HIGHLAND AVE	BOROUGH OF WOOD-RIDGE	R1	PA1	Yes	0.025	0.025	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
290	1	15C	288 HIGHLAND AVE	BOROUGH OF WOOD-RIDGE	R1	PA1	Yes	0.092	0.092	0.000	N	0.000	0.000	Lot too small: Under 0.83 acre; Per resolution 2024-7, lot is to be utilized by the Borough for the execution of its redevelopment plans to expand and renovate Doyle Elementary School	Designated by resolution to Borough for future elementary school expansions and renovations

258	5	15C	500 HIGHLAND AVE	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	0.093	0.093	0.000	N	0.000	0.000	Designated Public and Quaso-Public Community Facility in 2016 Master Plan Reexamination	Borough Senior Center Parking Lot
299	17	1	HACKENSACK ST	MIRELLA J. ANTHONY, L.L.C.	R3	PA1	Yes	0.042	0.042	0.000	N	0.000	0.000	Lot too small: Under 0.63 acres	Lot too small
302	4	1	213 BERGER ST	NBSC PROPERTIES INC	LIP	PA1	Yes	0.115	0.115	0.000	N	0.000	0.000	Lot too small: Under 0.63 acres	Lot too small
302	7	1	PARK PLACE EAST	HATTLAUR RLTLY.LLC-C/O SKYLINE WNDWS	LIP	PA1	Yes	0.172	0.172	0.000	N	0.000	0.000	Lot too small: Under 0.63 acres	Lots 7 & 8 are contiguous; Combined area = 0.26, which is under 0.63 acres
302	8	1	PARK PLACE EAST	HATTLAUR RLTLY.LLC-C/O SKYLINE WNDWS	LIP	PA1	Yes	0.068	0.068	0.000	N	0.000	0.000	Lot too small: Under 0.63 acres	
303.02	30	1	HIGHLAND AVENUE - REAR	UNKNOWN	R1	PA1	Yes	0.006	0.006	0.000	N	0.000	0.000	Lot too small: Under 0.63 acres	Lot too small
306	22	15C	VALLEY & HIGHLAND	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	0.516	0.516	0.000	N	0.000	0.000	Designated Park-Public Community Facility in 2016 Master Plan Reexamination	Veterans Memorial Park
306	23.01	15C	VALLEY & MARLBORO	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	0.320	0.320	0.000	N	0.000	0.000	Designated Park-Public Community Facility in 2016 Master Plan Reexamination	Veterans Memorial Park
307	15	15C	HACKENSACK ST	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	1.435	1.435	0.000	N	0.000	0.000	Property Located on NJ and National Registers of Historical Places; Designated Community Facility in 2016 Master Plan Reexamination	Property listed on New Jersey or National Registers of Historic Places-Brinkerhoff House
307	16	15C	223 HACKENSACK ST	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	0.213	0.213	0.000	N	0.000	0.000	Designated Public and Quaso-Public Community Facility in 2016 Master Plan Reexamination	Wood-Ridge Memorial Library and Robert L. Stousser Civic Center & Parking
308	1.02	15C	WOOD-RIDGE STREET	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	3.870	3.870	0.000	N	0.000	0.000	Designated Public and Quaso-Public Community Facility in 2016 Master Plan Reexamination	Wood-Ridge High School Athletic Fields
309	15	1	WOOD-RIDGE ST	ZANARDI, ELIZABETH & ZANARDI, T.	R1	PA1	Yes	0.115	0.115	0.000	N	0.000	0.000	Lot too small: Under 0.63 acres	Lot too small
314	14	1	MARLBORO RD	WOODRIDGE REALTY COMMONS, LLC	FB	PA1	Yes	0.066	0.066	0.000	N	0.000	0.000	Lot too small: Under 0.63 acres	Lot too small
318	35	15C	VALLEY BLVD	COUNTY OF BERGEN	FB	PA1	Yes	0.230	0.230	0.000	N	0.000	0.000	Designated Public and Quaso-Public Community Facility in 2016 Master Plan Reexamination	Bergen County Special Services School District Transition Center at Wood-Ridge Parking lot
320	1.03	15C	PASSAIC ST	N.J. TRANSIT CORPORATION	OLIP	PA1	Yes	8.350	8.350	0.000	N	0.000	0.000	State Owned Facility & Parking	Developed with NJ Transit Maintenance Shop & Parking
326	38	15C	VALLEY BLVD	COUNTY OF BERGEN	FB	PA1	Yes	0.516	0.516	0.000	N	0.000	0.000	Designated Public and Quaso-Public Community Facility in 2016 Master Plan Reexamination	Bergen County Special Services School District Transition Center at Wood-Ridge
327	13	15C	305 HACKENSACK ST	BOROUGH OF WOOD-RIDGE	R1	PA1	Yes	0.264	0.264	0.000	N	0.000	0.000	Lot too small: Under 0.63 acres. Designated in Borough Ordinance 2019-2 for a parking lot. Parking for High School & Business District	Borough-owned parking lot
329	1	1	ROUTE 17	370 ROUTE 17 REALTY LLC	GB	PA1	Yes	0.293	0.293	0.000	N	0.000	0.000	Lot too small: Under 0.63 acres	Lot too small
330	1	1	VALLEY BLVD	SATO, KENICHI AND VANESSA	R1	PA1	Yes	0.019	0.019	0.000	N	0.000	0.000	Lot too small: Under 0.63 acres	Lot too small
330	2	1	VALLEY BLVD	BARZAGA, FRANK & RUIZ, GISELLE	R1	PA1	Yes	0.030	0.030	0.000	N	0.000	0.000	Lot too small: Under 0.63 acres	Lot too small
332	1	15C	JOHNSON DRIVE	WESHONT LHTIC, LLC	WSRA-JH	PA1	Yes	2.588	2.588	0.000	N	0.000	0.000	Lot developed as multi-family residential units	Developed

333	1.02	1	200 WESMONT DR	300 WESMONT DRIVE, LLC	WRSA	PA1	Yes	5.853	5.853	0.000	N	0.000	0.000	Ongoing construction of multi-family residential units	Developed
333	1.2	15C	ROOSEVELT DRIVE	BOROUGH OF WOOD-RIDGE	WRSA	PA1	Yes	0.154	0.154	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
335	1.03	15C	MARSHALL LANE	BOROUGH OF WOOD-RIDGE	WRSA	PA1	Yes	1.278	1.278	0.000	N	0.000	0.000	Small park dedicated as part of residential complex	Developed
338	1	1	ROSIE SQUARE	WESMONT STATION RETI URBAN REN LLC	WRSA	PA1	Yes	0.787	0.787	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
339	1	1	ROSIE SQUARE	WESMONT STATION RES I URB RENEWAL	WRSA	PA1	Yes	2.300	2.300	0.000	N	0.000	0.000	Lot developed as multi-family residential units	Developed
346	1	1	AVALON DRIVE	WESMONT STATION RETAIL II URB RENEW	WRSA	PA1	Yes	0.389	0.389	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lots 1-4 are contiguous; Combined developable acreage = 0, which is less than 0.83 acres
346	2	1	AVALON DRIVE	WESMONT STATION RES I URB RENEWAL	WRSA	PA1	Yes	0.884	0.884	0.000	N	0.000	0.000	Lot developed as multi-family residential units	
346	3	1	AVALON DRIVE	WESMONT STATION RES II URB RENEW	WRSA	PA1	Yes	1.270	1.270	0.000	N	0.000	0.000	Lot developed as multi-family residential units	
346	4	1	AVALON DRIVE	WESMONT STATION RES II URB RENEW	WRSA	PA1	Yes	1.450	1.450	0.000	N	0.000	0.000	Lot developed as multi-family residential units	

Listed Acreage in RED = Not Provided In Tax Assessor Data; Calculated In GIS

	Listed Acreage	Constrained Acreage	Remaining Acreage		Developable Acreage	Affordable Units
Totals:	50.587	50.587	0.000	n/a	0.000	0.000



## Appendix 2: Vacant Land & Environmental Constraints

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community

**Affordable Housing Trust Fund Spending Plan**  
**Borough of Wood-Ridge**  
January 2026

**INTRODUCTION**

The Borough of Wood-Ridge, Bergen County has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301), and N.J.A.C. 5:99. A development fee ordinance creating a dedicated revenue source for affordable housing was approved by COAH and the Superior Court and adopted by the municipality in 2008. The ordinance establishes the Wood-Ridge affordable housing trust fund for which this spending plan is prepared.

As of December 31, 2024, the Wood-Ridge affordable housing trust fund had a balance of \$709,165. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in Valley National Bank for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:99 as described in the sections that follow.

The Borough reserves the right and authority to further amend or modify the within spending plan to address or take into account changes which may be warranted due to new rules or rule amendments or judicial determinations, which may change standards or establish new criteria for the Borough to address its affordable housing obligation.

## 1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the Fourth Round, Wood-Ridge considered the following:

- (a) Development fees, in accordance with N.J.A.C. 5:99-3.1 through 3.4, including:
  - 1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
  - 2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
  - 3. Future development that is likely to occur based on historical rates of development.
  
- (b) Payments-in-lieu (PIL):  
Actual and committed payments in lieu (PIL) of construction from developers as follows: none.
  
- (c) Other funding sources:  
Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income and proceeds from the sale of affordable units. No other funds have been or are anticipated to be collected.
  
- (d) Projected interest:  
Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate. Interest income in the trust fund in 2024 was approximately \$25,000. However, the amount of interest will likely decrease as expenditures are made from the trust fund. Therefore, this amount of annual interest has been assumed to step down from this amount in future years.

It is noted that the amount of development fee revenues from 2019 to 2024 was \$582,226, for an annual average of \$97,038. However, four-fifths of the total amount was due to two large projects approved in 2019, Metro Storage, LLC and Industrial Property Owner, LLC. When these developments are excluded, the average annual amount is \$19,009. An estimated annual amount of \$10,000 has been assumed for future years, as no large development projects are anticipated in the next ten years.

SOURCE OF FUNDS	PROJECTED REVENUE SCHEDULE JANUARY 1, 2025-JUNE 30, 2035					
	2026	2027	2028	2029	2030	
(a) Development fees:						
1. Approved Development	\$0	\$0	\$0	\$0	\$0	
2. Development Pending Approval	\$0	\$0	\$0	\$0	\$0	
3. Projected Development	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	
(b) Payments in Lieu of Construction	\$0	\$0	\$0	\$0	\$0	
(c) Other Funds (Specify source(s))	\$0	\$0	\$0	\$0	\$0	
(d) Interest	\$24,000	\$22,000	\$20,000	\$18,000	\$16,000	
<b>Total</b>	<b>\$34,000</b>	<b>\$32,000</b>	<b>\$30,000</b>	<b>\$28,000</b>	<b>\$26,000</b>	
	<b>2031</b>	<b>2032</b>	<b>2033</b>	<b>2034</b>	<b>2035</b>	<b>Total</b>
(a) Dev. fees:						
1. Appr.	\$0	\$0	\$0	\$0	\$0	\$0
2. Pending	\$0	\$0	\$0	\$0	\$0	\$0
3. Projected	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$100,000
(b) In Lieu	\$0	\$0	\$0	\$0	\$0	\$0
(c) Other	\$0	\$0	\$0	\$0	\$0	\$0
(d) Interest	\$14,000	\$12,000	\$10,000	\$8,000	\$6,000	\$150,000
<b>Total</b>	<b>\$24,000</b>	<b>\$22,000</b>	<b>\$20,000</b>	<b>\$18,000</b>	<b>\$16,000</b>	<b>\$250,000</b>

Wood-Ridge projects a total of \$250,000 in revenue to be collected between January 1, 2025 and June 30, 2035. All interest earned on the account shall accrue to the account to be used only for the purposes of eligible affordable housing activities included in this Spending Plan or an emergent opportunity authorized by the Division.

## 2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by Wood-Ridge:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with Wood-Ridge's development fee ordinance for both residential and non-residential developments in accordance with N.J.A.C. 5:99-3.1 et seq., and monitoring of development fees shall be conducted in accordance with N.J.A.C. 5:99-5.3 and 5:99-5.4.

(b) Distribution of development fee revenues:

The disbursement of monies in Wood-Ridge's affordable housing trust fund will be coordinated by its Municipal Housing Liaison. In some instances, funds will be provided to other entities, such as an entity responsible for administering a rehabilitation program, for eventual disbursement.

**3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS**

**(a) Market-to-Affordable Program (N.J.A.C. 5:99-2.3(a)3)**

Wood-Ridge projects that \$647,332 will be available from the affordable housing trust fund for a “market-to-affordable” program, which will seek to convert existing market-rate units to affordable units, in compliance with applicable requirements. This program will utilize affordable housing trust fund monies to pay down the cost of unrestricted market-rate units and offer them in sound condition, for rent and sale, at affordable prices to low- and moderate-income households.

**(b) Affordability Assistance (N.J.A.C. 5:99-2.3(a)12 and 5:99-2.5**

The projected affordability assistance will be as follows

Actual development fees and other income through 12/31/2024		\$709,165
Development fees projected 2025-2035	+	\$100,000
Interest projected 2025-2035	+	\$150,000
<b>Total</b>	=	\$959,165
20 percent	x0.20 =	\$191,833
Less Affordability assistance expenditures through 12/31/2024	-	\$0
<b>PROJECTED Affordability Assistance 1/1/2025 through 6/30/2035</b>	=	\$191,833
<b>PROJECTED Very Low-Income Affordability Assistance 1/1/2025 through 6/30/2035</b>	÷ 3 =	\$63,944

Wood-Ridge will dedicate \$191,833 from the affordable housing trust fund to provide affordability assistance to render housing units more affordable to very low-, low-, and moderate-income households, pursuant to N.J.S.A. 52:27D-329.1, including \$63,944 to render units more affordable to very low-income households. Affordability assistance activities include, but are 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. For very low-income households, affordability assistance may include offering a subsidy to developers of inclusionary or 100 percent affordable housing developments or buying down the cost of low- or moderate-income units in the Borough’s fair share plan to make them affordable to very low-income households, including special needs and supportive housing opportunities.

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

Wood-Ridge projects that \$120,000 will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

- Costs reasonably related to the determination of the fair share obligation and the development of a municipal housing element and fair share plan, including fees necessary to develop or implement affordable housing programs, an affirmative marketing program, and/or expenses that are reasonably necessary for compliance with the processes of the Program, including, but not limited to, the costs to the municipality of resolving a challenge pursuant to the Program;
- Costs associated with functions carried out in compliance with UHAC, including activities related to the marketing program and waitlist management, administering the placement of occupants in housing units, income qualification of households, monitoring the turnover of sale and rental units, preserving existing affordable housing, and compliance with the Division's monitoring requirements; and
- Proportion of a municipal employee's salary related to the MHL or RCA administrator functions and fees for required educational programs, may be paid as an administrative expense from the municipal affordable housing trust fund.
- Administering the Borough's participation in the Bergen County Home Improvement Program

**(e) Other Expenditures (N.J.A.C. 5:99-2.8)**

The Borough of Wood-Ridge does not anticipate collecting or expending affordable housing trust funds in accordance with the optional activities listed at N.J.A.C. 5:99-2.8, including the collection and distribution of barrier-free escrow fees; the collection of payments-in-lieu of constructing affordable units on-site; or the use of recaptured funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines and application fees, or any other funds collected by the municipality in connection with its affordable housing programs.

#### 4. EXPENDITURE SCHEDULE

Wood-Ridge intends to use affordable housing trust fund revenues for affordability assistance and administration and to fund a market-to-affordable program. Where applicable, the activities funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows.

Program		PROJECTED EXPENDITURE SCHEDULE				
		JANUARY 1, 2025-JUNE 30, 2035				
		2026	2027	2028	2029	2030
Market-to-Affordable		\$64,733	\$64,733	\$64,733	\$64,733	\$64,733
Affordability Assistance		\$19,183	\$19,183	\$19,183	\$19,183	\$19,183
Administration		\$12,000	\$12,000	\$12,000	\$12,000	\$12,000
<b>Total</b>		<b>\$95,917</b>	<b>\$95,917</b>	<b>\$95,917</b>	<b>\$95,917</b>	<b>\$95,917</b>
		2031	2032	2033	2034	2035
Mkt. to Af.	\$64,733	\$64,733	\$64,733	\$64,733	\$64,733	\$64,733
Aff. Asst.	\$19,183	\$19,183	\$19,183	\$19,183	\$19,183	\$19,183
Admin.	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000
<b>Total</b>	<b>\$95,917</b>	<b>\$95,917</b>	<b>\$95,917</b>	<b>\$95,917</b>	<b>\$95,917</b>	<b>\$959,165</b>

## 5. EXCESS OR SHORTFALL OF FUNDS

In accordance with N.J.A.C. 5:99-5.6, in the event there is a shortfall in funding for a proposed affordable housing delivery technique, then the Division may require the governing body of Wood-Ridge to enact a resolution appropriating funds from general revenue or its resolution of intent to bond.

In accordance with N.J.A.C. 5:99-4.1, in the event of excess funds, the Borough may request authorization from the Division for expenditure of excess affordable housing trust funds on emergent affordable housing opportunities not included in the municipal fair share plan. The request shall be made in the form of a resolution from the governing body of the Borough and shall include:

1. Documented proof that the excess funds are not accounted for in the Borough's spending plan approved by the Program or a court of competent jurisdiction;
2. A description of the affordable housing activity in accordance with N.J.A.C. 5:99-4.1(b) and 5:99-2.3;
3. Documentation demonstrating that the entire municipal trust fund balance will be spent and/or committed for expenditure within four years, as set forth at N.J.A.C. 5:99-5.5, shall be submitted to the Division with the request; and
4. A certification that the affordable housing opportunity is consistent with the Act and information describing the proposed affordable housing mechanism. The certification shall demonstrate that the proposal does not alter the spending plan approved by the Program or court of competent jurisdiction.

**SUMMARY**

Wood-Ridge intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:99-2.3 through 2.5 and consistent with the housing programs outlined in its housing element and fair share plan.

Wood-Ridge had a balance of \$709,165 as of December 31, 2024 and anticipates an additional \$250,000 in revenues from 2025 to 2035. The municipality will dedicate \$647,332 to a market-to-affordable program, \$191,833 to render units more affordable, and \$120,000 to administrative costs. Any shortfall of funds will be offset by funds appropriated from general revenue. The municipality will dedicate any excess funds toward emergent affordable housing opportunities not included in the municipal fair share plan.

<b>SPENDING PLAN SUMMARY</b>	
Balance as of December 31, 2024	\$709,165
<b>PROJECTED REVENUE 2025-2035</b>	
Development fees	+ \$100,000
Payments in lieu of construction	+ \$0
Other funds	+ \$0
Interest	+ \$150,000
<b>TOTAL REVENUE</b>	<b>= \$959,165</b>
<b>EXPENDITURES</b>	
Market-to-Affordable Program	\$647,332
Affordability Assistance	- \$191,833
Administration	- \$120,000
<b>TOTAL PROJECTED EXPENDITURES</b>	<b>= \$959,165</b>
<b>REMAINING BALANCE</b>	<b>= \$0</b>

**ORDINANCE NO. 2026-1**

**AN ORDINANCE AMENDING ARTICLE IV, ENTITLED DEVELOPMENT FEES, OF CHAPTER 264, ENTITLED FEES**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Wood-Ridge, County of Bergen, New Jersey, that Chapter 264, entitled Fees, of the Code of the Borough of Wood-Ridge is hereby amended as follows:

**SECTION 1.** Replace Article IV (§264-7 through 16), entitled Development Fees, of Chapter 264, in its entirety as follows:

**Chapter 264. Fees**

**Article IV. Development Fees**

**§ 264-7. Purpose.**

- A. In Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 *et seq.*, and the State Constitution, subject to the then functioning Council on Affordable Housing's (COAH's) adoption of rules.
- B. Pursuant to P.L. 2008, c. 46, Section 8 (N.J.S.A. 52:27D-329.2), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that were under the jurisdiction of the Council or a court of competent jurisdiction and had a COAH-approved spending plan were able to retain fees collected from nonresidential development.
- C. In Re: Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), also known as the Mount Laurel IV decision, the Supreme Court remanded COAH's duties to the Superior Court. As a result, affordable housing development fee collections and expenditures from the municipal affordable housing trust funds to implement municipal Third Round Fair Share Plans through July 1, 2025 were under the Court's jurisdiction and were subject to approval by the Court.
- D. Pursuant to P.L. 2024, c. 2, the authority relating to rulemaking on the collection of residential and non-residential development fees is appropriately delegated to the Department of Community Affairs, following the abolition of COAH effective March 20, 2024. As such, municipalities which have obtained or are in the process of seeking compliance certification may retain and expend these development fees.
- E. This article establishes standards for the collection, maintenance and expenditure of development fees pursuant to the regulations set forth in P.L. 2024, c. 2, N.J.S.A. 52:27D-301 *et seq.*, N.J.A.C. 5:99-1 *et seq.*, and as previously established in accordance with P.L. 2008, c. 46, Sections 8 and 32 through 38. Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing.

**§ 264-8. When effective; spending plan.**

- A. This article shall not be effective until approved by the Dispute Resolution Program, as enforced by the Division of Local Planning Services, pursuant to P.L. 2024, c. 2, N.J.S.A. 52:27D-301 et seq, and N.J.A.C. 5:99-1 et seq.
- B. The Borough of Wood-Ridge shall not spend development fees until the Dispute Resolution Program, as enforced by the Division of Local Planning Services, has approved a plan for spending such fees in conformance with P.L. 2024, c. 2, N.J.A.C. 5:99-1 et seq. and N.J.S.A. 52:27D-301 et seq.

**§ 264-9. Definitions.**

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

**ACT**

The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.), as amended through P.L. 2024, c.2.

**ADMINISTRATIVE AGENT**

The individual or entity designated by the Borough and approved by the Division to administer affordable units in accordance with this chapter, the regulations of the amended Fair Housing Act (P.L.1985, c. (N.J.S.A. 52:27D-301 et seq.)), as designated pursuant to N.J.A.C. 5:99-7, and the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26 et seq.

**AFFORDABLE**

A sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.S.A. 52:27D-301 et seq., and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.7, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.13, as may be amended and supplemented.

**AFFORDABLE HOUSING DEVELOPMENT**

A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one-hundred-percent- affordable development.

**AFFORDABLE HOUSING PROGRAM(S)**

Any method of creating or preserving actual housing units available to low- and moderate-income households or creating a realistic opportunity for the construction of such units, and any mechanism in a municipal fair share plan prepared or implemented to address a municipality's fair share obligation.

**AFFORDABLE HOUSING MONITORING SYSTEM or AHMS**

The Department of Community Affairs (DCA) or 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**

A housing unit proposed or created pursuant to the Fair Housing Act and approved for crediting by the court and/or funded through an affordable housing trust fund.

**BOROUGH**

The Borough of Wood-Ridge, in Bergen County, New Jersey.

**COAH or THE COUNCIL**

The New Jersey Council on Affordable Housing as previously established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), prior to its abolition effective March 20, 2024 through P.L. 2024, c. 2.

**COMPLIANCE CERTIFICATION**

The certification issued to a municipality by a county-level housing judge pursuant to section 3 at P.L. 2024, c. 2, 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 affordable housing round begins, which is also known as a "judgment of compliance" resulting in an "order for repose." The term "compliance certification" includes a judgment of repose granted in an action filed pursuant to section 13 at P.L. 1985, c. 222 (N.J.S.A. 52:27D-313).

**DCA or DEPARTMENT**

The State of New Jersey, Department of Community Affairs.

**DEVELOPER**

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

**DEVELOPMENT FEE**

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**

The Affordable Housing Dispute Resolution Program established pursuant to section 5 of P.L. 2024, c.2 (N.J.S.A. 52:27D-313.2). The Dispute Resolution Program is established within the Executive Branch of the State, for the purpose of resolving disputes associated with the Fair Housing Act with respect to municipalities seeking to obtain a certification of compliance of their adopted Housing Element & Fair Share Plan.

**DIVISION**

The Division of Local Planning Services within the Department of Community Affairs.

## **EMERGENT OPPORTUNITY**

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**

The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5 and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through 54:1-35c). Estimates at the time of issuance of a building permit may be obtained by the Tax Assessor utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the Municipal Tax Assessor.

## **FAIR SHARE OBLIGATION**

The total of the present need and prospective need as determined by a court of competent jurisdiction.

## **GREEN BUILDING STRATEGIES**

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

## **HOUSING PROJECT**

A project, or distinct portion of a project, which is designed and intended to provide decent, safe, and sanitary dwellings, apartments, or other living accommodations for persons of low- and moderate-income; such work or undertaking may include buildings, land, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, educational, welfare, or other purposes. The term "housing project" may also be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration, and repair of the improvements, and all other work in connection therewith.

## **MIXED USE DEVELOPMENT**

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.

## **MUNICIPAL AFFORDABLE HOUSING TRUST FUND**

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, barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Legislature and this chapter.

## **NEW JERSEY AFFORDABLE HOUSING TRUST FUND**

An account established pursuant to N.J.S.A. 52:27D-320.

## **NON-RESIDENTIAL DEVELOPMENT**

1. Any building or structure, or portion thereof, including, but not limited to, any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code, N.J.A.C. 5:23, promulgated to effectuate the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., including any subsequent amendments or revisions thereto;
2. Hotels, motels, vacation timeshares, and child-care facilities; and
3. The entirety of all continuing care facilities within a continuing care retirement community which is subject to the Continuing Care Retirement Community Regulation and Financial Disclosure Act, N.J.S.A. 52:27D-330 et seq.

## **NON-RESIDENTIAL DEVELOPMENT FEE**

The fee authorized to be imposed pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7.)

## **PAYMENT IN LIEU OF CONSTRUCTING AFFORDABLE UNITS**

The payment of funds to the municipality by a developer when affordable units are not produced on a site zoned for an inclusionary development.

## **REHABILITATION**

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

## **RESIDENTIAL DEVELOPMENT FEE**

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

## **SPENDING PLAN**

A plan to predict funds that will be paid into a municipality's affordable housing trust fund and to allocate how those funds will be spent to advance the interest of low and moderate income households subject to limitations required by law.

The definitions in the Uniform Housing Affordability Controls (UHAC) at N.J.A.C 5:80-26.2 and N.J.A.C. 5:99 shall be applicable where a term is not defined. In the event of a discrepancy between a definition in this section and UHAC and N.J.A.C. 5:99, the current UHAC or N.J.A.C. 5:99 definition shall be applicable.

**§ 264-10. Residential development fees.**

A. Imposed fees.

- (1) Within the R-1, R-2 and R-3 Districts, residential developers, except for developers of the types of development specifically exempted below at §264-10B, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted.
- (2) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized. However, 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 up to 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.
- (3) 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.

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

- (1) Affordable housing developments, affordable housing developments where the affordable units are being provided elsewhere in the Borough, and developments where the developer has made a payment in lieu of on-site construction for all the units in the project shall be exempt from residential development fees.
- (2) Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

- (3) Developers of owner-occupied one- and two-family structures where a previous structure occupying the lot was demolished shall be exempt from paying a development fee.
- (4) Residential structures demolished and replaced as a result of a fire, flood, or any natural disaster or catastrophe shall be exempt from paying any residential development fee, even if the new structure has an increased EAV as compared to the previous structure;
- (5) Non-profit organizations that have received tax exempt status pursuant to the Internal Revenue Code, providing current evidence of that status is submitted to the municipal clerk, together with a certification that services of the organization are provided at reduced rates to those who establish an inability to pay existing charges, shall be exempted from paying a development fee; and
- (6) Federal, State, county, and local governments shall be exempt from paying a development fee.

#### **§ 264-11. Nonresidential development fees.**

The Borough shall impose, collect, retain, and expend fees collected from non-residential development in accordance with the Statewide Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 40:55D-8.7 and this chapter.

##### **A. Imposed fees.**

- (1) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements for all new nonresidential construction on an unimproved lot or lots.
- (2) Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
- (3) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time the final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.
- (4) Non-residential construction connected with the relocation of the facilities of a for-profit hospital shall be subject to the fee authorized to be imposed pursuant to this section to the extent of the increase in equalized assessed valuation.
- (5) In the event of any conflict between this ordinance and the Statewide Non-Residential Development Fee Act (SNDFA), the SNDFA shall apply .

B. Eligible exactions, ineligible exactions and exemptions for nonresidential development.

- (1) The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the development fee of 2.5%, subject to the provisions at N.J.S.A. 52:27D-329.1 et seq, unless otherwise exempted below.
- (2) The fee of 2.5% shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing footprint, reconstruction, renovations and repairs.
- (3) All non-residential construction of buildings or structures on property used by churches, synagogues, mosques, and other houses of worship, and property used for educational purposes, that are tax-exempt pursuant to N.J.S.A. 54:4-3.6, shall be exempt from the imposition of a non-residential development fee pursuant to this section, provided that the property continues to maintain its tax exempt status pursuant to that statute for a period of at least three years from the date of issuance of the certificate of occupancy.
- (4) Parking lots and parking structures, regardless of whether the parking lot or parking structure is constructed in conjunction with a non-residential development, or whether the parking lot is developed as an independent non-residential development;
- (5) Any non-residential development that is an amenity to be made available to the public, including, but not limited to, recreational facilities, community centers, and senior centers that are developed in conjunction with, or funded by, a non-residential developer;
- (6) Non-residential construction resulting from a relocation of, or an on-site improvement to, a nonprofit hospital or a nursing home facility;
- (7) Projects that are located within a specifically delineated urban transit hub, as defined pursuant to N.J.S.A. 34:1B-208;
- (8) Projects that are located within an eligible municipality, as defined pursuant to N.J.S.A. 34:1B-208, the Urban Transit Hub Tax Credit Act, when a majority of the project is located within a one-half mile radius of the midpoint of a platform area for a light rail system; and
- (9) Projects determined by the New Jersey Transit Corporation to be consistent with a transit village plan developed by a transit village designated by the New Jersey Department of Transportation.
- (10) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2024, c. 2 and P.L. 2008, c. 46, as amended and supplemented, shall be subject to it at such time as the basis for the exemption no longer applies and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.
- (11) If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of

the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Borough of Wood-Ridge as a lien against the real property of the owner.

**§ 264-12. 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 Code Official responsible for the issuance of a building permit.  
[Amended 12-20-2022 by Ord. No. 2022-21]
- B. For nonresidential developments only, the developer shall also be provided with a copy of Form N- RDF, State of New Jersey Nonresidential Development Certification/Exemption, to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Construction Code Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.  
[Amended 12-20-2022 by Ord. No. 2022-21]
- C. The Construction Code Official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.  
[Amended 12-20-2022 by Ord. No. 2022-21]
- D. Within 90 days of receipt of that notice, the municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- E. The Construction Code Official responsible for the issuance of a final certificate of occupancy notifies the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.  
[Amended 12-20-2022 by Ord. No. 2022-21]
- F. Within 10 business days of a request for the scheduling of a final inspection, the municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G. Should the Borough of Wood-Ridge 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), as amended and supplemented.
- H. The Borough shall collect 100 percent of the development fee for residential and non-residential development at or prior to the issuance of the certificate of occupancy. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at, or prior to, the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate

of occupancy. Developers shall be notified of the fee by the Borough, including when payment is required to be made, at the time of land use board approval or application for a construction permit.

i. Appeal of development fees.

- (1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Borough of Wood-Ridge. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Uniform Tax Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- (2) A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Borough of Wood-Ridge. The local code enforcement official shall thereafter issue the certificate of occupancy provided that the construction is otherwise eligible for a certificate of occupancy. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination, Interest earned on amounts escrowed shall be credited to the prevailing party.

**§ 264-13. Affordable Housing Trust Fund.**

- A. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls. The Borough shall provide written authorization, in the form of a three-party escrow agreement between the Borough, the bank or other financial institution, and the Division, to permit the Division to direct the disbursement of the funds, as provided for at N.J.A.C. 5:99-5.6, shall be maintained at all times. This authorization shall be submitted to the Division within 21 days from the opening of the trust fund account and/or within 21 days of any change in banks or other financial institutions in which trust funds are deposited. Wood-Ridge's affordable housing trust fund shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Act and N.J.A.C 5:99-1 et seq. All development fees paid by developers pursuant to this chapter shall be deposited into this fund. The Borough shall identify the funds on its monitoring report pursuant to N.J.A.C. 5:99-5 and include a plan for the use of the funds in its spending plan.
- B. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
  - (1) Payments in lieu of on-site construction of affordable units;
  - (2) Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible (barrier-free escrow funds);

- (3) Rental income from municipally operated units;
- (4) Repayments from affordable housing program loans;
- (5) Recapture funds;
- (6) Proceeds from the sale of affordable units;
- (7) Enforcement fines
- (8) Unexpended RCA funds remaining from a completed RCA project
- (9) Any other funds collected in connection with the Borough of Wood-Ridge's affordable housing program.

**§ 264-14. Use of funds.**

A. Funds deposited in the housing trust fund may be used for any eligible activity as set forth in the amended Fair Housing Act. (N.J.S.A. 52:27D-301 et seq.), N.J.A.C. 5:99-2, and for any housing activity as approved by Dispute Resolution Program pursuant to N.J.S.A. 52:27D-329.2.a(4) to address the municipal fair share, or by the Division pursuant to N.J.A.C. 5:99-4. Such activities include, but are not limited to:

- (1) A rehabilitation program whose purpose is to renovate deficient housing units that are occupied by low- and moderate-income households, in accordance with the New Jersey State Housing Code, N.J.A.C. 5:28, or the requirements of the Rehabilitation Subcode, N.J.A.C. 5:23-6, as applicable, and costs related to the rehabilitation of the unit. Any recaptured funds from a rehabilitation program shall be deposited into the Borough's affordable housing trust fund and subject to the provisions thereof;
- (2) New construction of affordable housing units and related development costs; in the case of inclusionary developments, eligible costs shall be prorated based on the proportion of affordable housing units included in the development;
- (3) Creation of a market to affordable program to pay down the cost of unrestricted units and offer them in sound condition, for sale or rent, at affordable prices to low- and moderate-income households to address all or a portion of the affordable housing obligation;
- (4) Extensions or improvements of roads and infrastructure directly serving affordable housing development sites; in the case of inclusionary developments, costs shall be prorated based on the proportion of affordable housing units included in the development;
- (5) RCAs, approved prior to July 17, 2008;
- (6) Acquisition and/or improvement of land to be used for affordable housing;
- (7) Accessory dwelling units;
- (8) The extension of expiring controls;
- (9) The construction of group homes and supportive and special needs housing;

- (10) Maintenance and repair of affordable housing units;
  - (11) To defray the costs of structured parking; in the case of inclusionary developments, eligible costs shall be prorated based on the proportion of affordable housing units included in the development;
  - (12) Affordability assistance in accordance with N.J.A.C. 5:99-2.5;
  - (13) Repayment of municipal bonds issued to finance low- and moderate-income housing activity;
  - (14) Any other activity as specified in the approved spending plan or as approved by the Division as an emergent affordable housing opportunity; or
  - (15) Any other activity approved by the Division.
- B. Until a new spending plan is approved pursuant to the declaratory judgement action filed in accordance with the amended Fair Housing Act, the Borough shall be entitled to expend funds from the housing trust fund in accordance with the Fair Housing Act as amended in March 2024. Thereafter, funds shall not be expended to reimburse the Borough for activities that occurred prior to the authorization of the Borough to collect development fees; on attorney fees or court costs to obtain a judgment of compliance or order of repose, including any associated administration costs; on any costs in connection with a challenge to a determination of the Borough's fair share obligation; on any costs in connection with a challenge to the Borough's obligation, housing element, or fair share plan.
- C. At least 20% 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 pursuant to N.J.S.A. 52:27D-329.1 and in accordance with N.J.A.C. 5:99-2.5. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.
- (1) Affordability assistance programs may include downpayment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners' 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.
  - (2) Affordability assistance to households earning 30% or less of regional median income may include offering a subsidy to developers of inclusionary or 100 percent affordable housing developments 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 regional median income, including special needs and supportive housing opportunities. The use of development fees in this manner shall not entitle the Borough of Wood-Ridge to bonus credits except as may otherwise be allowed by applicable precedent.
  - (3) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

- D. The Borough of Wood-Ridge may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance or any program or activity for which the Borough expends development fee proceeds, in accordance with N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:99-1 et seq.
- E. No more than 20% of all revenues collected from development fees may be expended on administration, in accordance with N.J.A.C. 5:99-2.4. Administrative expenses may include costs reasonably related to the determination of the fair share obligation and the development of a municipal housing element and fair share plan and may include fees necessary to develop or implement affordable housing programs, an affirmative marketing program, and/or expenses that are reasonably necessary for compliance with the processes of the Program, including, but not limited to, the costs to the Borough of resolving a challenge pursuant to the Program. Administrative expenses may also include costs associated with functions carried out in compliance with UHAC, including activities related to the marketing program and waitlist management, administering the placement of occupants in housing units, income qualification of households, monitoring the turnover of sale and rental units, preserving existing affordable housing, and compliance with the Division's monitoring requirements. The proportion of a municipal employee's salary related to the MHL or RCA administrator functions and fees for required educational programs, may be paid as an administrative expense from the municipal affordable housing trust fund.

**§ 264-15. Monitoring.**

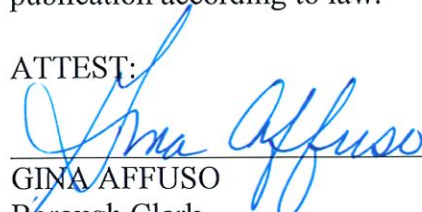
The Borough of Wood-Ridge shall comply with the monitoring and reporting requirements set forth in N.J.S.A. 52:27D-329.2 and N.J.S.A. 52:27D-329.4, and as set forth at N.J.A.C. 5:99-5.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

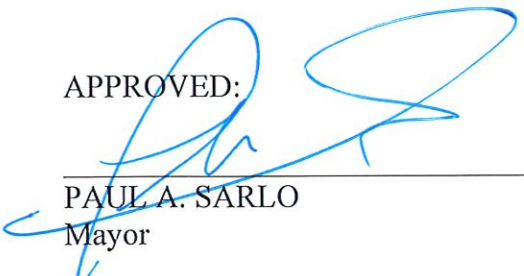
**SECTION 3.** If any part, sections, provisions, or the total of any of the abovementioned publications are held to be invalid or unenforceable by any court, the findings or judgments of which court are applicable in the State of New Jersey, that the balance and remainder of such publication shall remain in full force and effect as an Ordinance of the Borough of Wood-Ridge.

**SECTION 4.** This Ordinance shall become effective immediately upon adoption and publication according to law.

ATTEST:

  
 \_\_\_\_\_  
 GINA AFFUSO  
 Borough Clerk

APPROVED:

  
 \_\_\_\_\_  
 PAUL A. SARLO  
 Mayor

Introduced:	1-21-26
Published:	1-22-26
Adopted:	
Published:	

**ORDINANCE NO. 2026-2**

**AN ORDINANCE AMENDING CHAPTER 530, ENTITLED ZONING**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Wood-Ridge, County of Bergen, New Jersey, that Chapter 530, entitled Zoning, of the Code of the Borough of Wood-Ridge is hereby amended as follows:

**SECTION 1.** Replace §530-12, entitled OLIP Overlay of Light Industrial Park District, in its entirety as follows:

**530-12 OLIP Overlay of Light Industrial Park District.**

A. Purpose and intent.

- (1) The purpose and intent of this section is to establish an initial overlay zone which is an alternative to the existing zoning with regard to this area. The application of this section does not affect the existing underlying Light Industrial Park zoning of the entire property. This section provides a series of new permitted land uses which are in addition to those provided in the current land use ordinance of the Borough.
- (2) The purpose of the overlay zone is to allow uses which are currently not permitted in the Light Industrial Park Zone, which is the current zoning of this property. It is intended that such uses will facilitate the overall redevelopment of this area of the Borough in a manner consistent with the West Side Wood-Ridge Redevelopment Plan.

B. The overlay zone. Block 320, Lot 1.01 (portion), of approximately 28.3 acres shall be included in the overlay zone which is currently zoned as a Light Industrial Park. The following exhibit is a metes and bounds description of the section of the property expressly designated to be included in the overlay zone.

C. Permitted and prohibited uses in the overlay zone.

(1) The uses permitted in the overlay zone shall be those set forth as follows:

- (a) Public recreation and parks; active, passive and health club or similar uses;
- (b) Primary, secondary and postsecondary public schools;
- (c) Train station and related uses, including kiosks;
- (d) Structure for parking not to exceed five stories;
- (e) Professional and commercial offices;
- (f) Retail uses as defined and permitted in the T-4 Neighborhood Center Zone as set forth in the West Side Wood-Ridge Redevelopment Plan;

(g) Residential uses as defined and permitted in the T-4 Neighborhood Center Zone, except that detached single-family homes shall not be permitted in the overlay zone; and

(h) All uses permitted as set forth in the T-4 Neighborhood Center Zone.

(2) All uses not listed above as permitted are deemed to be prohibited in the overlay zone.

D. Regulations of permitted use. The uses permitted in this overlay zone shall be subject to the bulk zoning requirements of the T-4 Neighborhood Center Zone, including all architectural, streetscape and landscaping provisions set forth for these uses in the West Side Wood-Ridge Redevelopment Plan, except for the following:

(1) No single retail use in the overlay zone shall exceed 35,000 square feet;

(2) The minimum lot size for a developable lot for any nonresidential use shall be not less than 2,500 square feet;

(3) The maximum height of any structure or building in the zone, with the exception of the pedestrian overpass for the train station, shall be five stories; and

(4) Residential density for affordable and market-rate housing developed pursuant to applicable affordable housing regulations, which shall be at the direction of the Borough, shall not exceed the approximate residential per-acre density in the T-4 Neighborhood Center Zone. Residential development shall be only in the area demarcated on the exhibit, which is an area of approximately 12 acres in the overlay zone.

(5) Affordable Housing Requirements. Low- and moderate-income dwelling units shall be provided in accordance with this subsection. The minimum affordable housing set-aside shall be 20% of the dwelling units in the development. Low- and moderate-income housing units shall be governed by the standards set forth in the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., and shall comply with any other relevant state statutes and regulations. All development including affordable dwelling units shall also be subject to Article XVIII, Affordable Housing, of the Revised General Ordinances of the Borough of Wood-Ridge. In the event of any conflict between Article XVIII, Affordable Housing, of the General Ordinances of the Borough of Wood-Ridge and the regulations of the New Jersey Housing and Mortgage Finance Agency (HMFA), the HMFA regulations shall control.

**SECTION 2.** Establish a new Article XVIII, entitled Affordable Housing, Subchapters §530-125 through 145, as follows:

## **ARTICLE XVIII AFFORDABLE HOUSING**

### **530-125 Purpose and applicability.**

The purpose of this chapter is to include provisions addressing the Borough of Wood-Ridge's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Administrative Director of the Courts and as stipulated by P.L.2024, c. 2 and

N.J.S.A. 52:27D-301 et seq. (the amended Fair Housing Act). N.J.A.C. 5:99-1 et seq., as amended and supplemented, establishes procedures to be used by municipalities in addressing and implementing the requirements set forth in the Amended Fair Housing Act. P.L. 2024, c.2 also established the Affordable Housing Dispute Resolution Program (“Dispute Resolution Program”), which provides a new process for municipalities to come into constitutional compliance with their affordable housing obligations. This chapter is intended to assure compliance with the foregoing provisions and with the regulations of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., as amended and supplemented, including provisions for unit affordability controls as well as eligibility for low- and moderate-income households. This chapter shall apply except where inconsistent with applicable law.

The provisions of this section shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Borough of Wood-Ridge pursuant to the Borough's most recently adopted Housing Element and Fair Share Plan.

### **530-126 Intent.**

It is the intent of this chapter to regulate the development and management of low- and moderate-income units constructed in compliance with the Housing Plan Element and Fair Share Plan of the Borough of Wood-Ridge.

### **530-127 Reporting requirements.**

- A. Trust fund activity. Wood-Ridge shall comply with the reporting requirements set forth in N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:99-5.
- B. Affordable housing activity. Wood-Ridge shall comply with the reporting requirements set forth in N.J.S.A. 52:27D-329.4 and N.J.A.C. 5:99-5.

### **530-128 Definitions.**

The following terms when used in this chapter shall have the meanings given in this Section:

#### **ACT**

The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 *et seq.*), as amended through P.L. 2024, c.2.

#### **ADAPTABLE**

Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

#### **ADMINISTRATIVE AGENT**

The individual or entity designated by the Borough and approved by the Division as pursuant to N.J.A.C. 5:99-7, to administer affordable units in accordance with this chapter, the regulations of the amended Fair Housing Act (P.L.1985, c. (N.J.S.A. 52:27D-301 *et seq.* and the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26 *et seq.*

#### **AFFIRMATIVE MARKETING**

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

#### AFFORDABILITY AVERAGE

The average percentage of regional median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

#### AFFORDABLE

A sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.S.A. 52:27D-301 *et seq.*, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.7, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.13, as may be amended and supplemented.

#### AFFORDABLE HOUSING DEVELOPMENT

A development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Borough's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one hundred (100%) percent affordable housing development.

#### AFFORDABLE HOUSING PROGRAM(S)

Any method of creating or preserving actual housing units available to low- and moderate-income households or creating a realistic opportunity for the construction of such units, and any mechanism in a municipal fair share plan prepared or implemented to address a municipality's fair share obligation.

#### AFFORDABLE HOUSING MONITORING SYSTEM or AHMS

The Department of Community Affairs (DCA) or 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

A housing unit proposed or created pursuant to the Fair Housing Act and approved for crediting by the court and/or funded through an affordable housing trust fund.

#### AGENCY

The New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 *et seq.*).

#### AGE-RESTRICTED UNIT

A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population where the adult member of the family who is the head of the household for the purposes of determining income eligibility and rent is a minimum age of either 62 years, or 55 years and meets the provisions of 42 U.S.C. §§ 3601 through 3619, except that due to death, a surviving spouse of less than 55 years of age is permitted to continue to reside in the unit.

#### ALTERNATIVE LIVING ARRANGEMENTS

A structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey, Department of Community Affairs; residential health care facilities as regulated by the State of New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and, congregate living arrangements.

#### ASSISTED LIVING RESIDENCE

A facility that is licensed by the State of New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four (4) or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one (1) unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

#### BARRIER-FREE ESCROW

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.

#### BOROUGH

The Borough of Wood-Ridge, in Bergen County, New Jersey.

#### CERTIFIED HOUSEHOLD

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

#### CHOICE

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

#### COAH or THE COUNCIL

The Council on Affordable Housing, as previously established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*), abolished effective March 20, 2024 pursuant to Section 3 at through P.L.2024, c.2 (N.J.S.A. 52:27D-304.1).

#### COMPLIANCE CERTIFICATION

The certification issued to a municipality by a county-level housing judge pursuant to section 3 at P.L. 2024, c. 2, 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 affordable housing round begins, which is also known as a "judgment of compliance" resulting in an "order for repose." The term "compliance certification" includes a judgment of repose granted in an action filed pursuant to section 13 at P.L. 1985, c. 222 (N.J.S.A. 52:27D-313).

## CONSTRUCTION

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.*).

## CONTINUUM OF CARE or CoC

One of the 16 local planning bodies in New Jersey that coordinate service providers and other interested parties to prevent and end homelessness, as authorized by subtitle C of Title IV of the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11431 through 11435.

## COUNTY-LEVEL HOUSING JUDGE

A judge appointed pursuant to section 5 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-313.2), 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 or DEPARTMENT

The State of New Jersey, Department of Community Affairs.

## DISPUTE RESOLUTION PROGRAM or THE PROGRAM

The Affordable Housing Dispute Resolution Program, established pursuant to section 5 of P.L. 2024, c.2 (N.J.S.A. 52:27D-313.2). The Dispute Resolution Program is established within the Executive Branch of the State, for the purpose of resolving disputes associated with the Fair Housing Act with respect to municipalities seeking to obtain a certification of compliance of their adopted Housing Element & Fair Share Plan.

## DEFICIENT HOUSING UNIT

A housing unit with health and safety code violations that requires 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.

## DEVELOPER

Any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land included in a proposed development including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

## DEVELOPMENT

The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use 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 N.J.S.A. 40:55D-1 *et seq.*

#### DEVELOPMENT APPLICATION

The application form and all accompanying documents required by ordinance for approval of a subdivision plat, a site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permit pursuant to N.J.S.A. 40:55D-34 or 40:55D-36.

#### DIVISION

Means the Division of Local Planning Services in DCA.

#### EMERGENT OPPORTUNITY

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

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.

#### EXCLUSIONARY ZONING LITIGATION

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

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 or AFFORDABLE HOUSING OBLIGATION

The total of the present need and prospective need as determined by a court of competent jurisdiction.

#### FAIR SHARE PLAN

The plan that describes the mechanisms, strategies and the funding sources, if any, by which the Borough proposes to address its affordable housing obligation as established in the Housing Element, including the draft ordinances necessary to implement that plan, and addresses the requirements of P.L.1985, c.222 (N.J.S.A. 52:27D-301 *et seq.*).

#### HOUSING ELEMENT

The portion of the Borough's Master Plan, required by the Municipal Land Use Law ("MLUL"), N.J.S.A. 40:55D-28b(3) and the Act, that includes the information required by N.J.S.A. 52:27D-301 *et seq.*, and establishes the Borough's fair share obligation.

#### HOUSEHOLD INCOME

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 PROJECT

A project, or distinct portion of a project, which is designed and intended to provide decent, safe, and sanitary dwellings, apartments, or other living accommodations for persons of low- and moderate-income; such work or undertaking may include buildings, land, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, educational, welfare, or other purposes. The term "housing project" may also be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration, and repair of the improvements, and all other work in connection therewith.

#### HOUSING REGION

A geographic area established pursuant to N.J.S.A. 52:27D-304.2b

#### INCLUSIONARY DEVELOPMENT

A development containing both affordable units and market rate units, in which a substantial percentage of the housing units are provided for a reasonable income range of low- and moderate- income households. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

#### JUDGMENT OF COMPLIANCE OR JUDGMENT FOR REPOSE

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

A household with a household income equal to fifty (50%) percent or less of the regional median income.

#### LOW-INCOME UNIT

A restricted unit that is affordable to a low-income household.

#### MAJOR SYSTEM

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 and load bearing structural systems.

#### MARKET-RATE UNITS

Housing not restricted to low- and moderate-income households that may sell or rent at any price.

#### MODERATE-INCOME HOUSEHOLD

A household with a household income in excess of fifty (50%) percent but less than or equal to eighty (80%) percent of the regional median income.

#### MODERATE-INCOME UNIT

A restricted unit that is affordable to a moderate-income household.

#### MONI

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

#### MULTIFAMILY UNIT

A structure containing five (5) or more dwelling units.

#### MUNICIPAL HOUSING LIAISON or MHL

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, and oversight of the authorization of individuals being provided access to the AHMS.

#### MUNICIPAL HOUSING TRUST FUND

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, 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 as governed at N.J.A.C. 5:99-2.

#### NEW CONSTRUCTION

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

#### NON-EXEMPT SALE

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.

#### ORDER FOR REPOSE

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

The payment of funds to the municipality by a developer when affordable units are not produced on a site zoned for an inclusionary development.

#### PRESENT NEED

The number of substandard existing deficient housing units in the municipality currently occupied by low- and moderate-income households, which is calculated pursuant to N.J.S.A. 52:27D-329.1 et seq. Also known as the "rehabilitation obligation."

#### PRICE DIFFERENTIAL

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

#### RANDOM SELECTION PROCESS

A lottery process by which currently income-eligible 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 veteran's 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.

#### REGIONAL ASSET LIMIT

The maximum housing value in each housing region affordable to a four-person household with an income at eighty (80%) percent of the regional median as defined by duly adopted Regional Income Limits published annually by the Affordable Housing Professionals of New Jersey or other entity approved by the court.

#### REGIONAL CONTRIBUTION AGREEMENT or RCA

A contractual agreement, pursuant to the Act, into which two municipalities voluntarily entered into 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

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

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

#### RENT

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. In assisted living residences, rent does not include charges for food and services.

#### RESTRICTED UNIT

A dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit that was financed pursuant to UHORP, MONI, or CHOICE.

#### UHAC

The Uniform Housing Affordability Controls, as set forth in N.J.A.C. 5:80-26 *et seq.*, as amended and supplemented.

#### UHORP

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

#### VERY LOW-INCOME HOUSEHOLD

A household with a household income less than or equal to thirty (30%) percent of the regional median income.

#### VERY LOW-INCOME UNIT

A restricted unit that is affordable to a very low-income household.

## VETERAN

A veteran as defined at N.J.S.A. 54:4-8.10.

## VETERANS' PREFERENCE

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 fifty (50%) percent of rental units in relevant projects, as provided for at N.J.S.A. 52:27D-311j.

## WEATHERIZATION

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 purposes of a rehabilitation program.

## 95/5 RESTRICTION

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 ninety-five (95%) percent of the price differential to be paid to the municipality or an instrument of the municipality at the first non-exempt sale following the expiration of the deed restriction.

The definitions in the Uniform Housing Affordability Controls (UHAC) at N.J.A.C 5:80-26.2 shall be applicable where a term is not defined. In the event of a discrepancy between a definition in this section and UHAC, the current UHAC definition shall be applicable.

### **530-129 Inclusionary zoning requirements.**

- A. The regulations of the OLIP Overlay of Light Industrial Park District are set forth at §530-12.
- B. Borough-wide Mandatory Setaside: Any residential development consisting of five or more dwelling units at a density of six units per acre or greater shall reserve at least twenty percent of the residential units in the development for low- and moderate-income households.
- C. If the calculation of the total number of affordable units required yields a fraction of less than one-half of a unit (0.5) then either a pro-rated payment in lieu or one (1) additional unit shall be provided. If the calculation of the total number of affordable units required yields a fraction greater than one-half of a unit (0.5), the obligation shall be rounded up and the additional unit shall be provided.
- D. Inclusionary developments shall adhere to the project phasing requirements as set forth in UHAC, N.J.A.C. 5:80-26.1 et seq, as amended and supplemented.
- E. Design:
  1. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
  2. The occupancy standards set forth at N.J.A.C. 5:80-26.5 shall be applicable regarding the design of proposed affordable housing developments.

### 530-130 New construction

The required income and bedroom distributions of affordable housing units, as well as additional applicable standards, shall be as set forth in UHAC, N.J.A.C. 5:80-26.1 *et seq.*, as amended and supplemented.

#### A. Low/moderate split and bedroom distribution of affordable housing units:

1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
2. At least thirteen (13%) percent of all restricted units within each bedroom distribution shall be very low-income units (affordable to a household earning thirty (30%) percent or less of regional median income). The very low-income units shall be counted as part of the required number of low-income units within the development.
3. At least twenty-five (25%) percent of the obligation shall be met through rental units, including at least half in rental units available to families.
4. A maximum of thirty (30%) percent of the Borough's obligation may be met with age restricted units. At least half of all affordable units in the Borough's Plan shall be available to families.
5. Unless otherwise approved pursuant to 9, below, affordable developments that are not age-restricted or supportive housing shall be structured in conjunction with realistic market demands such that:
  - (a) At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;
  - (b) Two-bedroom and/or three-bedroom units compose at least fifty (50%) percent of all restricted units;
  - (c) The combined number of restricted efficiency and one-bedroom units, rounded up or down to the nearest whole number in either direction, shall be no greater than twenty (20%) percent of the total low- and moderate-income units;
  - (d) At least thirty (30%) percent of all restricted units, rounded up or down to the nearest whole number in either direction, shall be two-bedroom units;
  - (e) At least twenty (20%) percent of all restricted units, rounded up or down to the nearest whole number in either direction, shall be three-bedroom units; and,
  - (f) The remaining restricted units may be allocated at the discretion of the developer in accordance with the Borough's housing element and fair share plan.
6. Unless otherwise approved pursuant to 9, below, affordable developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangement, shall be structured

such that, at a minimum, the number of bedrooms within restricted units shall equal the number of restricted units. This standard may be met by having a two (2)-bedroom unit for each efficiency unit. In affordable developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must compose at least five (5%) percent of those restricted units.

7. Unless otherwise approved pursuant to 9, below, in each affordable development, the following income distribution requirements must be independently satisfied by the restricted units that are age-restricted, the restricted units that are supportive housing, and the restricted units that are neither age-restricted nor supportive housing, as well as by all of the restricted units in the development, considered in the aggregate:
  - (a) At least fifty (50%) percent of all restricted units are low-income or very-low-income units;
  - (b) At least fifty (50%) percent of all restricted efficiency or one-bedroom units, rounded up or down to the nearest whole number in either direction, are low-income units or very-low-income units;
  - (c) At least fifty (50%) percent of all restricted two-bedroom units, rounded up or down to the nearest whole number in either direction, are low-income units or very-low-income units;
  - (d) At least fifty (50%) percent of all restricted three-bedroom units are low-income units or very-low-income units;
  - (e) At least fifty (50%) percent of all restricted units with four or more bedrooms, rounded up or down to the nearest whole number in either direction, are low-income units or very-low-income units; and
  - (f) Any very-low-income units are 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. For example, if half of the restricted units are two-bedroom units, then half of the very-low-income units should be two-bedroom units.
8. The requirements at 6, 7, and 8 above must be satisfied by all restricted units in the Borough, considered in the aggregate. The individual requirements at 6, 7, and 8 above may be waived or altered for a specific affordable development with written approval from the Division if such waiver or alteration would not result in a material deviation from the municipal housing element and fair share plan. Any waiver or alteration that would result in a material deviation from the municipal housing element and fair share plan must receive written approval from a county-level housing judge

B. Accessibility requirements:

1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.
2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least (1) one other dwelling unit shall have the following features:

- (a) An adaptable toilet and bathing facility on the first (1<sup>st</sup>) floor; and,
- (b) An adaptable kitchen on the first (1<sup>st</sup>) floor; and,
- (c) An interior accessible route of travel on the (1<sup>st</sup>) first floor; and,
- (d) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first (1<sup>st</sup>) floor; and,
- (e) If not all of the foregoing requirements in 2.(a) through 2.(d) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs 2.(a) through 2.(d) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and,
- (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a *et seq.*) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the Borough has collected funds from the developer sufficient to make ten (10%) percent of the adaptable entrances in the development accessible:
  - (1) Where a unit has been constructed with an adaptable entrance, upon the request of a person with disabilities who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
  - (2) To this end, the builder of restricted units shall deposit funds within the Borough affordable housing trust fund sufficient to install accessible entrances in ten (10%) percent of the affordable units that have been constructed with adaptable entrances.
  - (3) The funds deposited under paragraph (f)(2) above shall be used by the Borough for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
  - (4) The developer of the restricted units shall submit a design plan and cost estimate to the Borough Construction Official for the conversion of adaptable to accessible entrances.
  - (5) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet 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 Borough's affordable housing trust fund in care of the Borough's Chief Financial Officer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.
  - (6) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site

impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

C. Maximum 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 utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD.
2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than sixty (60%) percent of regional median income; however, municipalities may permit a maximum rent affordable to households earning no more than seventy (70%) percent of regional median income for moderate-income units within affordable developments where very-low-income units compose at least thirteen (13%) percent of the restricted units. In such developments, the number of units with rent affordable to households earning seventy (70%) percent of regional median income may not exceed the number of very-low-income units in excess of thirteen (13%) percent of the restricted units. The average rent for restricted rental units shall be affordable to households earning no more than fifty two (52%) percent of regional median income.
3. The developers and/or municipal sponsors of restricted rental units shall establish at least one (1) rent for each bedroom type for both very-low-income, low-income and moderate-income units, provided that at least thirteen (13%) percent of all rental restricted units shall be affordable to very low-income households, (earning thirty (30%) percent or less of the regional median household income) with at least half of such units made available for very-low-income families with children. Such very low-income units shall be counted toward the minimum fifty (50%) percent low-income housing requirement to address the Borough's prospective need obligation. Nothing in this subsection precludes the Borough from requiring affordable developments to have at least thirteen (13%) percent of restricted units be affordable to and reserved for very-low-income households.
4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than seventy (70%) percent of regional median income, and each affordable development must achieve an affordability average of fifty five (55%) percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two (2) different sales prices for each bedroom type.
5. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
  - (a) A studio or efficiency unit shall be affordable to a one (1)-person household;

- (b) A one (1)-bedroom unit shall be affordable to a one and one-half (1 ½)-person household;
  - (c) A two (2)-bedroom unit shall be affordable to a three (3)-person household;
  - (d) A three-(3) bedroom unit shall be affordable to a four and one-half (4 ½)-person household; and
  - (e) A four (4)-bedroom unit shall be affordable to a six (6)-person household.
6. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
- (a) A studio or efficiency unit shall be affordable to a one (1)-person household;
  - (b) A one (1)-bedroom unit shall be affordable to a one and one-half (1 ½)-person household; and,
  - (c) A two (2)-bedroom unit shall be affordable to a two (2)-person household or to two (2) one (1)-person households.
7. 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 ninety-five (95%) percent of the purchase price and the FreddieMac 30-Year Fixed Rate-Mortgage rate of interest), taxes, homeowner and private mortgage insurance and realistic condominium or homeowner association fees do not exceed thirty (30%) percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, 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.
8. The administrative agent shall set the initial rent for a restricted rental unit. The initial rent for a restricted rental unit shall be calculated so as not to exceed thirty (30%) percent of the eligible monthly income of the appropriate size household, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented. For assisted living units, the combined cost of rent, food, and services may not exceed eighty (80%) percent of the eligible monthly income of the appropriate household size as determined pursuant to N.J.A.C. 5:80-26.4.
9. The maximum resale price for a restricted ownership unit, if the resale occurs prior to the one-year anniversary of the date on which title to the unit was first transferred to a certified household, is the initial purchase price. 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.

10. 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." The maximum allowable rent increase for the year will be effective as of the same date as the regional median income limits determined pursuant to N.J.A.C. 5:80-26.3. This rent increase may not exceed five (5%) percent in any one year and notice thereof must be filed with the administrative agent. Rents for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.

#### **530-131 Utilities.**

- A. Affordable units shall utilize the same type of cooling and heating sources as market units within an inclusionary development.
- B. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program. For units constructed with State funding, an alternate utility allowance approved by DCA or the Agency must be used. For units that receive ENERGYSTAR certification, a utility allowance calculated according to an energy consumption model provided by an energy consultant with an active registration with the New Jersey Board of Public Utilities must be used, subject to approval by the administrative agent.

#### **530-132 Occupancy Standards.**

- A. The occupancy standards set forth at N.J.A.C. 5:80-26.5 shall be applicable.
- B. In referring certified households to specific restricted units, the administrative agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:
  1. Provide at least one occupant for each bedroom, except for age-restricted units;
  2. Provide a bedroom for every two adult occupants;
  3. With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom; and
  4. Avoid placing a one-person household into a unit with more than one bedroom.

#### **530-133 Control periods for restricted ownership units and enforcement mechanisms.**

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.6, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this chapter for a deed-restricted control period. The minimum duration of the control period is:

1. Thirty years for any ownership unit created on or after December 20, 2024
  2. Thirty years for any ownership unit receiving an extension of affordability controls on or after December 20, 2024, unless the original term of affordability exceeds 30 years, in which case, the minimum control period for the extension is the number of years, not less than 20 years, that in combination with the original term results in 60 years of affordability.
  3. Governed by the grant of substantive certification, judgment of compliance, grant agreement, or other contract for any prior round ownership unit, including all units governed by 95/5 restrictions, sold before December 20, 2024; and
  4. Governed by the form of UHAC in effect as of December 20, 2004, for any unit sold between December 20, 2004 and December 20, 2024, that is not the subject of a grant of substantive certification, judgment of compliance, grant agreement, or other contract.
- B. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit, or, if existing affordability controls are being extended, on the effective date of the extension. The date of commencement must be identified in the deed restriction.
- C. For each restricted ownership unit, at initial sale, the administrative agent shall determine a preliminary recapture amount equal to the price differential between the restricted price for the unit, based on the requirements at N.J.A.C. 5:80-26.7, and the non-restricted, fair market value of the unit, based on either an appraisal or the unit's equalized assessed value.
- D. The initial purchaser and each successive purchaser during the control period shall execute and deliver to the administrative agent a recapture note, secured by a recapture lien evidenced by a duly recorded mortgage on the unit, obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay a recapture amount at the time of the exit sale. The recapture note and lien must be determined upon exit sale and will be equal to the price differential minus the equity share amount, or another amount determined by an ordinance of the municipal governing body, which must be less than the price differential minus the equity share amount.
- E. The affordability controls set forth in this chapter and within N.J.A.C. 5:80-26.1 et seq, shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- F. A restricted ownership unit shall be required to obtain a continuing certificate of occupancy or a certified statement from the municipal building inspector stating that the unit meets all code standards upon the first transfer of title following the expiration of the deed-restricted control period provided pursuant to N.J.A.C. 5:80-26.6(a), as may be amended and supplemented.

**530-134 Price restrictions for restricted ownership units, homeowner association fees and resale prices.**

- A. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.7, as may be amended and supplemented, including:

1. The initial purchase price for a restricted ownership unit shall be set by the administrative agent.
2. The administrative agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
3. The master deeds and declarations of covenants and restrictions of affordable developments shall provide no distinction between restricted units and market-rate units in the calculation of the condominium or homeowner association fees and special assessments to be paid by low- and moderate-income purchasers and those paid by market 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.
4. The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit to reflect eligible capital improvements completed since they purchased the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household, that is, ~~or~~ the addition of a bedroom and/or bathroom.

#### **530-135 Buyer Income Eligibility.**

- A. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.8, as may be amended and supplemented. Very-low-income ownership units are reserved for households with a household income less than or equal to thirty (30) percent of regional median income. Low-income ownership units shall be reserved for households with a household income less than or equal to fifty (50%) percent of regional median income and moderate-income ownership units shall be reserved for households with a household income less than or equal to eighty (80%) percent of regional median income.
- B. Notwithstanding the foregoing, however, the administrative agent may, upon approval by the Mayor and Borough Council, permit moderate-income purchasers to buy low-income units in housing markets where, as determined by the Division, units are reserved for low-income purchasers, but there is an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units. 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. Again, all such very-low-income units to be sold to low-income households shall retain the required pricing and pricing restrictions for very-low-income units.
- C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the administrative agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one (1) year.

- D. The administrative agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and realistic condominium or homeowner association fees, as applicable) does not exceed thirty five (35%) percent of the household's eligible monthly income.

#### **530-136 Limitations on indebtedness secured by ownership unit; subordination.**

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall submit to the administrative agent a notice of intent to incur such indebtedness, (for example, a home equity loan or solar loan), in such form and with such documentary support as determined by the administrative agent, for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the administrative agent shall issue such determination prior to the owner incurring such indebtedness.
- B. With the exception of original purchase money mortgages, during a control period, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed ninety five (95%) percent of the maximum allowable resale price of the unit, as such price is determined by the administrative agent in accordance with N.J.A.C. 5:80-26.7(c).

#### **530-137 Capital improvements to ownership units.**

- A. The owners of restricted ownership units may apply to the administrative agent to recalculate the maximum sales price for the unit to reflect eligible capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household, that is the addition of an additional bedroom and/or bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
- B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, or flooring) 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. 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, which shall be subject to ten (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 owner 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 resale.

#### **530-138 Control periods for restricted rental units**

- A. 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 chapter for a deed-restricted control period. The minimum duration of the control period is set forth below. LIHTC units are not governed by the

provisions of this section, but rather by the provisions of the State's Qualified Allocation Plan, N.J.A.C. 5:80-33.1 through 33.40.

1. Forty years for any rental unit created on or after December 20, 2024;
  2. Thirty years for any rental unit in a one-hundred (100%) percent affordable property that, on or after December 20, 2024, elects to extinguish its existing deed restriction to enter into a new deed restriction and commence refinancing and/or rehabilitation for the purpose of preservation;
  3. Thirty years for any other rental unit that, on or after December 20, 2024, extends its affordability controls for a new term of affordability, unless the original term of affordability exceeds 30 years, in which case, the minimum control period for the extension is the number of years, not less than 20, that in combination with the original term results in 60 years of affordability;
  4. Governed by the grant of substantive certification, judgment of compliance, grant agreement, or other contract for any prior round rental unit that was issued its certificate of occupancy before December 20, 2024; and
  5. Governed by the form of UHAC in effect as of December 20, 2004, for any prior round rental unit that was issued its certificate of occupancy between December 20, 2004 and December 20, 2024, and that is not the subject of a grant of substantive certification, judgment of compliance, grant agreement, or other contract.
- B. The control period for the restricted rental unit(s) in a development commences 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. The control period for the restricted rental unit(s) in a development continues until the end date identified in the deed restriction, or until the minimum duration has elapsed if a specific end date cannot be determined according to the terms of the deed restriction. After the end of the control period, each restricted rental unit in the development remains subject to the affordability controls of this subchapter until:
1. The occupant household vacates the unit, at which point affordability controls terminate; or
  2. The occupant household's household income is found to exceed eighty (80%) percent of the regional median income for the relevant household size, after which affordability controls terminate at the later of either the next scheduled lease renewal or in 60 days.
- C. Deeds of all real property that include restricted rental units created or extended pursuant to the existing rules shall contain deed restriction language that conforms with the requirements of this subchapter and is substantially in the form set forth at N.J.A.C. 5:80-26 Appendix E. The deed restriction must meet the following requirements:
1. Is to be read in accordance with the requirements of this subchapter, such that any term that directly conflicts with or circumvents the requirements of this subchapter, regardless of intention, is unenforceable, of no legal effect, and contrary to the public policy of the State;
  2. Is governed by the requirements of this subchapter regardless of the language ultimately utilized in the recorded deed restriction document;

3. Is severable, such that invalidation of any provision due to inconsistency with these regulations will not terminate the deed restriction, but, rather, will result in the deed restriction being read to include the provision of these regulations with which the original language was inconsistent;
  4. Has priority over all mortgages on the property; and
  5. Must be filed with the records office of the county in which the unit is located by the developer or owner of the restricted rental units, who then must, no later than 30 days after the commencement of the control period, provide to the administrative agent:
    - (i) A copy of the filed deed restriction; and
    - (ii) Certification by the preparer of the deed restriction that the deed restriction conforms with all requirements of this subchapter, and that the deed restriction language at N.J.A.C. 5:80-26 Appendix E, has been included therein.
- D. Failure to record a deed restriction does not, under any circumstances, excuse a property from the requirements of this subchapter. If a development is sold by a developer prior to recording the deed restriction, the buyer is not excused from adhering to the requirements of this subchapter and any recourse shall be to recover from the seller rather than seeking to extinguish any affordability controls of the development. Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the Borough shall record a preliminary instrument in the form set forth at N.J.A.C. 5:80-26 Appendix P-2, incorporated herein by reference that specifies, at a minimum, the total number of rental units to be constructed/rehabilitated, the number of restricted rental units to be constructed/rehabilitated, the anticipated numbers of restricted rental units that will be very-low-income, low-income, and moderate-income, the address(es) and parcel(s) of the property, and the anticipated timeline for completion, including projected phasing. The preliminary instrument must provide that it will be replaced by the recording of a full deed restriction prior to the issuance of the certificate of occupancy, at which point the preliminary instrument will be extinguished. The full deed restriction must be recorded prior to receiving a certificate of occupancy.
- E. A restricted rental unit shall remain subject to the affordability controls of this chapter and N.J.A.C. 5:80-26.1 et seq. despite the occurrence of any of the following events:
1. Sublease or assignment of the lease of the unit;
  2. Sale or other voluntary transfer of the ownership of the unit; or,
  3. The entry and enforcement of any judgment of foreclosure or grant of a deed in lieu of foreclosure on the property containing the unit; or
  4. The end of the control period, until the occupant household vacates the unit or is found to be income-ineligible (found to exceed eighty (80%) percent of the regional median income for the relevant household size, after which affordability controls terminate at the later of either the next scheduled lease renewal or in 60 days).

### **530-139 Rent restrictions for rental units; leases.**

- A. A written lease shall be required for all restricted rental units (except for units in assisted living residences) and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. Final lease agreements are the responsibility of the landlord and the prospective tenant and all lease provisions must comply with applicable law. The landlord shall provide the administrative agent with sufficient information for preparation of a unit inventory form for entry into the centralized affordable housing unit inventory system. A copy of each lease entered into with a certified household shall be provided to the administrative agent within 10 business days after the execution of each lease.
- B. 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.
- C. Application fees (including the charge for any credit check) shall not exceed five (5%) percent of the monthly rent of the applicable restricted unit and shall be payable to the administrative agent to be applied to the costs of administering the controls applicable to the unit as set forth in this chapter and N.J.A.C. 5:80-26.1 et seq.

### **530-140 Tenant income eligibility.**

- A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.14, as may be amended and supplemented, and shall be determined as follows:
  - 1. Very low-income rental units shall be reserved for households with a household income less than or equal to thirty (30%) percent of regional median income.
  - 2. Low-income rental units shall be reserved for households with a household income less than or equal to fifty (50%) percent of regional median income.
  - 3. Moderate-income rental units shall be reserved for households with a household income less than or equal to eighty (80%) percent of regional median income.
- B. The administrative agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed thirty-five (35%) percent (forty (40%) percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented; provided, however, that this limit may be exceeded if one (1) or more of the following circumstances exists:
  - 1. The household currently pays more than thirty-five (35%) percent (forty (40%) percent for households eligible for age-restricted units) of its household income for rent, and the proposed rent will reduce its housing costs;
  - 2. The household has consistently paid more than thirty-five (35%) percent (forty (40%) percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
  - 3. The household is currently in substandard or overcrowded living conditions;

4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or,
  5. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the administrative agent and the owner of the unit.
- C. The applicant shall file documentation sufficient to establish the existence of the circumstances in b.1 through 5 above with the administrative agent, who shall counsel the household on budgeting.

**530-141 Municipal housing liaison.**

- A. The Borough shall adopt an ordinance creating the position of municipal housing liaison. Subject to the approval of the Division, the Borough shall appoint a municipal employee by resolution of the governing body or letter from the chief executive, and shall identify the municipal housing liaison by name and title on the municipal website. The municipal housing liaison is responsible for the creation, preservation and, administration of the affordable housing programs, affordable units, monitoring and reporting, and, where applicable, supervising any contracted administrative agent to ensure that they execute the practices, procedures, and standards set forth in this subchapter and within N.J.A.C. 5:80-26.1 et seq. The municipal housing liaison shall successfully complete the Division's Education Program as described at N.J.A.C. 5:99-9 within the timeframes specified by the Division before assuming the duties of municipal housing liaison.
- B. The municipal housing liaison shall be responsible for oversight and administration of the affordable housing program for the Borough, including the following responsibilities which may not be contracted out to the administrative agent:
  1. Serving as the Borough's primary point of contact for all inquiries from the State, affordable housing providers, administrative agents and interested households;
  2. Overseeing the monitoring of and reporting on the status of all proposed and completed affordable housing programs and affordable units in the Borough's Fair Share Plan and ensuring compliance with the requirements of the Amended Fair Housing Act;
  3. Overseeing and monitoring administrative agents within the Borough's jurisdiction to ensure compliance with the UHAC;
  4. Ensuring that an administrative agent is assigned to administer the sales, rentals, re-sales, and re-rentals of all deed-restricted affordable units in the Borough at all times. For units at the end of their deed-restricted control period, an administrative agent shall be available to administer the sale of all properties until such time of the first authorized non-exempt sale after controls on affordability have been in effect on the unit;
  5. Verifying, certifying, and providing monitoring and reporting information within the AHMS at such time and in such form as the Division requires. Access to AHMS shall be authorized only by the municipal housing liaison, or their designee, which shall be a municipal employee. Information regarding specific characteristics of municipal affordable housing projects or programs and the resulting unit completions may be entered into AHMS by a contracted entity other than the municipal housing liaison with the written approval of the Borough and pursuant to the oversight of the municipal housing liaison. Monitoring reports shall include

the information described at N.J.A.C. 5:99-5.2 and N.J.A.C 5:99-5.3. Monitoring reports for each calendar year shall be in the form of a certification specifying that all information provided in the AHMS is complete, accurate, and current through the most recent calendar year and shall be accompanied by a year-end bank or other financial institution statement that will be used to reconcile municipal reporting. Municipal monitoring information certifications shall be submitted by the municipal housing liaison, or their designee, which shall be a municipal employee, through the AHMS, by February 15 of each year for trust fund activity through December 31 of the previous year;

6. Listing, on the municipal website, contact information for the administrative agent for each completed project with an affordable component within the Borough;
  7. Overseeing the coordination of meetings with affordable housing providers, developers, municipal officials, and administrative agents, as needed; and
  8. Where applicable, providing to an administrative agent a copy of the adopted municipal operating manual(s), housing element and fair share plan, and ordinances relating to the creation and administration of the Borough's affordable housing programs and/or affordable units.
- C. The municipal housing liaison may also serve as the administrative agent pursuant to N.J.A.C. 5:99-7 for some or all of the affordable units in the Borough, subject to the submission of qualifications to the Division, successful completion of the Division's Education Program as described at N.J.A.C. 5:99-9, and approval by the Division. These duties of the municipal housing liaison shall be outlined in the municipal ordinance establishing the position of the municipal housing liaison. All applicable tasks not performed by the municipal housing liaison, shall be contracted to an administrative agent pursuant to N.J.A.C. 5:99-7.
- D. The Division shall monitor the performance of any approved municipal housing liaison and may revoke said approval, should the Division find that the municipal housing liaison has failed to administer the Borough's affordable housing programs and/or affordable units in accordance with the rules of the Division pursuant to N.J.A.C. 5:99-5.6.

#### **530-142 Administrative agent.**

- A. The Borough shall designate or approve, for each affordable housing project or program within its fair share plan, an administrative agent to administer the affordable housing program and/or affordable units in accordance with the requirements of the Amended Fair Housing Act, the Program, this chapter, and the UHAC. The administrative agent may be the municipal housing liaison, the RCA administrator, other municipal employee, or a person or entity selected pursuant to the UHAC. Administrative agents shall be approved through the municipal housing liaison (if the prospective administrative agent is an individual other than the current municipal housing liaison), and designation of administrative agents is also subject to approval by the Division.
- B. Qualified administrative agents shall have been certified as required pursuant to N.J.S.A. 52:27D-321, shall have evidence of satisfactory completion of the Division's Education Program as described at N.J.A.C. 5:99-9; and shall have submitted all other required information to the Division.

- C. The administrative agent shall perform the duties and responsibilities of an administrative agent as set forth at N.J.A.C. 5:99-7 and as set forth in UHAC, and in accordance with the requirements of the Amended Fair Housing Act and the Dispute Resolution Program. The Division and the municipal housing liaison shall monitor the performance of all approved administrative agents for compliance with this chapter. In the event the administrative agent does not administer the Borough's affordable housing program and/or affordable units in accordance with the certificate of compliance, municipal ordinance, or the Division's rules, the Division may revoke its approval and/or require the Borough to retain a different administrative agent. The Division reserves the right to revoke approval of an administrative agent for other compelling circumstances.
- D. The primary responsibility of the administrative agent is to ensure that the restricted units under administration are sold or rented, as applicable, only to very-low, low-, and moderate-income households in accordance with the provisions of the UHAC. The administrative agent is also responsible for the following:
1. Affirmative marketing:
    - a) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Borough's affirmative marketing plan and the provisions of N.J.A.C. 5:80-26.16; and,
    - b) Designate an experienced staff person to provide 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. Household certification:
    - a) Soliciting, scheduling, conducting and following up on applications and/or interviews with interested households;
    - b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income household;
    - c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
    - d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
    - e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and,
    - f) Employing a random selection process as provided in the affirmative marketing plan of the Borough when referring households for certification to affordable units. It is noted that supportive housing units, including group homes, must also comply with the selection processes of their respective sponsoring programs, where applicable.

- g) Notifying the following entities of the availability of affordable housing units in the Borough of Wood-Ridge: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Supportive Housing Association, and the New Jersey Housing Resource Center.
  - h) Subject to the approval of the municipal housing liaison, administrative agents may grant a waiver of the income qualification requirement for units where a buyer has not been identified for an extended period of time and where the administrative agent has developed a set of criteria to determine that a waiver is necessary due to a lack of qualified applicants. This waiver shall not change the deed restriction in any way on the unit and the next sale shall be conducted according to the applicable rules.
3. Affordability controls:
- a) Furnishing to attorneys or closing agents appropriate forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
  - b) 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;
  - c) Subject to prior written approval from the municipal housing liaison, E ensuring that the removal of the deed restrictions and cancellation of the mortgages ~~note~~ are effectuated and properly filed with the Bergen County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit as set forth in N.J.A.C. 5:80-26.1 et seq.;
  - d) Communicating with lenders regarding foreclosures; and
  - e) Ensuring the issuance of continuing certificates of occupancy or certifications from municipal building inspectors, pursuant to N.J.A.C. 5:80-26.11.
  - f) Exercising appropriate authority to discharge and release any or all instruments, as set forth in the UHAC appendices establishing affordability controls;
4. Resales and rentals:
- a) Instituting and maintaining an effective means of communicating information between owners of affordable units and the administrative agent regarding the availability of their restricted units for resale or rental; and,
  - b) Instituting, maintaining, and documenting an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental, inclusive of listings on the New Jersey Housing Resource Center pursuant to N.J.S.A. 52:27D-321.6;
  - c) Sending annual mailings to owners as prescribed for in the UHAC at N.J.A.C. 5:80-26.19;
5. Processing requests from unit owners:
- a) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Chapter;

- b) Reviewing and approving requests to increase the maximum 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 installed subsequent to the initial sale of the unit;
  - c) Notifying the Borough of an owner's intent to sell a restricted 95/5 unit, as defined in the UHAC at N.J.A.C. 5:80-26.2; and,
  - d) Making determinations on requests by owners of restricted units for hardship waivers.
6. Enforcement:
- a) Securing annually from the Borough a list 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;
  - b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the administrative agent;
  - c) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4.
  - d) Establishing a program for diverting unlawful rent payments to the Borough's affordable housing trust fund; and,
  - e) Creating and publishing a written operating manual as set forth at N.J.A.C. 5:99-7.2 in plain English and in such other languages as may be appropriate to serving the respective client base for each affordable housing program, to be approved by the municipal housing liaison. The operating manual, administered by the administrative agent, and to be approved by the Mayor and Borough Council, shall set forth procedures for administering the affordability controls, including procedures for long-term control of restricted units; for enforcing the covenants set forth in the UHAC appendices, consistent with the provisions at N.J.A.C. 5:80-26.19; and for releasing restricted units promptly at the conclusion of applicable control periods. The operating manual shall have a separate and distinct chapter or section setting forth the process for identifying applicant households seeking certification to restricted units, for reviewing applicant household eligibility, and for certifying applicant households in accordance with the household certification and referral requirements set forth at N.J.A.C. 5:80-26.17.
7. Additional responsibilities:
- a) The administrative agent shall have the authority to take all actions necessary and appropriate, as permitted by law, to carry out its responsibilities as set forth in this chapter, N.J.A.C. 5:99-7, and N.J.A.C. 5:80-26.1 et seq.
  - b) The administrative agent shall prepare annual reports for submission to the municipal housing liaison and the Division by February 15 of each calendar year, including a detailed description of completed units and any other information

necessary for the Borough to produce its status report as required pursuant to N.J.S.A. 52:27D-329.4.

- c) The administrative agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

### **530-143 Affirmative marketing requirements.**

- A. The Borough shall adopt by resolution an affirmative marketing plan, subject to review by the Division, that is compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
- B. The affirmative marketing process is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, English-speaking ability, marital or familial status, gender, affectional or sexual orientation, disability, age (except for “housing for older persons” as defined at N.J.S.A. 10:5-1 et seq., and age-restricted units as permitted pursuant to 42 U.S.C. §§ 3601 et seq.), source of lawful income, number of children, or any other characteristic described in the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 through 50, to housing units that are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing process is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. In addition, the affirmative marketing plan shall maintain certain notification requirements. It is a continuing program that directs marketing activities toward Housing Region 1 and is required to be followed throughout the period of restriction.
- C. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in Housing Region 1, comprised of Bergen, Hudson, Passaic and Sussex Counties.
- D. The Borough has the ultimate responsibility for adopting the affirmative marketing plan and for the proper administration of the affirmative marketing program, including initial sales and rentals and resales and rere rentals. The administrative agent designated by the Borough shall implement the affirmative marketing plan to assure the affirmative marketing of all affordable units, including accepting applications and maintaining a list of applicants for each affordable development. The administrative agent shall document and report the affirmative marketing plan for the Borough and the affirmative marketing activities undertaken for each of the units within their purview to the municipal housing liaison, who shall ensure that developers and administrative agents are marketing units in accordance with the provisions in this section. The marketing of restricted units must be consistent with the affirmative marketing plan adopted by the Borough. Unless stated otherwise, supportive housing units, including group homes, must comply with the affirmative marketing requirements of their respective sponsoring programs, where applicable.
- E. In implementing the affirmative marketing plan, the administrative agent shall designate an experienced staff person 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. Implementation of the affirmative marketing plan by the administrative agent shall also include all other required provisions set forth at N.J.A.C. 5:80-26.16(f).

- F. The affirmative marketing plan shall contain all the components (i.e. housing project information, eligibility/selection criteria, strategies and mediums of advertising, timelines) required as set forth within N.J.A.C. 5:80-26.16, subsections (d) and (e) in particular. In implementing the affirmative marketing plan, the administrative agent shall consider the use of language translations where appropriate.
- G. The affirmative marketing process for available affordable units shall begin at least four (4) months (120 calendar days) prior to the expected date of occupancy and may begin before construction commences. All affirmative marketing advertising and outreach activities utilized must be employed at the start of the marketing program.
- H. Applications for affordable housing 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 the municipal library in the Borough; and, the developer's office. The Borough shall post the application links and/or notices of affordable housing either directly on the home page of the Borough's official website or on a landing page directly, clearly, and conspicuously linked to from the home page of the Borough's official website. Pre-applications shall be emailed or mailed to prospective applicants upon request.
- I. In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in Wood-Ridge, and copies of the applications forms, to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Supportive Housing Association; and, the New Jersey Housing Resource Center.
- J. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, which shall be a condition of approval for any such affordable housing application before the Borough's Land Use Board.

**530-144 Enforcement of affordable housing regulations.**

- A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the Borough, the administrative agent, and the State shall have all remedies provided at law or equity, including but not limited to forfeiture, foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, divestment of rent proceeds from illegal rentals, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. 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.

**530-145 Appeals.**

Appeals from all decisions of an administrative agent appointed pursuant to this Chapter and N.J.A.C. 5:80-26.1 et seq. shall 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.

**SECTION 3.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 4.** If any part, sections, provisions, or the total of any of the abovementioned publications are held to be invalid or unenforceable by any court, the findings or judgments of which court are applicable in the State of New Jersey, that the balance and remainder of such publication shall remain in full force and effect as an Ordinance of the Borough of Wood-Ridge.

**SECTION 5.** This Ordinance shall become effective immediately upon adoption and publication according to law.

ATTEST:

  
\_\_\_\_\_  
GINA AFFUSO  
Borough Clerk

APPROVED:

  
\_\_\_\_\_  
PAUL A. SARLO  
Mayor

Introduced:	1-21-26
Published:	1-22-26
Adopted:	
Published:	

**A RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF WOOD-  
RIDGE ADOPTING THE REVISED HOUSING PLAN ELEMENT AND FAIR SHARE  
PLAN OF THE MASTER PLAN**

**RESOLUTION 2026-6BR**

**WHEREAS**, the Planning Board of the Borough of Wood-Ridge is a duly organized Planning Board "Planning Board", in accordance with the New Jersey Municipal Land Use Law; and

**WHEREAS**, the Municipal Land Use Law at N.J.S.A. 40:55D-28 b (3) enables the Planning Board to prepare, and after public hearing, adopt or amend the Master Plan or component parts thereof including a Housing Plan Element; and

**WHEREAS**, the Planning Board previously adopted a Master Plan Housing Element and Fair Share Plan ("HEFSHP") on June 3, 2025; and

**WHEREAS**, as a result of the settlement with Fair Share Housing Center ("FSHC") of the Borough's Fourth Round Affordable housing obligations, certain revisions to the HEFSHP are required; and

**WHEREAS**, Phillips Preiss Grygiel Leheny Hughes LLC has prepared a document entitled "Borough of Wood-Ridge Master Plan Housing Element & Fair Share Plan" REVISED January 2026 (the "Revised HEFSHP"); and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board of the Borough of Wood-Ridge held a public hearing on the Revised HEFSHP on February 3, 2026; and

**WHEREAS**, the Planning Board has determined that the Revised HEFSHP is consistent with the goals and objectives of the Borough of Wood-Ridge's Master Plan and that adoption and implementation of the Revised HEFSHP is in the public interest and protects public health and safety and promotes the general welfare.

**NOW THEREFORE BE IT RESOLVED** by the Planning Board of the Borough of Wood-Ridge, County of Bergen, State of New Jersey, that the Planning Board hereby adopts the Borough of Wood-Ridge Master Plan Housing Element & Fair Share Plan revised January 2026.

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Frank Finke, Chairman of Planning Board

## CERTIFICATION

I hereby certify that I, the undersigned, the Secretary of the Planning Board of the Borough of Wood-Ridge, am duly authorized to certify a Resolution adopted by the Planning Board at the meeting held on February 3, 2026, and I hereby certify that the above is a true copy of the Resolution adopted by said Board on said date.

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Cathleen Calabro, Secretary

Date: February 3, 2026

**ORDINANCE NO. 2026-1**

**AN ORDINANCE AMENDING ARTICLE IV, ENTITLED DEVELOPMENT FEES,  
OF CHAPTER 264, ENTITLED FEES**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Wood-Ridge, County of Bergen, New Jersey, that Chapter 264, entitled Fees, of the Code of the Borough of Wood-Ridge is hereby amended as follows:

**SECTION 1.** Replace Article IV (§264-7 through 16), entitled Development Fees, of Chapter 264, in its entirety as follows:

**Chapter 264. Fees**  
**Article IV. Development Fees**

**§ 264-7. Purpose.**

- A. In Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the then functioning Council on Affordable Housing's (COAH's) adoption of rules.
- B. Pursuant to P.L. 2008, c. 46, Section 8 (N.J.S.A. 52:27D-329.2), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that were under the jurisdiction of the Council or a court of competent jurisdiction and had a COAH-approved spending plan were able to retain fees collected from nonresidential development.
- C. In Re: Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), also known as the Mount Laurel IV decision, the Supreme Court remanded COAH's duties to the Superior Court. As a result, affordable housing development fee collections and expenditures from the municipal affordable housing trust funds to implement municipal Third Round Fair Share Plans through July 1, 2025 were under the Court's jurisdiction and were subject to approval by the Court.
- D. Pursuant to P.L. 2024, c. 2, the authority relating to rulemaking on the collection of residential and non-residential development fees is appropriately delegated to the Department of Community Affairs, following the abolition of COAH effective March 20, 2024. As such, municipalities which have obtained or are in the process of seeking compliance certification may retain and expend these development fees.
- E. This article establishes standards for the collection, maintenance and expenditure of development fees pursuant to the regulations set forth in P.L. 2024, c. 2, N.J.S.A. 52:27D-301 et seq., N.J.A.C. 5:99-1 et seq., and as previously established in accordance with P.L. 2008, c. 46, Sections 8 and 32 through 38. Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing.

**§ 264-8. When effective; spending plan.**

- A. This article shall not be effective until approved by the Dispute Resolution Program, as enforced by the Division of Local Planning Services, pursuant to P.L. 2024, c. 2, N.J.S.A. 52:27D-301 et seq, and N.J.A.C. 5:99-1 et seq.
- B. The Borough of Wood-Ridge shall not spend development fees until the Dispute Resolution Program, as enforced by the Division of Local Planning Services, has approved a plan for spending such fees in conformance with P.L. 2024, c. 2, N.J.A.C. 5:99-1 et seq. and N.J.S.A. 52:27D-301 et seq.

**§ 264-9. Definitions.**

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

**ACT**

The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.), as amended through P.L. 2024, c.2.

**ADMINISTRATIVE AGENT**

The individual or entity designated by the Borough and approved by the Division to administer affordable units in accordance with this chapter, the regulations of the amended Fair Housing Act (P.L.1985, c. (N.J.S.A. 52:27D-301 et seq.)), as designated pursuant to N.J.A.C. 5:99-7, and the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26 et seq.

**AFFORDABLE**

A sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.S.A. 52:27D-301 et seq., and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.7, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.13, as may be amended and supplemented.

**AFFORDABLE HOUSING DEVELOPMENT**

A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one-hundred-percent- affordable development.

**AFFORDABLE HOUSING PROGRAM(S)**

Any method of creating or preserving actual housing units available to low- and moderate-income households or creating a realistic opportunity for the construction of such units, and any mechanism in a municipal fair share plan prepared or implemented to address a municipality's fair share obligation.

**AFFORDABLE HOUSING MONITORING SYSTEM or AHMS**

The Department of Community Affairs (DCA) or 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**

A housing unit proposed or created pursuant to the Fair Housing Act and approved for crediting by the court and/or funded through an affordable housing trust fund.

**BOROUGH**

The Borough of Wood-Ridge, in Bergen County, New Jersey.

**COAH or THE COUNCIL**

The New Jersey Council on Affordable Housing as previously established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), prior to its abolition effective March 20, 2024 through P.L. 2024, c. 2.

**COMPLIANCE CERTIFICATION**

The certification issued to a municipality by a county-level housing judge pursuant to section 3 at P.L. 2024, c. 2, 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 affordable housing round begins, which is also known as a "judgment of compliance" resulting in an "order for repose." The term "compliance certification" includes a judgment of repose granted in an action filed pursuant to section 13 at P.L. 1985, c. 222 (N.J.S.A. 52:27D-313).

**DCA or DEPARTMENT**

The State of New Jersey, Department of Community Affairs.

**DEVELOPER**

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

**DEVELOPMENT FEE**

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**

The Affordable Housing Dispute Resolution Program established pursuant to section 5 of P.L. 2024, c.2 (N.J.S.A. 52:27D-313.2). The Dispute Resolution Program is established within the Executive Branch of the State, for the purpose of resolving disputes associated with the Fair Housing Act with respect to municipalities seeking to obtain a certification of compliance of their adopted Housing Element & Fair Share Plan.

**DIVISION**

The Division of Local Planning Services within the Department of Community Affairs.

**EMERGENT OPPORTUNITY**

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**

The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5 and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through 54:1-35c). Estimates at the time of issuance of a building permit may be obtained by the Tax Assessor utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the Municipal Tax Assessor.

**FAIR SHARE OBLIGATION**

The total of the present need and prospective need as determined by a court of competent jurisdiction.

**GREEN BUILDING STRATEGIES**

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

**HOUSING PROJECT**

A project, or distinct portion of a project, which is designed and intended to provide decent, safe, and sanitary dwellings, apartments, or other living accommodations for persons of low- and moderate-income; such work or undertaking may include buildings, land, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, educational, welfare, or other purposes. The term "housing project" may also be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration, and repair of the improvements, and all other work in connection therewith.

**MIXED USE DEVELOPMENT**

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.

## **MUNICIPAL AFFORDABLE HOUSING TRUST FUND**

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, barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Legislature and this chapter.

## **NEW JERSEY AFFORDABLE HOUSING TRUST FUND**

An account established pursuant to N.J.S.A. 52:27D-320.

## **NON-RESIDENTIAL DEVELOPMENT**

1. Any building or structure, or portion thereof, including, but not limited to, any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code, N.J.A.C. 5:23, promulgated to effectuate the State Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., including any subsequent amendments or revisions thereto;
2. Hotels, motels, vacation timeshares, and child-care facilities; and
3. The entirety of all continuing care facilities within a continuing care retirement community which is subject to the Continuing Care Retirement Community Regulation and Financial Disclosure Act, N.J.S.A. 52:27D-330 et seq.

## **NON-RESIDENTIAL DEVELOPMENT FEE**

The fee authorized to be imposed pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7.)

## **PAYMENT IN LIEU OF CONSTRUCTING AFFORDABLE UNITS**

The payment of funds to the municipality by a developer when affordable units are not produced on a site zoned for an inclusionary development.

## **REHABILITATION**

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

## **RESIDENTIAL DEVELOPMENT FEE**

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

## **SPENDING PLAN**

A plan to predict funds that will be paid into a municipality's affordable housing trust fund and to allocate how those funds will be spent to advance the interest of low and moderate income households subject to limitations required by law.

The definitions in the Uniform Housing Affordability Controls (UHAC) at N.J.A.C 5:80-26.2 and N.J.A.C. 5:99 shall be applicable where a term is not defined. In the event of a discrepancy between a definition in this section and UHAC and N.J.A.C. 5:99, the current UHAC or N.J.A.C. 5:99 definition shall be applicable.

#### § 264-10. Residential development fees.

##### A. Imposed fees.

- (1) Within the R-1, R-2 and R-3 Districts, residential developers, except for developers of the types of development specifically exempted below at §264-10B, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted.
- (2) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized. However, 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 up to 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.
- (3) 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.

##### B. Eligible exactions, ineligible exactions and exemptions for residential development.

- (1) Affordable housing developments, affordable housing developments where the affordable units are being provided elsewhere in the Borough, and developments where the developer has made a payment in lieu of on-site construction for all the units in the project shall be exempt from residential development fees.
- (2) Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

- (3) Developers of owner-occupied one- and two-family structures where a previous structure occupying the lot was demolished shall be exempt from paying a development fee.
- (4) Residential structures demolished and replaced as a result of a fire, flood, or any natural disaster or catastrophe shall be exempt from paying any residential development fee, even if the new structure has an increased EAV as compared to the previous structure;
- (5) Non-profit organizations that have received tax exempt status pursuant to the Internal Revenue Code, providing current evidence of that status is submitted to the municipal clerk, together with a certification that services of the organization are provided at reduced rates to those who establish an inability to pay existing charges, shall be exempted from paying a development fee; and
- (6) Federal, State, county, and local governments shall be exempt from paying a development fee.

**§ 264-11. Nonresidential development fees.**

The Borough shall impose, collect, retain, and expend fees collected from non-residential development in accordance with the Statewide Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 40:55D-8.7 and this chapter.

**A. Imposed fees.**

- (1) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements for all new nonresidential construction on an unimproved lot or lots.
- (2) Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
- (3) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time the final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.
- (4) Non-residential construction connected with the relocation of the facilities of a for-profit hospital shall be subject to the fee authorized to be imposed pursuant to this section to the extent of the increase in equalized assessed valuation.
- (5) In the event of any conflict between this ordinance and the Statewide Non-Residential Development Fee Act (SNDFA), the SNDFA shall apply .

B. Eligible exactions, ineligible exactions and exemptions for nonresidential development.

- (1) The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the development fee of 2.5%, subject to the provisions at N.J.S.A. 52:27D-329.1 et seq, unless otherwise exempted below.
- (2) The fee of 2.5% shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing footprint, reconstruction, renovations and repairs.
- (3) All non-residential construction of buildings or structures on property used by churches, synagogues, mosques, and other houses of worship, and property used for educational purposes, that are tax-exempt pursuant to N.J.S.A. 54:4-3.6, shall be exempt from the imposition of a non-residential development fee pursuant to this section, provided that the property continues to maintain its tax exempt status pursuant to that statute for a period of at least three years from the date of issuance of the certificate of occupancy.
- (4) Parking lots and parking structures, regardless of whether the parking lot or parking structure is constructed in conjunction with a non-residential development, or whether the parking lot is developed as an independent non-residential development;
- (5) Any non-residential development that is an amenity to be made available to the public, including, but not limited to, recreational facilities, community centers, and senior centers that are developed in conjunction with, or funded by, a non-residential developer;
- (6) Non-residential construction resulting from a relocation of, or an on-site improvement to, a nonprofit hospital or a nursing home facility;
- (7) Projects that are located within a specifically delineated urban transit hub, as defined pursuant to N.J.S.A. 34:1B-208;
- (8) Projects that are located within an eligible municipality, as defined pursuant to N.J.S.A. 34:1B-208, the Urban Transit Hub Tax Credit Act, when a majority of the project is located within a one-half mile radius of the midpoint of a platform area for a light rail system; and
- (9) Projects determined by the New Jersey Transit Corporation to be consistent with a transit village plan developed by a transit village designated by the New Jersey Department of Transportation.
- (10) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2024, c. 2 and P.L. 2008, c. 46, as amended and supplemented, shall be subject to it at such time as the basis for the exemption no longer applies and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.
- (11) If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of

the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Borough of Wood-Ridge as a lien against the real property of the owner.

**§ 264-12. 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 Code Official responsible for the issuance of a building permit.  
[Amended 12-20-2022 by Ord. No. 2022-21]
- B. For nonresidential developments only, the developer shall also be provided with a copy of Form N- RDF, State of New Jersey Nonresidential Development Certification/Exemption, to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Construction Code Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.  
[Amended 12-20-2022 by Ord. No. 2022-21]
- C. The Construction Code Official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.  
[Amended 12-20-2022 by Ord. No. 2022-21]
- D. Within 90 days of receipt of that notice, the municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- E. The Construction Code Official responsible for the issuance of a final certificate of occupancy notifies the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.  
[Amended 12-20-2022 by Ord. No. 2022-21]
- F. Within 10 business days of a request for the scheduling of a final inspection, the municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G. Should the Borough of Wood-Ridge 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), as amended and supplemented.
- H. The Borough shall collect 100 percent of the development fee for residential and non-residential development at or prior to the issuance of the certificate of occupancy. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at, or prior to, the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate

of occupancy. Developers shall be notified of the fee by the Borough, including when payment is required to be made, at the time of land use board approval or application for a construction permit.

I. Appeal of development fees.

- (1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Borough of Wood-Ridge. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Uniform Tax Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- (2) A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Borough of Wood-Ridge. The local code enforcement official shall thereafter issue the certificate of occupancy provided that the construction is otherwise eligible for a certificate of occupancy. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

**§ 264-13. Affordable Housing Trust Fund.**

- A. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls. The Borough shall provide written authorization, in the form of a three-party escrow agreement between the Borough, the bank or other financial institution, and the Division, to permit the Division to direct the disbursement of the funds, as provided for at N.J.A.C. 5:99-5.6, shall be maintained at all times. This authorization shall be submitted to the Division within 21 days from the opening of the trust fund account and/or within 21 days of any change in banks or other financial institutions in which trust funds are deposited. Wood-Ridge's affordable housing trust fund shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Act and N.J.A.C 5:99-1 et seq. All development fees paid by developers pursuant to this chapter shall be deposited into this fund. The Borough shall identify the funds on its monitoring report pursuant to N.J.A.C. 5:99-5 and include a plan for the use of the funds in its spending plan.
- B. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
  - (1) Payments in lieu of on-site construction of affordable units;
  - (2) Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible (barrier-free escrow funds);

- (3) Rental income from municipally operated units;
- (4) Repayments from affordable housing program loans;
- (5) Recapture funds;
- (6) Proceeds from the sale of affordable units;
- (7) Enforcement fines
- (8) Unexpended RCA funds remaining from a completed RCA project
- (9) Any other funds collected in connection with the Borough of Wood-Ridge's affordable housing program.

**§ 264-14. Use of funds.**

- A. Funds deposited in the housing trust fund may be used for any eligible activity as set forth in the amended Fair Housing Act. (N.J.S.A. 52:27D-301 et seq.), N.J.A.C. 5:99-2, and for any housing activity as approved by Dispute Resolution Program pursuant to N.J.S.A. 52:27D-329.2.a(4) to address the municipal fair share, or by the Division pursuant to N.J.A.C. 5:99-4. Such activities include, but are not limited to:
- (1) A rehabilitation program whose purpose is to renovate deficient housing units that are occupied by low- and moderate-income households, in accordance with the New Jersey State Housing Code, N.J.A.C. 5:28, or the requirements of the Rehabilitation Subcode, N.J.A.C. 5:23-6, as applicable, and costs related to the rehabilitation of the unit. Any recaptured funds from a rehabilitation program shall be deposited into the Borough's affordable housing trust fund and subject to the provisions thereof;
  - (2) New construction of affordable housing units and related development costs; in the case of inclusionary developments, eligible costs shall be prorated based on the proportion of affordable housing units included in the development;
  - (3) Creation of a market to affordable program to pay down the cost of unrestricted units and offer them in sound condition, for sale or rent, at affordable prices to low- and moderate-income households to address all or a portion of the affordable housing obligation;
  - (4) Extensions or improvements of roads and infrastructure directly serving affordable housing development sites; in the case of inclusionary developments, costs shall be prorated based on the proportion of affordable housing units included in the development;
  - (5) RCAs, approved prior to July 17, 2008;
  - (6) Acquisition and/or improvement of land to be used for affordable housing;
  - (7) Accessory dwelling units;
  - (8) The extension of expiring controls;
  - (9) The construction of group homes and supportive and special needs housing;

- (10) Maintenance and repair of affordable housing units;
  - (11) To defray the costs of structured parking; in the case of inclusionary developments, eligible costs shall be prorated based on the proportion of affordable housing units included in the development;
  - (12) Affordability assistance in accordance with N.J.A.C. 5:99-2.5;
  - (13) Repayment of municipal bonds issued to finance low- and moderate-income housing activity;
  - (14) Any other activity as specified in the approved spending plan or as approved by the Division as an emergent affordable housing opportunity; or
  - (15) Any other activity approved by the Division.
- B. Until a new spending plan is approved pursuant to the declaratory judgment action filed in accordance with the amended Fair Housing Act, the Borough shall be entitled to expend funds from the housing trust fund in accordance with the Fair Housing Act as amended in March 2024. Thereafter, funds shall not be expended to reimburse the Borough for activities that occurred prior to the authorization of the Borough to collect development fees; on attorney fees or court costs to obtain a judgment of compliance or order of repose, including any associated administration costs; on any costs in connection with a challenge to a determination of the Borough's fair share obligation; on any costs in connection with a challenge to the Borough's obligation, housing element, or fair share plan.
- C. At least 20% 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 pursuant to N.J.S.A. 52:27D-329.1 and in accordance with N.J.A.C. 5:99-2.5. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.
- (1) Affordability assistance programs may include downpayment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners' 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.
  - (2) Affordability assistance to households earning 30% or less of regional median income may include offering a subsidy to developers of inclusionary or 100 percent affordable housing developments 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 regional median income, including special needs and supportive housing opportunities. The use of development fees in this manner shall not entitle the Borough of Wood-Ridge to bonus credits except as may otherwise be allowed by applicable precedent.
  - (3) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

- D. The Borough of Wood-Ridge may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance or any program or activity for which the Borough expends development fee proceeds, in accordance with N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:99-1 et seq.
- E. No more than 20% of all revenues collected from development fees may be expended on administration, in accordance with N.J.A.C. 5:99-2.4. Administrative expenses may include costs reasonably related to the determination of the fair share obligation and the development of a municipal housing element and fair share plan and may include fees necessary to develop or implement affordable housing programs, an affirmative marketing program, and/or expenses that are reasonably necessary for compliance with the processes of the Program, including, but not limited to, the costs to the Borough of resolving a challenge pursuant to the Program. Administrative expenses may also include costs associated with functions carried out in compliance with UHAC, including activities related to the marketing program and waitlist management, administering the placement of occupants in housing units, income qualification of households, monitoring the turnover of sale and rental units, preserving existing affordable housing, and compliance with the Division's monitoring requirements. The proportion of a municipal employee's salary related to the MHL or RCA administrator functions and fees for required educational programs, may be paid as an administrative expense from the municipal affordable housing trust fund.

**§ 264-15. Monitoring.**

The Borough of Wood-Ridge shall comply with the monitoring and reporting requirements set forth in N.J.S.A. 52:27D-329.2 and N.J.S.A. 52:27D-329.4, and as set forth at N.J.A.C. 5:99-5.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 3.** If any part, sections, provisions, or the total of any of the abovementioned publications are held to be invalid or unenforceable by any court, the findings or judgments of which court are applicable in the State of New Jersey, that the balance and remainder of such publication shall remain in full force and effect as an Ordinance of the Borough of Wood-Ridge.

**SECTION 4.** This Ordinance shall become effective immediately upon adoption and publication according to law.

ATTEST:

  
 \_\_\_\_\_  
 GINA AFFUSO  
 Borough Clerk

APPROVED:

  
 \_\_\_\_\_  
 PAUL A. SARLO  
 Mayor

Introduced:	1-21-26
Published:	1-22-26
Adopted:	2-18-26
Published:	

**A RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF WOOD-RIDGE RECOMMENDING MASTER PLAN CONSISTENCY OF ORDINANCE 2026-1 AMENDING ARTICLE IV, ENTITLED DEVELOPMENT FEES, OF CHAPTER 264, ENTITLED FEES**

**RESOLUTION #2026-7BR**

**WHEREAS**, by Resolution adopted on January 21, 2026, the Mayor and Council of the Borough of Wood-Ridge referred to the Planning Board of the Borough of Wood-Ridge proposed Ordinance 2026-1, amending the Borough Code, Article IV, entitled Development Fees, of Chapter 264 Fees, for the Planning Board to determine whether the proposed Ordinance is consistent with the Master Plan of the Borough of Wood-Ridge; and

**WHEREAS**, the Ordinance review was conducted by the Planning Board at its meeting on February 3, 2026; and

**WHEREAS**, at the aforesaid public hearing, the Planning Board heard a presentation from the Borough Administrator Christopher Eilert, in which Mr. Eilert explained that the purpose of the amended Ordinance is to make the Borough compliant with the provisions of the amended Fair Housing Act, and N.J.A.C. 5:99-1 et seq.; and

**WHEREAS**, the Planning Board, having considered the foregoing, finds that the proposed Ordinance establishes standards for the collection, maintenance, expenditure, and reporting of development fees that shall be used for the sole purpose of providing low- and moderate-income housing, and therefore the proposed Ordinance is consistent with the Master Plan's goal of ensuring compliance of with its affordable housing obligations .

**NOW THEREFORE BE IT RESOLVED** by the Planning Board of the Borough of Wood-Ridge, County of Bergen, State of New Jersey, that the Planning Board hereby finds and determines that Ordinance 2026-1 is consistent with the Master Plan of the Borough of Wood-Ridge.

\_\_\_\_\_  
Frank Finke, Chairman of Planning Board

**CERTIFICATION**

I hereby certify that I, the undersigned, the Secretary of the Planning Board of the Borough of Wood-Ridge, am duly authorized to certify a Resolution adopted by the Planning Board at the meeting held on February 3, 2026, and I hereby certify that the above is a true copy of the Resolution adopted by said Board on said date.

\_\_\_\_\_  
Cathleen Calabro, Secretary  
Date: February 3, 2026

**ORDINANCE NO. 2026-2**

**AN ORDINANCE AMENDING CHAPTER 530, ENTITLED ZONING**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Wood-Ridge, County of Bergen, New Jersey, that Chapter 530, entitled Zoning, of the Code of the Borough of Wood-Ridge is hereby amended as follows:

**SECTION 1.** Replace §530-12, entitled OLIP Overlay of Light Industrial Park District, in its entirety as follows:

**530-12 OLIP Overlay of Light Industrial Park District.**

**A. Purpose and intent.**

- (1) The purpose and intent of this section is to establish an initial overlay zone which is an alternative to the existing zoning with regard to this area. The application of this section does not affect the existing underlying Light Industrial Park zoning of the entire property. This section provides a series of new permitted land uses which are in addition to those provided in the current land use ordinance of the Borough.
- (2) The purpose of the overlay zone is to allow uses which are currently not permitted in the Light Industrial Park Zone, which is the current zoning of this property. It is intended that such uses will facilitate the overall redevelopment of this area of the Borough in a manner consistent with the West Side Wood-Ridge Redevelopment Plan.

**B. The overlay zone.** Block 320, Lot 1.01 (portion), of approximately 28.3 acres shall be included in the overlay zone which is currently zoned as a Light Industrial Park. The following exhibit is a metes and bounds description of the section of the property expressly designated to be included in the overlay zone.

**C. Permitted and prohibited uses in the overlay zone.**

- (1) The uses permitted in the overlay zone shall be those set forth as follows:
  - (a) Public recreation and parks; active, passive and health club or similar uses;
  - (b) Primary, secondary and postsecondary public schools;
  - (c) Train station and related uses, including kiosks;
  - (d) Structure for parking not to exceed five stories;
  - (e) Professional and commercial offices;
  - (f) Retail uses as defined and permitted in the T-4 Neighborhood Center Zone as set forth in the West Side Wood-Ridge Redevelopment Plan;

(g) Residential uses as defined and permitted in the T-4 Neighborhood Center Zone, except that detached single-family homes shall not be permitted in the overlay zone; and

(h) All uses permitted as set forth in the T-4 Neighborhood Center Zone.

(2) All uses not listed above as permitted are deemed to be prohibited in the overlay zone.

D. Regulations of permitted use. The uses permitted in this overlay zone shall be subject to the bulk zoning requirements of the T-4 Neighborhood Center Zone, including all architectural, streetscape and landscaping provisions set forth for these uses in the West Side Wood-Ridge Redevelopment Plan, except for the following:

(1) No single retail use in the overlay zone shall exceed 35,000 square feet;

(2) The minimum lot size for a developable lot for any nonresidential use shall be not less than 2,500 square feet;

(3) The maximum height of any structure or building in the zone, with the exception of the pedestrian overpass for the train station, shall be five stories; and

(4) Residential density for affordable and market-rate housing developed pursuant to applicable affordable housing regulations, which shall be at the direction of the Borough, shall not exceed the approximate residential per-acre density in the T-4 Neighborhood Center Zone. Residential development shall be only in the area demarcated on the exhibit, which is an area of approximately 12 acres in the overlay zone.

(5) Affordable Housing Requirements. Low- and moderate-income dwelling units shall be provided in accordance with this subsection. The minimum affordable housing set-aside shall be 20% of the dwelling units in the development. Low- and moderate-income housing units shall be governed by the standards set forth in the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., and shall comply with any other relevant state statutes and regulations. All development including affordable dwelling units shall also be subject to Article XVIII, Affordable Housing, of the Revised General Ordinances of the Borough of Wood-Ridge. In the event of any conflict between Article XVIII, Affordable Housing, of the General Ordinances of the Borough of Wood-Ridge and the regulations of the New Jersey Housing and Mortgage Finance Agency (HMFA), the HMFA regulations shall control.

**SECTION 2.** Establish a new Article XVIII, entitled Affordable Housing, Subchapters §530-125 through 145, as follows:

## **ARTICLE XVIII AFFORDABLE HOUSING**

### **530-125 Purpose and applicability.**

The purpose of this chapter is to include provisions addressing the Borough of Wood-Ridge's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Administrative Director of the Courts and as stipulated by P.L.2024, c. 2 and

N.J.S.A. 52:27D-301 et seq. (the amended Fair Housing Act). N.J.A.C. 5:99-1 et seq., as amended and supplemented, establishes procedures to be used by municipalities in addressing and implementing the requirements set forth in the Amended Fair Housing Act. P.L. 2024, c.2 also established the Affordable Housing Dispute Resolution Program (“Dispute Resolution Program”), which provides a new process for municipalities to come into constitutional compliance with their affordable housing obligations. This chapter is intended to assure compliance with the foregoing provisions and with the regulations of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., as amended and supplemented, including provisions for unit affordability controls as well as eligibility for low- and moderate-income households. This chapter shall apply except where inconsistent with applicable law.

The provisions of this section shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Borough of Wood-Ridge pursuant to the Borough's most recently adopted Housing Element and Fair Share Plan.

#### **530-126 Intent.**

It is the intent of this chapter to regulate the development and management of low- and moderate-income units constructed in compliance with the Housing Plan Element and Fair Share Plan of the Borough of Wood-Ridge.

#### **530-127 Reporting requirements.**

- A. Trust fund activity. Wood-Ridge shall comply with the reporting requirements set forth in N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:99-5.
- B. Affordable housing activity. Wood-Ridge shall comply with the reporting requirements set forth in N.J.S.A. 52:27D-329.4 and N.J.A.C. 5:99-5.

#### **530-128 Definitions.**

The following terms when used in this chapter shall have the meanings given in this Section:

##### **ACT**

The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 *et seq.*), as amended through P.L. 2024, c.2.

##### **ADAPTABLE**

Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

##### **ADMINISTRATIVE AGENT**

The individual or entity designated by the Borough and approved by the Division as pursuant to N.J.A.C. 5:99-7, to administer affordable units in accordance with this chapter, the regulations of the amended Fair Housing Act (P.L. 1985, c. (N.J.S.A. 52:27D-301 *et seq.* and the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26 *et seq.*

##### **AFFIRMATIVE MARKETING**

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

#### AFFORDABILITY AVERAGE

The average percentage of regional median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

#### AFFORDABLE

A sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.S.A. 52:27D-301 *et seq.*, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.7, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.13, as may be amended and supplemented.

#### AFFORDABLE HOUSING DEVELOPMENT

A development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Borough's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one hundred (100%) percent affordable housing development.

#### AFFORDABLE HOUSING PROGRAM(S)

Any method of creating or preserving actual housing units available to low- and moderate-income households or creating a realistic opportunity for the construction of such units, and any mechanism in a municipal fair share plan prepared or implemented to address a municipality's fair share obligation.

#### AFFORDABLE HOUSING MONITORING SYSTEM or AHMS

The Department of Community Affairs (DCA) or 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

A housing unit proposed or created pursuant to the Fair Housing Act and approved for crediting by the court and/or funded through an affordable housing trust fund.

#### AGENCY

The New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 *et seq.*).

#### AGE-RESTRICTED UNIT

A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population where the adult member of the family who is the head of the household for the purposes of determining income eligibility and rent is a minimum age of either 62 years, or 55 years and meets the provisions of 42 U.S.C. §§ 3601 through 3619, except that due to death, a surviving spouse of less than 55 years of age is permitted to continue to reside in the unit.

#### ALTERNATIVE LIVING ARRANGEMENTS

A structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey, Department of Community Affairs; residential health care facilities as regulated by the State of New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and, congregate living arrangements.

#### ASSISTED LIVING RESIDENCE

A facility that is licensed by the State of New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four (4) or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one (1) unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

#### BARRIER-FREE ESCROW

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.

#### BOROUGH

The Borough of Wood-Ridge, in Bergen County, New Jersey.

#### CERTIFIED HOUSEHOLD

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

#### CHOICE

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

#### COAH or THE COUNCIL

The Council on Affordable Housing, as previously established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*), abolished effective March 20, 2024 pursuant to Section 3 at through P.L.2024, c.2 (N.J.S.A. 52:27D-304.1).

#### COMPLIANCE CERTIFICATION

The certification issued to a municipality by a county-level housing judge pursuant to section 3 at P.L. 2024, c. 2, 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 affordable housing round begins, which is also known as a "judgment of compliance" resulting in an "order for repose." The term "compliance certification" includes a judgment of repose granted in an action filed pursuant to section 13 at P.L. 1985, c. 222 (N.J.S.A. 52:27D-313).

#### CONSTRUCTION

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.).

#### CONTINUUM OF CARE or CoC

One of the 16 local planning bodies in New Jersey that coordinate service providers and other interested parties to prevent and end homelessness, as authorized by subtitle C of Title IV of the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11431 through 11435.

#### COUNTY-LEVEL HOUSING JUDGE

A judge appointed pursuant to section 5 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-313.2), 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 or DEPARTMENT

The State of New Jersey, Department of Community Affairs.

#### DISPUTE RESOLUTION PROGRAM or THE PROGRAM

The Affordable Housing Dispute Resolution Program, established pursuant to section 5 of P.L. 2024, c.2 (N.J.S.A. 52:27D-313.2). The Dispute Resolution Program is established within the Executive Branch of the State, for the purpose of resolving disputes associated with the Fair Housing Act with respect to municipalities seeking to obtain a certification of compliance of their adopted Housing Element & Fair Share Plan.

#### DEFICIENT HOUSING UNIT

A housing unit with health and safety code violations that requires 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.

#### DEVELOPER

Any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land included in a proposed development including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

#### DEVELOPMENT

The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use 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 N.J.S.A. 40:55D-1 *et seq.*

#### DEVELOPMENT APPLICATION

The application form and all accompanying documents required by ordinance for approval of a subdivision plat, a site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permit pursuant to N.J.S.A. 40:55D-34 or 40:55D-36.

#### DIVISION

Means the Division of Local Planning Services in DCA.

#### EMERGENT OPPORTUNITY

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

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.

#### EXCLUSIONARY ZONING LITIGATION

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

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 or AFFORDABLE HOUSING OBLIGATION

The total of the present need and prospective need as determined by a court of competent jurisdiction.

#### FAIR SHARE PLAN

The plan that describes the mechanisms, strategies and the funding sources, if any, by which the Borough proposes to address its affordable housing obligation as established in the Housing Element, including the draft ordinances necessary to implement that plan, and addresses the requirements of P.L. 1985, c.222 (N.J.S.A. 52:27D-301 *et seq.*).

#### HOUSING ELEMENT

The portion of the Borough's Master Plan, required by the Municipal Land Use Law ("MLUL"), N.J.S.A. 40:55D-28b(3) and the Act, that includes the information required by N.J.S.A. 52:27D-301 *et seq.*, and establishes the Borough's fair share obligation.

#### HOUSEHOLD INCOME

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 PROJECT

A project, or distinct portion of a project, which is designed and intended to provide decent, safe, and sanitary dwellings, apartments, or other living accommodations for persons of low- and moderate-income; such work or undertaking may include buildings, land, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, educational, welfare, or other purposes. The term "housing project" may also be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration, and repair of the improvements, and all other work in connection therewith.

#### HOUSING REGION

A geographic area established pursuant to N.J.S.A. 52:27D-304.2b

#### INCLUSIONARY DEVELOPMENT

A development containing both affordable units and market rate units, in which a substantial percentage of the housing units are provided for a reasonable income range of low- and moderate- income households. This term includes, but is not limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

#### JUDGMENT OF COMPLIANCE OR JUDGMENT FOR REPOSE

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

A household with a household income equal to fifty (50%) percent or less of the regional median income.

#### LOW-INCOME UNIT

A restricted unit that is affordable to a low-income household.

#### MAJOR SYSTEM

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 and load bearing structural systems.

#### MARKET-RATE UNITS

Housing not restricted to low- and moderate-income households that may sell or rent at any price.

#### MODERATE-INCOME HOUSEHOLD

A household with a household income in excess of fifty (50%) percent but less than or equal to eighty (80%) percent of the regional median income.

#### MODERATE-INCOME UNIT

A restricted unit that is affordable to a moderate-income household.

#### MONI

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

#### MULTIFAMILY UNIT

A structure containing five (5) or more dwelling units.

#### MUNICIPAL HOUSING LIAISON or MHL

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, and oversight of the authorization of individuals being provided access to the AHMS.

#### MUNICIPAL HOUSING TRUST FUND

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, 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 as governed at N.J.A.C. 5:99-2.

#### NEW CONSTRUCTION

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

#### NON-EXEMPT SALE

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.

#### ORDER FOR REPOSE

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

The payment of funds to the municipality by a developer when affordable units are not produced on a site zoned for an inclusionary development.

#### PRESENT NEED

The number of substandard existing deficient housing units in the municipality currently occupied by low- and moderate-income households, which is calculated pursuant to N.J.S.A. 52:27D-329.1 et seq. Also known as the "rehabilitation obligation."

#### PRICE DIFFERENTIAL

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

#### RANDOM SELECTION PROCESS

A lottery process by which currently income-eligible 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 veteran's 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.

#### REGIONAL ASSET LIMIT

The maximum housing value in each housing region affordable to a four-person household with an income at eighty (80%) percent of the regional median as defined by duly adopted Regional Income Limits published annually by the Affordable Housing Professionals of New Jersey or other entity approved by the court.

#### REGIONAL CONTRIBUTION AGREEMENT or RCA

A contractual agreement, pursuant to the Act, into which two municipalities voluntarily entered into 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

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

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

#### RENT

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. In assisted living residences, rent does not include charges for food and services.

#### RESTRICTED UNIT

A dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit that was financed pursuant to UHORP, MONI, or CHOICE.

#### UHAC

The Uniform Housing Affordability Controls, as set forth in N.J.A.C. 5:80-26 *et seq.*, as amended and supplemented.

#### UHORP

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

#### VERY LOW-INCOME HOUSEHOLD

A household with a household income less than or equal to thirty (30%) percent of the regional median income.

#### VERY LOW-INCOME UNIT

A restricted unit that is affordable to a very low-income household.

## VETERAN

A veteran as defined at N.J.S.A. 54:4-8.10.

## VETERANS' PREFERENCE

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 fifty (50%) percent of rental units in relevant projects, as provided for at N.J.S.A. 52:27D-31 lj.

## WEATHERIZATION

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 purposes of a rehabilitation program.

## 95/5 RESTRICTION

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 ninety-five (95%) percent of the price differential to be paid to the municipality or an instrument of the municipality at the first non-exempt sale following the expiration of the deed restriction.

The definitions in the Uniform Housing Affordability Controls (UHAC) at N.J.A.C 5:80-26.2 shall be applicable where a term is not defined. In the event of a discrepancy between a definition in this section and UHAC, the current UHAC definition shall be applicable.

### **530-129 Inclusionary zoning requirements.**

- A. The regulations of the OLIP Overlay of Light Industrial Park District are set forth at §530-12.
- B. Borough-wide Mandatory Setaside: Any residential development consisting of five or more dwelling units at a density of six units per acre or greater shall reserve at least twenty percent of the residential units in the development for low- and moderate-income households.
- C. If the calculation of the total number of affordable units required yields a fraction of less than one-half of a unit (0.5) then either a pro-rated payment in lieu or one (1) additional unit shall be provided. If the calculation of the total number of affordable units required yields a fraction greater than one-half of a unit (0.5), the obligation shall be rounded up and the additional unit shall be provided.
- D. Inclusionary developments shall adhere to the project phasing requirements as set forth in UHAC, N.J.A.C. 5:80-26.1 et seq, as amended and supplemented.
- E. Design:
  1. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
  2. The occupancy standards set forth at N.J.A.C. 5:80-26.5 shall be applicable regarding the design of proposed affordable housing developments.

### 530-130 New construction

The required income and bedroom distributions of affordable housing units, as well as additional applicable standards, shall be as set forth in UHAC, N.J.A.C. 5:80-26.1 *et seq.*, as amended and supplemented.

#### A. Low/moderate split and bedroom distribution of affordable housing units:

1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
2. At least thirteen (13%) percent of all restricted units within each bedroom distribution shall be very low-income units (affordable to a household earning thirty (30%) percent or less of regional median income). The very low-income units shall be counted as part of the required number of low-income units within the development.
3. At least twenty-five (25%) percent of the obligation shall be met through rental units, including at least half in rental units available to families.
4. A maximum of thirty (30%) percent of the Borough's obligation may be met with age restricted units. At least half of all affordable units in the Borough's Plan shall be available to families.
5. Unless otherwise approved pursuant to 9, below, affordable developments that are not age-restricted or supportive housing shall be structured in conjunction with realistic market demands such that:
  - (a) At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;
  - (b) Two-bedroom and/or three-bedroom units compose at least fifty (50%) percent of all restricted units;
  - (c) The combined number of restricted efficiency and one-bedroom units, rounded up or down to the nearest whole number in either direction, shall be no greater than twenty (20%) percent of the total low- and moderate-income units;
  - (d) At least thirty (30%) percent of all restricted units, rounded up or down to the nearest whole number in either direction, shall be two-bedroom units;
  - (e) At least twenty (20%) percent of all restricted units, rounded up or down to the nearest whole number in either direction, shall be three-bedroom units; and,
  - (f) The remaining restricted units may be allocated at the discretion of the developer in accordance with the Borough's housing element and fair share plan.
6. Unless otherwise approved pursuant to 9, below, affordable developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangement, shall be structured

such that, at a minimum, the number of bedrooms within restricted units shall equal the number of restricted units. This standard may be met by having a two (2)-bedroom unit for each efficiency unit. In affordable developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must compose at least five (5%) percent of those restricted units.

7. Unless otherwise approved pursuant to 9, below, in each affordable development, the following income distribution requirements must be independently satisfied by the restricted units that are age-restricted, the restricted units that are supportive housing, and the restricted units that are neither age-restricted nor supportive housing, as well as by all of the restricted units in the development, considered in the aggregate:
  - (a) At least fifty (50%) percent of all restricted units are low-income or very-low-income units;
  - (b) At least fifty (50%) percent of all restricted efficiency or one-bedroom units, rounded up or down to the nearest whole number in either direction, are low-income units or very-low-income units;
  - (c) At least fifty (50%) percent of all restricted two-bedroom units, rounded up or down to the nearest whole number in either direction, are low-income units or very-low-income units;
  - (d) At least fifty (50%) percent of all restricted three-bedroom units are low-income units or very-low-income units;
  - (e) At least fifty (50%) percent of all restricted units with four or more bedrooms, rounded up or down to the nearest whole number in either direction, are low-income units or very-low-income units; and
  - (f) Any very-low-income units are 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. For example, if half of the restricted units are two-bedroom units, then half of the very-low-income units should be two-bedroom units.
8. The requirements at 6, 7, and 8 above must be satisfied by all restricted units in the Borough, considered in the aggregate. The individual requirements at 6, 7, and 8 above may be waived or altered for a specific affordable development with written approval from the Division if such waiver or alteration would not result in a material deviation from the municipal housing element and fair share plan. Any waiver or alteration that would result in a material deviation from the municipal housing element and fair share plan must receive written approval from a county-level housing judge

B. Accessibility requirements:

1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.
2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least (1) one other dwelling unit shall have the following features:

- (a) An adaptable toilet and bathing facility on the first (1<sup>st</sup>) floor; and,
- (b) An adaptable kitchen on the first (1<sup>st</sup>) floor; and,
- (c) An interior accessible route of travel on the (1<sup>st</sup>) first floor; and,
- (d) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first (1<sup>st</sup>) floor; and,
- (e) If not all of the foregoing requirements in 2.(a) through 2.(d) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs 2.(a) through 2.(d) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and,
- (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a *et seq.*) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the Borough has collected funds from the developer sufficient to make ten (10%) percent of the adaptable entrances in the development accessible:
  - (1) Where a unit has been constructed with an adaptable entrance, upon the request of a person with disabilities who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
  - (2) To this end, the builder of restricted units shall deposit funds within the Borough affordable housing trust fund sufficient to install accessible entrances in ten (10%) percent of the affordable units that have been constructed with adaptable entrances.
  - (3) The funds deposited under paragraph (f)(2) above shall be used by the Borough for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
  - (4) The developer of the restricted units shall submit a design plan and cost estimate to the Borough Construction Official for the conversion of adaptable to accessible entrances.
  - (5) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet 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 Borough's affordable housing trust fund in care of the Borough's Chief Financial Officer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.
  - (6) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site

impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7.

C. Maximum 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 utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD.
2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than sixty (60%) percent of regional median income; however, municipalities may permit a maximum rent affordable to households earning no more than seventy (70%) percent of regional median income for moderate-income units within affordable developments where very-low-income units compose at least thirteen (13%) percent of the restricted units. In such developments, the number of units with rent affordable to households earning seventy (70%) percent of regional median income may not exceed the number of very-low-income units in excess of thirteen (13%) percent of the restricted units. The average rent for restricted rental units shall be affordable to households earning no more than fifty two (52%) percent of regional median income.
3. The developers and/or municipal sponsors of restricted rental units shall establish at least one (1) rent for each bedroom type for both very-low-income, low-income and moderate-income units, provided that at least thirteen (13%) percent of all rental restricted units shall be affordable to very low-income households, (earning thirty (30%) percent or less of the regional median household income) with at least half of such units made available for very-low-income families with children. Such very low-income units shall be counted toward the minimum fifty (50%) percent low-income housing requirement to address the Borough's prospective need obligation. Nothing in this subsection precludes the Borough from requiring affordable developments to have at least thirteen (13%) percent of restricted units be affordable to and reserved for very-low-income households.
4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than seventy (70%) percent of regional median income, and each affordable development must achieve an affordability average of fifty five (55%) percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two (2) different sales prices for each bedroom type.
5. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
  - (a) A studio or efficiency unit shall be affordable to a one (1)-person household;

- (b) A one (1)-bedroom unit shall be affordable to a one and one-half (1 ½)-person household;
  - (c) A two (2)-bedroom unit shall be affordable to a three (3)-person household;
  - (d) A three-(3) bedroom unit shall be affordable to a four and one-half (4 ½)-person household; and
  - (e) A four (4)-bedroom unit shall be affordable to a six (6)-person household.
6. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
- (a) A studio or efficiency unit shall be affordable to a one (1)-person household;
  - (b) A one (1)-bedroom unit shall be affordable to a one and one-half (1 ½)-person household; and,
  - (c) A two (2)-bedroom unit shall be affordable to a two (2)-person household or to two (2) one (1)-person households.
7. 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 ninety-five (95%) percent of the purchase price and the FreddieMac 30-Year Fixed Rate-Mortgage rate of interest), taxes, homeowner and private mortgage insurance and realistic condominium or homeowner association fees do not exceed thirty (30%) percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, 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.
8. The administrative agent shall set the initial rent for a restricted rental unit. The initial rent for a restricted rental unit shall be calculated so as not to exceed thirty (30%) percent of the eligible monthly income of the appropriate size household, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented. For assisted living units, the combined cost of rent, food, and services may not exceed eighty (80%) percent of the eligible monthly income of the appropriate household size as determined pursuant to N.J.A.C. 5:80-26.4.
9. The maximum resale price for a restricted ownership unit, if the resale occurs prior to the one-year anniversary of the date on which title to the unit was first transferred to a certified household, is the initial purchase price. 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.

10. 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." The maximum allowable rent increase for the year will be effective as of the same date as the regional median income limits determined pursuant to N.J.A.C. 5:80-26.3. This rent increase may not exceed five (5%) percent in any one year and notice thereof must be filed with the administrative agent. Rents for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.

#### **530-131 Utilities.**

- A. Affordable units shall utilize the same type of cooling and heating sources as market units within an inclusionary development.
- B. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program. For units constructed with State funding, an alternate utility allowance approved by DCA or the Agency must be used. For units that receive ENERGYSTAR certification, a utility allowance calculated according to an energy consumption model provided by an energy consultant with an active registration with the New Jersey Board of Public Utilities must be used, subject to approval by the administrative agent.

#### **530-132 Occupancy Standards.**

- A. The occupancy standards set forth at N.J.A.C. 5:80-26.5 shall be applicable.
- B. In referring certified households to specific restricted units, the administrative agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:
  1. Provide at least one occupant for each bedroom, except for age-restricted units;
  2. Provide a bedroom for every two adult occupants;
  3. With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom; and
  4. Avoid placing a one-person household into a unit with more than one bedroom.

#### **530-133 Control periods for restricted ownership units and enforcement mechanisms.**

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.6, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this chapter for a deed-restricted control period. The minimum duration of the control period is:

1. Thirty years for any ownership unit created on or after December 20, 2024
  2. Thirty years for any ownership unit receiving an extension of affordability controls on or after December 20, 2024, unless the original term of affordability exceeds 30 years, in which case, the minimum control period for the extension is the number of years, not less than 20 years, that in combination with the original term results in 60 years of affordability.
  3. Governed by the grant of substantive certification, judgment of compliance, grant agreement, or other contract for any prior round ownership unit, including all units governed by 95/5 restrictions, sold before December 20, 2024; and
  4. Governed by the form of UHAC in effect as of December 20, 2004, for any unit sold between December 20, 2004 and December 20, 2024, that is not the subject of a grant of substantive certification, judgment of compliance, grant agreement, or other contract.
- B. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit, or, if existing affordability controls are being extended, on the effective date of the extension. The date of commencement must be identified in the deed restriction.
- C. For each restricted ownership unit, at initial sale, the administrative agent shall determine a preliminary recapture amount equal to the price differential between the restricted price for the unit, based on the requirements at N.J.A.C. 5:80-26.7, and the non-restricted, fair market value of the unit, based on either an appraisal or the unit's equalized assessed value.
- D. The initial purchaser and each successive purchaser during the control period shall execute and deliver to the administrative agent a recapture note, secured by a recapture lien evidenced by a duly recorded mortgage on the unit, obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay a recapture amount at the time of the exit sale. The recapture note and lien must be determined upon exit sale and will be equal to the price differential minus the equity share amount, or another amount determined by an ordinance of the municipal governing body, which must be less than the price differential minus the equity share amount.
- E. The affordability controls set forth in this chapter and within N.J.A.C. 5:80-26.1 et seq, shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- F. A restricted ownership unit shall be required to obtain a continuing certificate of occupancy or a certified statement from the municipal building inspector stating that the unit meets all code standards upon the first transfer of title following the expiration of the deed-restricted control period provided pursuant to N.J.A.C. 5:80-26.6(a), as may be amended and supplemented.

**530-134 Price restrictions for restricted ownership units, homeowner association fees and resale prices.**

- A. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.7, as may be amended and supplemented, including:

1. The initial purchase price for a restricted ownership unit shall be set by the administrative agent.
2. The administrative agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
3. The master deeds and declarations of covenants and restrictions of affordable developments shall provide no distinction between restricted units and market-rate units in the calculation of the condominium or homeowner association fees and special assessments to be paid by low- and moderate-income purchasers and those paid by market 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.
4. The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit to reflect eligible capital improvements completed since they purchased the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household, that is, ~~or~~ the addition of a bedroom and/or bathroom.

#### **530-135 Buyer Income Eligibility.**

- A. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.8, as may be amended and supplemented. Very-low-income ownership units are reserved for households with a household income less than or equal to thirty (30) percent of regional median income. Low-income ownership units shall be reserved for households with a household income less than or equal to fifty (50%) percent of regional median income and moderate-income ownership units shall be reserved for households with a household income less than or equal to eighty (80%) percent of regional median income.
- B. Notwithstanding the foregoing, however, the administrative agent may, upon approval by the Mayor and Borough Council, permit moderate-income purchasers to buy low-income units in housing markets where, as determined by the Division, units are reserved for low-income purchasers, but there is an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units. 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. Again, all such very-low-income units to be sold to low-income households shall retain the required pricing and pricing restrictions for very-low-income units.
- C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the administrative agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one (1) year.

- D. The administrative agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and realistic condominium or homeowner association fees, as applicable) does not exceed thirty five (35%) percent of the household's eligible monthly income.

**530-136 Limitations on indebtedness secured by ownership unit; subordination.**

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall submit to the administrative agent a notice of intent to incur such indebtedness, (for example, a home equity loan or solar loan), in such form and with such documentary support as determined by the administrative agent, for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the administrative agent shall issue such determination prior to the owner incurring such indebtedness.
- B. With the exception of original purchase money mortgages, during a control period, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed ninety five (95%) percent of the maximum allowable resale price of the unit, as such price is determined by the administrative agent in accordance with N.J.A.C. 5:80-26.7(c).

**530-137 Capital improvements to ownership units.**

- A. The owners of restricted ownership units may apply to the administrative agent to recalculate the maximum sales price for the unit to reflect eligible capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household, that is the addition of an additional bedroom and/or bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
- B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, or flooring) 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. 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, which shall be subject to ten (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 owner 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 resale.

**530-138 Control periods for restricted rental units**

- A. 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 chapter for a deed-restricted control period. The minimum duration of the control period is set forth below. LIHTC units are not governed by the

provisions of this section, but rather by the provisions of the State's Qualified Allocation Plan, N.J.A.C. 5:80-33.1 through 33.40.

1. Forty years for any rental unit created on or after December 20, 2024;
  2. Thirty years for any rental unit in a one-hundred (100%) percent affordable property that, on or after December 20, 2024, elects to extinguish its existing deed restriction to enter into a new deed restriction and commence refinancing and/or rehabilitation for the purpose of preservation;
  3. Thirty years for any other rental unit that, on or after December 20, 2024, extends its affordability controls for a new term of affordability, unless the original term of affordability exceeds 30 years, in which case, the minimum control period for the extension is the number of years, not less than 20, that in combination with the original term results in 60 years of affordability;
  4. Governed by the grant of substantive certification, judgment of compliance, grant agreement, or other contract for any prior round rental unit that was issued its certificate of occupancy before December 20, 2024; and
  5. Governed by the form of UHAC in effect as of December 20, 2004, for any prior round rental unit that was issued its certificate of occupancy between December 20, 2004 and December 20, 2024, and that is not the subject of a grant of substantive certification, judgment of compliance, grant agreement, or other contract.
- B. The control period for the restricted rental unit(s) in a development commences 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. The control period for the restricted rental unit(s) in a development continues until the end date identified in the deed restriction, or until the minimum duration has elapsed if a specific end date cannot be determined according to the terms of the deed restriction. After the end of the control period, each restricted rental unit in the development remains subject to the affordability controls of this subchapter until:
1. The occupant household vacates the unit, at which point affordability controls terminate; or
  2. The occupant household's household income is found to exceed eighty (80%) percent of the regional median income for the relevant household size, after which affordability controls terminate at the later of either the next scheduled lease renewal or in 60 days.
- C. Deeds of all real property that include restricted rental units created or extended pursuant to the existing rules shall contain deed restriction language that conforms with the requirements of this subchapter and is substantially in the form set forth at N.J.A.C. 5:80-26 Appendix E. The deed restriction must meet the following requirements:
1. Is to be read in accordance with the requirements of this subchapter, such that any term that directly conflicts with or circumvents the requirements of this subchapter, regardless of intention, is unenforceable, of no legal effect, and contrary to the public policy of the State;
  2. Is governed by the requirements of this subchapter regardless of the language ultimately utilized in the recorded deed restriction document;

3. Is severable, such that invalidation of any provision due to inconsistency with these regulations will not terminate the deed restriction, but, rather, will result in the deed restriction being read to include the provision of these regulations with which the original language was inconsistent;
  4. Has priority over all mortgages on the property; and
  5. Must be filed with the records office of the county in which the unit is located by the developer or owner of the restricted rental units, who then must, no later than 30 days after the commencement of the control period, provide to the administrative agent:
    - (i) A copy of the filed deed restriction; and
    - (ii) Certification by the preparer of the deed restriction that the deed restriction conforms with all requirements of this subchapter, and that the deed restriction language at N.J.A.C. 5:80-26 Appendix E, has been included therein.
- D. Failure to record a deed restriction does not, under any circumstances, excuse a property from the requirements of this subchapter. If a development is sold by a developer prior to recording the deed restriction, the buyer is not excused from adhering to the requirements of this subchapter and any recourse shall be to recover from the seller rather than seeking to extinguish any affordability controls of the development. Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the Borough shall record a preliminary instrument in the form set forth at N.J.A.C. 5:80-26 Appendix P-2, incorporated herein by reference that specifies, at a minimum, the total number of rental units to be constructed/rehabilitated, the number of restricted rental units to be constructed/rehabilitated, the anticipated numbers of restricted rental units that will be very-low-income, low-income, and moderate-income, the address(es) and parcel(s) of the property, and the anticipated timeline for completion, including projected phasing. The preliminary instrument must provide that it will be replaced by the recording of a full deed restriction prior to the issuance of the certificate of occupancy, at which point the preliminary instrument will be extinguished. The full deed restriction must be recorded prior to receiving a certificate of occupancy.
- E. A restricted rental unit shall remain subject to the affordability controls of this chapter and N.J.A.C. 5:80-26.1 et seq. despite the occurrence of any of the following events:
1. Sublease or assignment of the lease of the unit;
  2. Sale or other voluntary transfer of the ownership of the unit; or,
  3. The entry and enforcement of any judgment of foreclosure or grant of a deed in lieu of foreclosure on the property containing the unit; or
  4. The end of the control period, until the occupant household vacates the unit or is found to be income-ineligible (found to exceed eighty (80%) percent of the regional median income for the relevant household size, after which affordability controls terminate at the later of either the next scheduled lease renewal or in 60 days).

### **530-139 Rent restrictions for rental units; leases.**

- A. A written lease shall be required for all restricted rental units (except for units in assisted living residences) and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. Final lease agreements are the responsibility of the landlord and the prospective tenant and all lease provisions must comply with applicable law. The landlord shall provide the administrative agent with sufficient information for preparation of a unit inventory form for entry into the centralized affordable housing unit inventory system. A copy of each lease entered into with a certified household shall be provided to the administrative agent within 10 business days after the execution of each lease.
- B. 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.
- C. Application fees (including the charge for any credit check) shall not exceed five (5%) percent of the monthly rent of the applicable restricted unit and shall be payable to the administrative agent to be applied to the costs of administering the controls applicable to the unit as set forth in this chapter and N.J.A.C. 5:80-26.1 et seq.

### **530-140 Tenant income eligibility.**

- A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.14, as may be amended and supplemented, and shall be determined as follows:
  - 1. Very low-income rental units shall be reserved for households with a household income less than or equal to thirty (30%) percent of regional median income.
  - 2. Low-income rental units shall be reserved for households with a household income less than or equal to fifty (50%) percent of regional median income.
  - 3. Moderate-income rental units shall be reserved for households with a household income less than or equal to eighty (80%) percent of regional median income.
- B. The administrative agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed thirty-five (35%) percent (forty (40%) percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented; provided, however, that this limit may be exceeded if one (1) or more of the following circumstances exists:
  - 1. The household currently pays more than thirty-five (35%) percent (forty (40%) percent for households eligible for age-restricted units) of its household income for rent, and the proposed rent will reduce its housing costs;
  - 2. The household has consistently paid more than thirty-five (35%) percent (forty (40%) percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
  - 3. The household is currently in substandard or overcrowded living conditions;

4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or,
  5. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the administrative agent and the owner of the unit.
- C. The applicant shall file documentation sufficient to establish the existence of the circumstances in b.1 through 5 above with the administrative agent, who shall counsel the household on budgeting.

**530-141 Municipal housing liaison.**

- A. The Borough shall adopt an ordinance creating the position of municipal housing liaison. Subject to the approval of the Division, the Borough shall appoint a municipal employee by resolution of the governing body or letter from the chief executive, and shall identify the municipal housing liaison by name and title on the municipal website. The municipal housing liaison is responsible for the creation, preservation and, administration of the affordable housing programs, affordable units, monitoring and reporting, and, where applicable, supervising any contracted administrative agent to ensure that they execute the practices, procedures, and standards set forth in this subchapter and within N.J.A.C. 5:80-26.1 et seq. The municipal housing liaison shall successfully complete the Division's Education Program as described at N.J.A.C. 5:99-9 within the timeframes specified by the Division before assuming the duties of municipal housing liaison.
- B. The municipal housing liaison shall be responsible for oversight and administration of the affordable housing program for the Borough, including the following responsibilities which may not be contracted out to the administrative agent:
  1. Serving as the Borough's primary point of contact for all inquiries from the State, affordable housing providers, administrative agents and interested households;
  2. Overseeing the monitoring of and reporting on the status of all proposed and completed affordable housing programs and affordable units in the Borough's Fair Share Plan and ensuring compliance with the requirements of the Amended Fair Housing Act;
  3. Overseeing and monitoring administrative agents within the Borough's jurisdiction to ensure compliance with the UHAC;
  4. Ensuring that an administrative agent is assigned to administer the sales, rentals, re-sales, and re-rentals of all deed-restricted affordable units in the Borough at all times. For units at the end of their deed-restricted control period, an administrative agent shall be available to administer the sale of all properties until such time of the first authorized non-exempt sale after controls on affordability have been in effect on the unit;
  5. Verifying, certifying, and providing monitoring and reporting information within the AHMS at such time and in such form as the Division requires. Access to AHMS shall be authorized only by the municipal housing liaison, or their designee, which shall be a municipal employee. Information regarding specific characteristics of municipal affordable housing projects or programs and the resulting unit completions may be entered into AHMS by a contracted entity other than the municipal housing liaison with the written approval of the Borough and pursuant to the oversight of the municipal housing liaison. Monitoring reports shall include

the information described at N.J.A.C. 5:99-5.2 and N.J.A.C. 5:99-5.3. Monitoring reports for each calendar year shall be in the form of a certification specifying that all information provided in the AHMS is complete, accurate, and current through the most recent calendar year and shall be accompanied by a year-end bank or other financial institution statement that will be used to reconcile municipal reporting. Municipal monitoring information certifications shall be submitted by the municipal housing liaison, or their designee, which shall be a municipal employee, through the AHMS, by February 15 of each year for trust fund activity through December 31 of the previous year;

6. Listing, on the municipal website, contact information for the administrative agent for each completed project with an affordable component within the Borough;
  7. Overseeing the coordination of meetings with affordable housing providers, developers, municipal officials, and administrative agents, as needed; and
  8. Where applicable, providing to an administrative agent a copy of the adopted municipal operating manual(s), housing element and fair share plan, and ordinances relating to the creation and administration of the Borough's affordable housing programs and/or affordable units.
- C. The municipal housing liaison may also serve as the administrative agent pursuant to N.J.A.C. 5:99-7 for some or all of the affordable units in the Borough, subject to the submission of qualifications to the Division, successful completion of the Division's Education Program as described at N.J.A.C. 5:99-9, and approval by the Division. These duties of the municipal housing liaison shall be outlined in the municipal ordinance establishing the position of the municipal housing liaison. All applicable tasks not performed by the municipal housing liaison, shall be contracted to an administrative agent pursuant to N.J.A.C. 5:99-7.
- D. The Division shall monitor the performance of any approved municipal housing liaison and may revoke said approval, should the Division find that the municipal housing liaison has failed to administer the Borough's affordable housing programs and/or affordable units in accordance with the rules of the Division pursuant to N.J.A.C. 5:99-5.6.

#### **530-142 Administrative agent.**

- A. The Borough shall designate or approve, for each affordable housing project or program within its fair share plan, an administrative agent to administer the affordable housing program and/or affordable units in accordance with the requirements of the Amended Fair Housing Act, the Program, this chapter, and the UHAC. The administrative agent may be the municipal housing liaison, the RCA administrator, other municipal employee, or a person or entity selected pursuant to the UHAC. Administrative agents shall be approved through the municipal housing liaison (if the prospective administrative agent is an individual other than the current municipal housing liaison), and designation of administrative agents is also subject to approval by the Division.
- B. Qualified administrative agents shall have been certified as required pursuant to N.J.S.A. 52:27D-321, shall have evidence of satisfactory completion of the Division's Education Program as described at N.J.A.C. 5:99-9; and shall have submitted all other required information to the Division.

- C. The administrative agent shall perform the duties and responsibilities of an administrative agent as set forth at N.J.A.C. 5:99-7 and as set forth in UHAC, and in accordance with the requirements of the Amended Fair Housing Act and the Dispute Resolution Program. The Division and the municipal housing liaison shall monitor the performance of all approved administrative agents for compliance with this chapter. In the event the administrative agent does not administer the Borough's affordable housing program and/or affordable units in accordance with the certificate of compliance, municipal ordinance, or the Division's rules, the Division may revoke its approval and/or require the Borough to retain a different administrative agent. The Division reserves the right to revoke approval of an administrative agent for other compelling circumstances.
- D. The primary responsibility of the administrative agent is to ensure that the restricted units under administration are sold or rented, as applicable, only to very-low, low-, and moderate-income households in accordance with the provisions of the UHAC. The administrative agent is also responsible for the following:
1. Affirmative marketing:
    - a) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Borough's affirmative marketing plan and the provisions of N.J.A.C. 5:80-26.16; and,
    - b) Designate an experienced staff person to provide 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. Household certification:
    - a) Soliciting, scheduling, conducting and following up on applications and/or interviews with interested households;
    - b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income household;
    - c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
    - d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
    - e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and,
    - f) Employing a random selection process as provided in the affirmative marketing plan of the Borough when referring households for certification to affordable units. It is noted that supportive housing units, including group homes, must also comply with the selection processes of their respective sponsoring programs, where applicable.

- g) Notifying the following entities of the availability of affordable housing units in the Borough of Wood-Ridge: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Supportive Housing Association, and the New Jersey Housing Resource Center.
  - h) Subject to the approval of the municipal housing liaison, administrative agents may grant a waiver of the income qualification requirement for units where a buyer has not been identified for an extended period of time and where the administrative agent has developed a set of criteria to determine that a waiver is necessary due to a lack of qualified applicants. This waiver shall not change the deed restriction in any way on the unit and the next sale shall be conducted according to the applicable rules.
3. Affordability controls:
- a) Furnishing to attorneys or closing agents appropriate forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
  - b) 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;
  - c) Subject to prior written approval from the municipal housing liaison, E ensuring that the removal of the deed restrictions and cancellation of the mortgages note are effectuated and properly filed with the Bergen County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit as set forth in N.J.A.C. 5:80-26.1 et seq.;
  - d) Communicating with lenders regarding foreclosures; and
  - e) Ensuring the issuance of continuing certificates of occupancy or certifications from municipal building inspectors, pursuant to N.J.A.C. 5:80-26.11.
  - f) Exercising appropriate authority to discharge and release any or all instruments, as set forth in the UHAC appendices establishing affordability controls;
4. Resales and rentals:
- a) Instituting and maintaining an effective means of communicating information between owners of affordable units and the administrative agent regarding the availability of their restricted units for resale or rental; and,
  - b) Instituting, maintaining, and documenting an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental, inclusive of listings on the New Jersey Housing Resource Center pursuant to N.J.S.A. 52:27D-321.6;.
  - c) Sending annual mailings to owners as prescribed for in the UHAC at N.J.A.C. 5:80-26.19;
5. Processing requests from unit owners:
- a) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Chapter;

- b) Reviewing and approving requests to increase the maximum 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 installed subsequent to the initial sale of the unit;
  - c) Notifying the Borough of an owner's intent to sell a restricted 95/5 unit, as defined in the UHAC at N.J.A.C. 5:80-26.2; and,
  - d) Making determinations on requests by owners of restricted units for hardship waivers.
6. Enforcement:
- a) Securing annually from the Borough a list 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;
  - b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the administrative agent;
  - c) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4.
  - d) Establishing a program for diverting unlawful rent payments to the Borough's affordable housing trust fund; and,
  - e) Creating and publishing a written operating manual as set forth at N.J.A.C. 5:99-7.2 in plain English and in such other languages as may be appropriate to serving the respective client base for each affordable housing program, to be approved by the municipal housing liaison. The operating manual, administered by the administrative agent; and to be approved by the Mayor and Borough Council, shall set forth procedures for administering the affordability controls, including procedures for long-term control of restricted units; for enforcing the covenants set forth in the UHAC appendices, consistent with the provisions at N.J.A.C. 5:80-26.19; and for releasing restricted units promptly at the conclusion of applicable control periods. The operating manual shall have a separate and distinct chapter or section setting forth the process for identifying applicant households seeking certification to restricted units, for reviewing applicant household eligibility, and for certifying applicant households in accordance with the household certification and referral requirements set forth at N.J.A.C. 5:80-26.17.
7. Additional responsibilities:
- a) The administrative agent shall have the authority to take all actions necessary and appropriate, as permitted by law, to carry out its responsibilities as set forth in this chapter, N.J.A.C. 5:99-7, and N.J.A.C. 5:80-26.1 et seq.
  - b) The administrative agent shall prepare annual reports for submission to the municipal housing liaison and the Division by February 15 of each calendar year, including a detailed description of completed units and any other information

necessary for the Borough to produce its status report as required pursuant to N.J.S.A. 52:27D-329.4.

- c) The administrative agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

**530-143 Affirmative marketing requirements.**

- A. The Borough shall adopt by resolution an affirmative marketing plan, subject to review by the Division, that is compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
- B. The affirmative marketing process is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, English-speaking ability, marital or familial status, gender, affectional or sexual orientation, disability, age (except for "housing for older persons" as defined at N.J.S.A. 10:5-1 et seq., and age-restricted units as permitted pursuant to 42 U.S.C. §§ 3601 et seq.), source of lawful income, number of children, or any other characteristic described in the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 through 50, to housing units that are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing process is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. In addition, the affirmative marketing plan shall maintain certain notification requirements. It is a continuing program that directs marketing activities toward Housing Region 1 and is required to be followed throughout the period of restriction.
- C. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in Housing Region 1, comprised of Bergen, Hudson, Passaic and Sussex Counties.
- D. The Borough has the ultimate responsibility for adopting the affirmative marketing plan and for the proper administration of the affirmative marketing program, including initial sales and rentals and resales and rerentals. The administrative agent designated by the Borough shall implement the affirmative marketing plan to assure the affirmative marketing of all affordable units, including accepting applications and maintaining a list of applicants for each affordable development. The administrative agent shall document and report the affirmative marketing plan for the Borough and the affirmative marketing activities undertaken for each of the units within their purview to the municipal housing liaison, who shall ensure that developers and administrative agents are marketing units in accordance with the provisions in this section. The marketing of restricted units must be consistent with the affirmative marketing plan adopted by the Borough. Unless stated otherwise, supportive housing units, including group homes, must comply with the affirmative marketing requirements of their respective sponsoring programs, where applicable.
- E. In implementing the affirmative marketing plan, the administrative agent shall designate an experienced staff person 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. Implementation of the affirmative marketing plan by the administrative agent shall also include all other required provisions set forth at N.J.A.C. 5:80-26.16(f).

- F. The affirmative marketing plan shall contain all the components (i.e. housing project information, eligibility/selection criteria, strategies and mediums of advertising, timelines) required as set forth within N.J.A.C. 5:80-26.16, subsections (d) and (e) in particular. In implementing the affirmative marketing plan, the administrative agent shall consider the use of language translations where appropriate.
- G. The affirmative marketing process for available affordable units shall begin at least four (4) months (120 calendar days) prior to the expected date of occupancy and may begin before construction commences. All affirmative marketing advertising and outreach activities utilized must be employed at the start of the marketing program.
- H. Applications for affordable housing 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 the municipal library in the Borough; and, the developer's office. The Borough shall post the application links and/or notices of affordable housing either directly on the home page of the Borough's official website or on a landing page directly, clearly, and conspicuously linked to from the home page of the Borough's official website. Pre-applications shall be emailed or mailed to prospective applicants upon request.
- I. In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in Wood-Ridge, and copies of the applications forms, to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Supportive Housing Association; and, the New Jersey Housing Resource Center.
- J. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, which shall be a condition of approval for any such affordable housing application before the Borough's Land Use Board.

**530-144 Enforcement of affordable housing regulations.**

- A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the Borough, the administrative agent, and the State shall have all remedies provided at law or equity, including but not limited to forfeiture, foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, divestment of rent proceeds from illegal rentals, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. 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.

**530-145 Appeals.**


Appeals from all decisions of an administrative agent appointed pursuant to this Chapter and N.J.A.C. 5:80-26.1 et seq. shall 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.

**SECTION 3.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

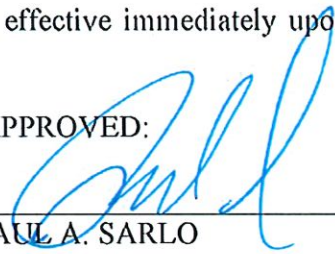
**SECTION 4.** If any part, sections, provisions, or the total of any of the abovementioned publications are held to be invalid or unenforceable by any court, the findings or judgments of which court are applicable in the State of New Jersey, that the balance and remainder of such publication shall remain in full force and effect as an Ordinance of the Borough of Wood-Ridge.

**SECTION 5.** This Ordinance shall become effective immediately upon adoption and publication according to law.

ATTEST:

  
\_\_\_\_\_  
GINA AFFUSO  
Borough Clerk

APPROVED:

  
\_\_\_\_\_  
PAUL A. SARLO  
Mayor

Introduced:	1-21-26
Published:	1-22-26
Adopted:	2-18-26
Published:	

**A RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF WOOD-RIDGE RECOMMENDING MASTER PLAN CONSISTENCY OF ORDINANCE 2026-2 AMENDING CHAPTER 530 OF THE CODE OF THE BOROUGH OF WOOD RIDGE, ENTITLED ZONING, BY REPLACING SUBCHAPTER 530-12, ENTITLED OLIP OVERLAY OF LIGHT INDUSTRIAL PARK DISTRICT, IN ITS ENTIRETY AND BY ESTABLISHING A NEW ARTICLE XVIII, ENTITLED AFFORDABLE HOUSING**

**RESOLUTION 2026-8BR**

**WHEREAS**, by Resolution adopted on January 21, 2026, the Mayor and Council of the Borough of Wood-Ridge referred to the Planning Board of the Borough of Wood-Ridge proposed Ordinance 2026-2, amending the Borough Code Chapter 530, for the Planning Board to determine whether the proposed Ordinance is consistent with the Master Plan of the Borough of Wood-Ridge; and

**WHEREAS**, the Ordinance review was conducted by the Planning Board at its meeting on February 3, 2026; and

**WHEREAS**, at the aforesaid public hearing, the Planning Board heard a presentation from the Borough Administrator Christopher Eilert, in which Mr. Eilert explained that the purpose of the amended Ordinance is to make the Borough compliant with the provisions of the amended Fair Housing Act, and N.J.A.C. 5:99-1 et seq.; and

**WHEREAS**, the Planning Board, having considered the foregoing, finds that the proposed Ordinance replacing Subchapter 530-12, entitled OLIP Overlay of Light Industrial Park District, in its entirety and establishing a new Article XVIII, entitled Affordable Housing, which will include Subchapters §530-125 through 145, will make the Borough compliant with the provisions of the amended Fair Housing Act and therefore the proposed Ordinance is consistent with the Master Plan's goal of ensuring compliance of with its affordable housing obligations .

**NOW THEREFORE BE IT RESOLVED** by the Planning Board of the Borough of Wood-Ridge, County of Bergen, State of New Jersey, that the Planning Board hereby finds and determines that Ordinance 2026-2 is consistent with the Master Plan of the Borough of Wood-Ridge.

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Frank Finke, Chairman of Planning Board

## CERTIFICATION

I hereby certify that I, the undersigned, the Secretary of the Planning Board of the Borough of Wood-Ridge, am duly authorized to certify a Resolution adopted by the Planning Board at the meeting held on February 3, 2026, and I hereby certify that the above is a true copy of the Resolution adopted by said Board on said date.

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Cathleen Calabro, Secretary  
Date: February 3, 2026