



**BOROUGH OF WOODCLIFF LAKE
MAYOR AND COUNCIL AGENDA
JUNE 17, 2019
7:00 PM**

CALL TO ORDER

Notice of this meeting, in accordance with the "Open Public Meetings Law, 1975, C. "231", has been posted and two newspapers, The Record and The Ridgewood News, have been notified.

ROLL CALL

Mayor Carlos Rendo
Councilman Corrado Belgiovine
Council President Jacqueline Gadaleta
Councilwoman Nancy Gross
Councilwoman Angela Hayes
Councilman Brian Singleton
Councilman Ian Spelling

PLEDGE OF ALLEGIANCE

CLOSED SESSION

Resolution No. 19-141

A Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12

CERTIFICATE OF RECOGNITION - MINOR AND MAJOR LEAGUE CHAMPIONS

PRESENTATION OF FIRE DEPARTMENT SCHOLARSHIPS

APPROVAL OF MINUTES

June 3, 2019

June 10, 2019

MAYOR'S COMMENTS

ADMINISTRATOR'S REPORT

ENGINEER'S REPORT

COUNCIL MEMBERS' REPORTS/COMMENTS

ORDINANCE

Public Hearing

Ordinance 19-05

An Ordinance Repealing and Replacing Article V "Development and Management of Low- and Moderate-Income Housing" of Chapter 380, Zoning, of the Code of the Borough of Woodcliff Lake, to Address the Requirements of the Fair Housing Act and the Uniform Housing Affordability Controls (UHAC) Regarding Compliance with the Borough's Affordable Housing Obligations

NEW BUSINESS

PUBLIC COMMENT

(limited to 5 minutes per speaker)

NON-CONSENT AGENDA

CONSENT AGENDA

- Resolution No. 19-142 Resolution Authorizing Payroll and Payment of Claims
- Resolution No. 19-143 Resolution Renewing Liquor License for Woodcliff Liquors
- Resolution No. 19-144 Resolution Renewing Liquor License for Woodcliff Farms, dba Woodcliff Manor
- Resolution No. 19-145 Resolution Authorizing the Borough of Woodcliff Lake Tax Collector to Prepare and Mail Estimated Tax Bills in Accordance with P.L. 1994, C. 72
- Resolution No. 19-146 Resolution Requesting Approval of Items of Revenue and Appropriation – Chapter 159 – N.J.S.A. 40:A 4-87 Clean Communities
- Resolution No. 19-147 Resolution Approving Pool and/or Tennis for Visiting Grandchildren
- Resolution No. 19-148 Resolution Setting Rates for August to Labor Day for the Municipal Pool in the Borough of Woodcliff Lake
- Resolution No. 19-149 Resolution Authorizing Refund of Redemption Monies to Outside Lienholder
- Resolution No. 19-150 Resolution Authorizing Refund of Redemption Monies to Outside Lienholder
- Resolution No. 19-151 Resolution Authorizing Auction of Municipal Property
- Resolution No. 19-152 Resolution Approving Hold Harmless Agreement
- Resolution No. 19-153 Resolution Authorizing Surveying and Regulatory Permitting Services with Neglia Engineering for Glen Road Sanitary Pumping Station in the Borough of Woodcliff Lake
- Resolution No. 19-154 Resolution Authorizing Surveying and Regulatory Permitting Services with Neglia Engineering for Maria Road Sanitary Pumping Station in the Borough of Woodcliff Lake
- Resolution No. 19-155 Resolution Approving Proposal and Scope of Work for Surveillance Camera Installation
- Resolution No. 19-156 Resolution Approving Architect's Fee Proposal for Interior Alterations to DPW Facility in the Borough of Woodcliff Lake

ADJOURNMENT

******Disclaimer******

Subject to Additions and/or Deletions

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Belgiovine						
Gross						
Hayes						
Singleton						
Spelling						
Gadaleta						
Mayor Rendo						

**A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH
THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS, ACT, N.J.S.A. 10:4-12**

**RESOLUTION NO. 19-141
JUNE 17, 2019**

WHEREAS, the Borough of Woodcliff Lake is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Borough of Woodcliff Lake to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

_____ 1. Matters Required by Law to be Confidential. Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.

_____ 2. Matters Where the Release of Information Would Impair the Right to Receive Funds. Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

_____ 3. Matters Involving Individual Privacy. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing,

relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

____ 4. Matters Relating to Collective Bargaining Agreements. Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

____ 5. Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds. Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed specifically with respect to _____. The minutes will be released on or before _____, 20__ when the issues pertaining to the property located at _____ have been approved and finalized.

____ 6. Matters Relating to Public Safety and Property. Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.

X 7. Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege, any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer, specifically with respect to: Personnel Matters.

The minutes will be released in approximately ninety (90) days or upon the resolution through settlement or court decision and the time period for any and all appeals.

____ 8. Matters Relating to the Employment Relationship. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting, specifically: personnel discussion.

The minutes will be released within ninety (90) days or earlier upon the resolution of the matter through settlement or court decision and the time period for any and all appeals.

_____ 9. Matters Relating to the Potential Imposition of a Penalty. Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, assembled in public session on June 17, 2019 that an Executive Session closed to the public shall be held on June 17, 2019 at 7:00 P.M. at the Borough of Woodcliff Lake offices located at 188 Pascack Road, Woodcliff Lake, New Jersey, for the discussion of matters relating to the specific items designated above.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 17, 2019.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Belgiovine						
Gross						
Hayes						
Singleton						
Spelling						
Gadaleta						
Mayor Rendo						

RESOLUTION AUTHORIZING PAYMENT OF PAYROLL & PAYMENT OF CLAIMS

RESOLUTION NO. 19-142

JUNE 17, 2019

BE IT RESOLVED, that the following Payroll Disbursements made by the Treasurer since the last meeting are proper and hereby ratified and approved:

Payroll Released 6/15/2019 \$246,347.32

BE IT FURTHER RESOLVED that the following current claims against the Borough for materials and services have been considered and are proper and hereby are approved for payment:

Current Fund:	\$ 82,513.14
Animal:	\$ 13.80
Open Space Trust:	\$ 6,560.67
Capital:	\$ 242,184.19
Escrow:	\$ 5,911.72

CERTIFICATION OF FUNDS

I, Harold Laufeld, Chief Financial Officer of the Borough of Woodcliff Lake, hereby duly certify that fund(s) are available for Payroll Disbursements and Payment of Claims.

Harold Laufeld
Chief Financial Officer

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of June 17, 2019.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
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Gadaleta						
Mayor Rendo						

RESOLUTION RENEWING LIQUOR LICENSE FOR WOODCLIFF LAKE LIQUORS

**RESOLUTION NO. 19-143
JUNE 17, 2019**

WHEREAS, WOODCLIFF LAKE LIQUORS, has applied for renewal of their respective Plenary Retail Distribution License; and

WHEREAS, the said applicant has, in the opinion of the Mayor and Council, complied with the requirements of the Alcoholic Beverage Control Commission, and the Ordinance of the Borough of Woodcliff Lake.

NOW THEREFORE, BE IT RESOLVED, that Plenary Retail Distribution License No. 0268-44-002-007 is hereby granted to **WOODCLIFF LAKE LIQUORS**, for the sale of alcoholic beverages for the period of July 1, 2019 to June 30, 2020, in accordance with the requirements of said Act and said Ordinance, on premises located at 500 Chestnut Ridge Road.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 17, 2019.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

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Mayor Rendo						

**RESOLUTION RENEWING LIQUOR LICENSE FOR WOODCLIFF FARMS
dba WOODCLIFF MANOR**

**RESOLUTION NO. 19-144
JUNE 17, 2019**

WHEREAS, WOODCLIFF MANOR, has applied for renewal of their respective Plenary Retail Consumption License; and

WHEREAS, the said applicant has, in the opinion of the Mayor and Council, complied with the requirements of the Alcoholic Beverage Control Commission, and the Ordinance of the Borough of Woodcliff Lake.

NOW THEREFORE, BE IT RESOLVED, that Plenary Retail Consumption License No. 0268-33-004-002 is hereby granted to **WOODCLIFF MANOR**, for the sale of alcoholic beverages for the period of July 1, 2019 June 30, 2020, in accordance with the requirements of said Act and said Ordinance, on premises located at 25 Prospect Avenue.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 17, 2019.

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

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**RESOLUTION AUTHORIZING THE BOROUGH OF WOODCLIFF LAKE TAX COLLECTOR TO
PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994, C.72**

**RESOLUTION NO. 19-145
JUNE 17, 2019**

WHEREAS, due to the County Board of Taxation unable to certify a tax rate due to various issues at the state level and the Municipal Tax Collector will be unable to mail the tax bills on a timely basis, it has become necessary to issue estimated tax bills for the 3rd Quarter of 2019; and

WHEREAS, the Municipal Tax Collector in consultation with the Municipal Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated levies.

NOW, THEREFORE BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WOODCLIFF LAKE, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY ON 17TH DAY OF JUNE 2019 AS FOLLOWS:

1. The Borough of Woodcliff Lake Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough for the third installment of 2019 taxes. The Tax Collector shall proceed and take such actions as necessary.
2. The entire estimated levy for 2019 is hereby set at \$42,751,057.00 for an estimated tax rate of \$ 2.094.

3. In accordance with law the third installment of 2019 shall not be subject to interest until the later of August 12, 2019. Any payment received after August 12, 2019 shall have interest calculated from August 1, 2018.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of June 17, 2019.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
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**RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION -
CHAPTER 159 – N.J.S.A. 40A 4-87 CLEAN COMMUNITIES**

**RESOLUTION NO. 19-146
JUNE 17, 2019**

WHEREAS, N.J.S.A 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any Special Item of Revenue in the budget of any County or Municipality when such item shall have been available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amounts; and

WHEREAS, the Borough of Woodcliff Lake has received \$ 15,461.98 from State of NJ Clean Communities Program and wishes to amend its 2019 Budget to include this amount as a revenue.

NOW, THEREFOR BE IT RESOLVED, that the Mayor and Council of the Borough of Woodcliff Lake requests the Director of Division of Local Government Services to approve the insertion of an item of revenue in the 2019 Budget in the sum of \$ 15,461.98 which is now available from Clean Communities Program.

BE IT FURTHER RESOLVED, that a like sum of \$ 15,461.98 is hereby appropriated under the caption

General Appropriations
Operations Excluded from CAPS
State and Federal Programs Offset by Revenues
Clean Communities Program

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 17, 2019.

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

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RESOLUTION APPROVING POOL AND/OR TENNIS FOR VISITING GRANDCHILDREN

**RESOLUTION NO. 19-147
JUNE 17, 2019**

WHEREAS, the Parks and Recreation Department desire to allow Woodcliff Lake seniors who have a current pool membership to register their visiting grandchildren for the pool and/or tennis; and

WHEREAS, the visiting grandchildren will be considered non-residents and shall pay the non-resident pool and/or tennis fee; and

WHEREAS, the Parks and Recreation Committee have reviewed this request and recommend the approval of same.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen, and State of New Jersey that Woodcliff Lake senior citizens who have a current pool membership be and are hereby allowed to register their visiting grandchildren for the pool and/or tennis; and

BE IT FURTHER RESOLVED that the visiting grandchildren are considered non-residents and will pay the non-resident pool and/or tennis fee; and

BE IT FURTHER RESOLVED, that the Borough Clerk be and she is hereby authorized and directed to forward a certified copy of this resolution to the Parks and Recreation Director immediately upon its passage.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 17, 2019.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
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Mayor Rendo						

**RESOLUTION SETTING RATES FOR AUGUST TO LABOR DAY FOR THE MUNICIPAL POOL
IN THE BOROUGH OF WOODCLIFF LAKE**

**RESOLUTION NO. 19-148
JUNE 17, 2019**

WHEREAS, upon recommendation of the Park/Rec Director and the Borough Administrator, the Mayor and Council of the Borough of Woodcliff Lake has identified the benefits to set the rates for the use of the Borough's pool facilities for a monthly membership from August 1 – Labor Day weekend (pool closing); and

WHEREAS, such rates shall be \$220.00 per family, \$85.00 per single student (with valid student identification), \$100.00 per single adult and \$180.00 per couple (same household). Applicants must be residents of the Borough of Woodcliff Lake or Old Tappan as set forth in the Shared Services Agreement.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Woodcliff Lake authorizes use of the Borough's facilities at the above stated rates.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 17, 2019.

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

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
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Mayor Rendo						

RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER

**RESOLUTION NO. 19-149
JUNE 17, 2019**

WHEREAS, at the Municipal Tax Sale held on December 7, 2016, a lien was sold on Block 1303, Lot 8, also known as 12 Marz Drive in Woodcliff Lake, for 2015 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #15-00002, was sold to US BANK GLOBAL CORPORATE TRUST, a Pro Cap 4, LLC for an 18% redemption fee; and

WHEREAS, Patricia F. Burke, Esq., representing the mortgagees of said property have affected the redemption of Certificate #15-00002 in the amount of \$81,264.78.

NOW THEREFORE, BE IT RESOLVED, that the CFO be authorized to issue a check in the amount of \$81,264.78 payable to US BANK GLOBAL CORPORATE TRUST, PRO CAP 4 LLC for redemption of Tax Sale Certificate #15-00002.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 17, 2019.

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

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
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RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER

**RESOLUTION NO. 19-150
JUNE 17, 2019**

WHEREAS, at the Municipal Tax Sale held on December 7, 2018, a lien was sold on Block 2704, Lot 10, also known as 14 Zanoni Street in Woodcliff Lake, for 2017 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #17-00001, was sold to ROTHMAN REALTY I, LLC, for a 0% redemption fee; and

WHEREAS, the lienholder paid a premium for Certificate #17-00001 in the amount of \$25,100.00.

WHEREAS, BOILDING SPRINGS SAVINGS BANK, representing the mortgagees of said property have affected the redemption of Certificate #17-00001 in the amount of \$23,614.46.

NOW THEREFORE, BE IT RESOLVED, that the CFO be authorized to issue a check in the amount of \$48,714.46 payable to ROTHMAN REALTY 1, LLC for redemption of Tax Sale Certificate #17-00001.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 17, 2019.

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

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
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RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER

**RESOLUTION NO. 19-150
JUNE 17, 2019**

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WHEREAS, this lien, known as Tax Sale Certificate #17-00001, was sold to ROTHMAN REALTY I, LLC, for a 0% redemption fee; and

WHEREAS, the lienholder paid a premium for Certificate #17-00001 in the amount of \$25,100.00.

WHEREAS, BOILING SPRINGS SAVINGS BANK, representing the mortgagees of said property have affected the redemption of Certificate #17-00001 in the amount of \$23,614.46.

NOW THEREFORE, BE IT RESOLVED, that the CFO be authorized to issue a check in the amount of \$48,714.46 payable to ROTHMAN REALTY I, LLC for redemption of Tax Sale Certificate #17-00001.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 17, 2019.

**DEBORAH DAKIN, RMC, CMR
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RESOLUTION AUTHORIZING AUCTION OF MUNICIPAL PROPERTY

RESOLUTION NO. 19-151

JUNE 17, 2019

WHEREAS, Sourcewell (formerly known as NJPA) maintains National Cooperative Purchasing Agreement Contracts, which are competitively awarded national leveraged cooperative purchasing contracts through which members can make purchases; and

WHEREAS, the Borough of Woodcliff Lake as a member of Sourcewell is eligible to participate in the National Cooperative Purchasing Agreement Contracts to continue to use GovDeals for the auctioning of municipal property; and

WHEREAS, the Borough desires to auction the following municipal property thru GovDeals as same are no longer needed or utilized by the Borough:

- a. Six (6) yard sanitation vehicle, GMC 2002 Truck, Vin J8DC4B14027003231
- b. Generator Model No. 75ENTL19566A, Serial No. D880111522 (with a second Serial No. 23718 E-24-TH and second Model No. L3G-8751-6005-A; and

WHEREAS, the Borough Administrator has reviewed this matter and recommends that the within referenced municipal property be sold at auction thru GovDeals as same are no longer needed or utilized by the Borough.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen and State of New Jersey that the following municipal property be sold at auction thru GovDeals:

- a. Six (6) yard sanitation vehicle, GMC 2002 Truck, Vin J8DC4B14027003231
- b. Generator Model No. 75ENTL19566A, Serial No. D880111522 (second Serial No. 23718 E-24-TH and second Model No. L3G-8751-6005-A); and

BE IT FURTHER RESOLVED, that the Borough Administrator be and he is hereby authorized and directed to take all steps necessary to effectuate the sale of the within referenced municipal property at auction thru GovDeals; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized and directed to forward a certified copy of this resolution to GovDeals upon its passage.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 17, 2019.

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

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
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RESOLUTION APPROVING HOLD HARMLESS AGREEMENT

RESOLUTION NO. 19-152

JUNE 17, 2019

WHEREAS, Lori Polson, the owner of property located at 2 Reeds Lane in the Borough of Woodcliff Lake has requested that sandbags and/or a berm be placed on her property in an effort to reduce flooding on the property; and

WHEREAS, at the request of the Borough of Woodcliff Lake, the County of Bergen has agreed to install a small berm; and

WHEREAS, as a condition of same, the Borough of Woodcliff Lake is requiring that Lori Polson enter into a Hold Harmless Agreement with the Borough wherein Lori Polson agrees to indemnify and hold the Borough of Woodcliff Lake harmless for any and all liability claims, costs and attorneys' fees arising out of the placement of sandbags and/or a berm or any other barrier placed on the property located at 2 Reeds Lane; and

WHEREAS, the Borough Attorney has prepared a Hold Harmless Agreement between the Borough and Lori Polson, a copy of which is attached hereto and incorporated herein by reference.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen and State of New Jersey that the attached Hold Harmless Agreement between the Borough and Lori Polson, owner of the property located at 2 Reeds Lane, be and is hereby approved; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute the Hold Harmless Agreement attached hereto and incorporated herein by reference between the Borough and Lori Polson; and

BE IT FURTHER RESOLVED, that the Borough Clerk be and she is hereby authorized and directed to forward a certified copy of this resolution together with the Hold Harmless Agreement to Lori Polson upon its passage for her signature.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 17, 2019.

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

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Belgiovine						
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**RESOLUTION AUTHORIZING SURVEYING AND REGULATORY PERMITTING SERVICES
WITH NEGLIA ENGINEERING FOR GLEN ROAD SANITARY PUMPING STATION
IN THE BOROUGH OF WOODCLIFF LAKE**

**RESOLUTION NO. 19-153
JUNE 17, 2019**

WHEREAS, the Borough of Woodcliff Lake is in need of Surveying and Regulatory Permitting Services with regard to the Glen Road Sanitary Pumping Station; and

WHEREAS, Neglia Engineering has submitted a Proposal for Surveying and Regulatory Permitting Services with regard to the Glen Road Sanitary Pumping Station, a copy of which is attached hereto and incorporated herein by reference; and

WHEREAS, the proposal submitted by Neglia Engineering reflects a lump sum basis of Seventeen Thousand, Two Hundred and Seventy Dollars (\$17,270.00) representing Phase 1- Surveying and Regulatory Permitting Services; together with a material basis cost of Two Thousand Five Hundred Dollars (\$2,500.00) representing Phase II-Reimbursable Expenses; and

WHEREAS, the Borough Administrator has reviewed the proposal submitted by Neglia Engineering for Surveying and Regulatory Permitting Services, a copy of which is attached hereto and incorporated herein by reference, and recommends the approval of same.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Woodcliff Lake, County of Bergen and State of New Jersey, that the proposal submitted by Neglia Engineering for Surveying and Regulatory Permitting Services for the Glen Road

Sanitary Pumping Station be and is hereby approved; and

BE IT FURTHER RESOLVED, that the Borough Administrator be and is hereby authorized and directed to execute the proposal submitted by Neglia Engineering, a copy of which is attached hereto and incorporated herein by reference; and

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby authorized and directed to forward a copy of this resolution together with the signed proposal to Neglia Engineering upon its passage.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 17, 2019.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Belgiovine						
Gross						
Hayes						
Singleton						
Spelling						
Gadaleta						
Mayor Rendo						

**RESOLUTION AUTHORIZING SURVEYING AND REGULATORY PERMITTING SERVICES
WITH NEGLIA ENGINEERING FOR MARIA ROAD SANITARY PUMPING STATION IN THE
BOROUGH OF WOODCLIFF LAKE**

**RESOLUTION NO. 19-154
JUNE 17, 2019**

WHEREAS, the Borough of Woodcliff Lake is in need of Surveying and Regulatory Permitting Services with regard to the Maria Road Sanitary Pumping Station; and

WHEREAS, Neglia Engineering has submitted a Proposal for Surveying and Regulatory Permitting Services with regard to the Maria Road Sanitary Pumping Station, a copy of which is attached hereto and incorporated herein by reference; and

WHEREAS, the proposal submitted by Neglia Engineering reflects a lump sum basis of Fourteen Thousand Nine Hundred and Ten Dollars (\$14,910.00) representing Phase 1-Surveying and Regulatory Permitting Services; together with a material basis cost of Two Thousand Five Hundred Dollars (\$2,500.00) representing Phase II-Reimbursable Expenses; and

WHEREAS, the Borough Administrator has reviewed the proposal submitted by Neglia Engineering for Surveying and Regulatory Permitting Services, a copy of which is attached hereto and incorporated herein by reference, and recommends the approval of same.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Woodcliff Lake, County of Bergen and State of New Jersey, that the proposal submitted by Neglia Engineering for Surveying and Regulatory Permitting Services for the Maria Road

Sanitary Pumping Station be and is hereby approved; and

BE IT FURTHER RESOLVED, that the Borough Administrator be and is hereby authorized and directed to execute the proposal submitted by Neglia Engineering, a copy of which is attached hereto and incorporated herein by reference; and

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby authorized and directed to forward a copy of this resolution together with the signed proposal to Neglia Engineering upon its passage.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 17, 2019.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Belgiovine						
Gross						
Hayes						
Singleton						
Spelling						
Spelling						
Mayor Rendo						

**RESOLUTION APPROVING PROPOSAL AND SCOPE OF WORK FOR
SURVEILLANCE CAMERA INSTALLATION**

**RESOLUTION NO. 19-155
JUNE 17, 2019**

WHEREAS, the Borough of Woodcliff Lake received proposals from Lawman Technology & Consulting Group, LLC, SecureWatch24, LLC and USA Security Services, Inc. for the installation of a surveillance camera system within the Borough Hall and Police Department; and

WHEREAS, after a review of each proposal, the Borough wishes to retain Lawman Technology & Consulting Group to provide the IP based surveillance camera system as outlined in the proposal and scope of work submitted by Lawman Technology & Consulting Group in the amount of \$35,125.41, a copy of which is attached hereto and incorporated herein by reference; and

WHEREAS, the funds are available by way of Capital PO# 19-00817 in the amount of \$35,125.41 for the installation of an IP based surveillance camera system within the Borough Hall and Police Department; and

WHEREAS, the Borough Attorney has prepared a contract agreement between the Borough and Lawman Technology & Consulting Group, LLC for the installation of the surveillance camera system, a copy of which is attached hereto and incorporated herein by reference; and

WHEREAS, the Borough Administrator and the Police Department have reviewed the proposal and scope of work for the installation of an IP based surveillance camera system, a copy of which is attached hereto and incorporated herein by reference between the Borough and Lawman Technology and recommend the approval of same.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen and State of New Jersey that the Proposal and scope of work in the amount of \$35,125.41 submitted by Lawman Technology to the Borough of Woodcliff Lake for the installation of an IP based surveillance camera system within Borough Hall and the Police Department be and is hereby approved; and

BE IT FURTHER RESOLVED, that the Borough Administrator be and he is hereby authorized and directed to execute the Proposal on behalf of the Borough of Woodcliff Lake; and

BE IT FURTHER RESOLVED, that the Borough Administrator be and he is hereby authorized and directed to execute the contract agreement between the Borough and Lawman Technology & Consulting Group, LLC on behalf of the Borough of Woodcliff Lake; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized and directed to forward a certified copy of this resolution, signed Proposal and contract agreement to Lawman Technology upon its passage.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 17, 2019.

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

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Belgiovine						
Gross						
Hayes						
Singleton						
Spelling						
Gadaleta						
Mayor Rendo						

**RESOLUTION APPROVING ARCHITECT'S FEE PROPOSAL FOR INTERIOR ALTERATIONS TO DPW
FACILITY IN THE BOROUGH OF WOODCLIFF LAKE**

**RESOLUTION NO. 19-156
JUNE 17, 2019**

WHEREAS, the Department of Public Works facility located at 10 Old Mill Road, Woodcliff Lake, is in need of interior alterations; and

WHEREAS, the Borough is in receipt of a fee proposal from Joseph J. Bruno, AIA in the amount of \$5,000.00 for architectural design services for this project, a copy of which is attached hereto and incorporated herein by reference; and

WHEREAS, the Borough Administrator and Department of Public Works have reviewed the proposal submitted by Joseph J. Bruno, AIA for architectural design services for the interior alterations to the Department of Public Works facility and recommend the approval of same.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Woodcliff Lake that the fee proposal submitted by Joseph J. Bruno, AIA for interior alterations to the Department of Public Works facility located at 10 Old Mill Road, Woodcliff Lake be and is hereby approved; and

BE IT FURTHER RESOLVED, that the Borough Administrator be and he is hereby authorized and directed to execute the proposal submitted by Joseph J. Bruno, AIA on behalf of the Borough, a copy of which is attached hereto and incorporated herein by reference; and

BE IT FURTHER RESOLVED that the Borough Clerk be and she is hereby authorized and directed to forward a copy of this resolution together with the signed proposal to Joseph J. Bruno, AIA upon its passage.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of June 17, 2019.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

BOROUGH OF WOODCLIFF LAKE

ORDINANCE NO. 19-05

AN ORDINANCE REPEALING AND REPLACING ARTICLE V "DEVELOPMENT AND MANAGEMENT OF LOW- AND MODERATE-INCOME HOUSING" OF CHAPTER 380, ZONING, OF THE CODE OF THE BOROUGH OF WOODCLIFF LAKE, TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, on July 7, 2015, the Borough of Woodcliff Lake had filed and served on all interested parties a Complaint for Declaratory Judgment in the Superior Court of New Jersey, Bergen County, Law Division, entitled: In the Matter of the Application of the Borough of Woodcliff Lake, County of Bergen, Docket No. BER-L-6221-15 ("the Compliance Action"), seeking a Judgment of Compliance and Repose approving its Affordable Housing Plan; and

WHEREAS, the Borough of Woodcliff Lake and Fair Share Housing Council, in consultation with the Court-appointed Master and the Borough's Planner, entered into a settlement agreement of the Compliance Action on November 6, 2017 (the "Settlement Agreement"); and

WHEREAS, following a fairness hearing on December 13, 2017, the Court entered an Order on January 3, 2018, approving the Settlement Agreement; and

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

WHEREAS, the Housing Element and Fair Share Plan have been endorsed by the governing body; and

WHEREAS, this Ordinance implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C.5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

WHEREAS, the purpose of the within ordinance is to address the Borough of Woodcliff Lake's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court in the Settlement Agreement and consistent with N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide assurances that very low-, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that very low-, low- and moderate-income households shall occupy those units. This Ordinance shall apply, except where inconsistent with applicable law. In the event this Ordinance is found to be

in conflict with the Uniform Housing Affordability Controls ("UHAC"), N.J.A.C. 5:80-26.1 et seq, UHAC shall prevail.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Woodcliff Lake, Bergen County, New Jersey, as follows:

SECTION 1. Article V "Development and Management of Low- and Moderate-Income Housing" of Chapter 380, Zoning, of the Code of the Borough of Woodcliff Lake is hereby amended to read in full as follows:

Article V

Development and Management of Low- and Moderate-Income Housing

§380-15. General Program Purposes, Procedure.

A. Affordable Housing Obligation.

- (1) This Article sets forth regulations regarding the low- and moderate-income housing units in the Borough of Woodcliff Lake consistent with the provisions known as the "Substantive Rules of the New Jersey Council on Affordable Housing," the Uniform Housing Affordability Controls ("UHAC"), N.J.A.C. 5:80-26.1 et seq., and the Borough's constitutional obligation to provide a fair share of affordable housing for low- and moderate-income households. In addition, this Article applies requirements for very low-income housing established in P.L. 2008, c.46 (the "Roberts Bill").
- (2) This Article is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This Article shall apply except where inconsistent with applicable law.
- (3) The Borough of Woodcliff Lake Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways Woodcliff Lake Borough shall address its fair share for low- and moderate-income housing as determined by the Superior Court and documented in the Housing Element.
- (4) This Article implements and incorporates the Fair Share Plan and addresses the requirements of the Act and regulations thereunder, as may be amended and supplemented.
- (5) The Borough shall file monitoring reports with the Superior Court and place the reports on its municipal website. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by the Special Master shall be available to the public at the Borough of Woodcliff Lake Municipal Building, 188 Pascack Road, Woodcliff Lake, New Jersey.

B. Definitions.

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

"Accessory apartment" means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters, and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

"Act" means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

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

"Administrative agent" means the entity responsible for the administration of affordable units in accordance with this Article, N.J.A.C. 5:80-26.1 et seq.

"Affirmative marketing" means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

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

"Affordable" means, a sales price or rent within the means of a low- or moderate-income household; 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. 5:80-26.6, 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. 5:80-26.12, as may be amended and supplemented.

"Affordable development" means a housing development all or a portion of which consists of restricted units.

"Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

"Affordable housing program(s)" means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

"Affordable unit" means a housing unit proposed or created pursuant to the Act, and/or funded through an affordable housing trust fund.

"Agency" means 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" means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80 percent of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as

"housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

"Alternative living arrangement" a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternate living arrangements includes, but is not limited to: transitional facilities for the homeless, Class A, B, C, D, and E boarding homes, as regulated by the New Jersey Department of Community Affairs; residential health care facilities as regulated by the 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" means a facility licensed by the 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 or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

"Borough" means the Borough of Woodcliff Lake, Bergen County, New Jersey.

"Certified household" means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

"COAH" means the Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

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

"Commissioner" means the Commissioner of Community Affairs.

"Council" means the Council on Affordable Housing, established pursuant to P.L.1985, c.222 (C.52:27D-301 et al.).

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

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

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

"Development" means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any 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.

"Equalized Assessed Value" means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5 and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through 54:1-35c).

"Inclusionary development" means a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

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

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

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

"Market-rate units" means housing not restricted to low- and moderate-income households that may sell or rent at any price.

"Median income" means the median income by household size for the applicable county, as adopted annually by COAH or approved by the New Jersey Superior Court.

"Mixed use development" means any development which includes both a non-residential development component and a residential development component, and shall include developments for which: (1) there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities may be considered a common developer if there is a contractual relationship among them obligating each entity to develop at least a portion of the residential or non-residential development, or both, or otherwise to contribute resources to the development; and (2) the residential and non-residential developments are located on the same lot or adjoining lots, including but not limited to lots separated by a street, a river, or another geographical feature.

"Moderate-income household" means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

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

"Non-exempt sale" means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses 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.

"Non-residential development" means: (1) any building or structure, or portion thereof, including but not limited to any appurtenant improvements, which is designated to a use group other than a residential use group according to the State Uniform Construction Code promulgated to effectuate the "State Uniform Construction Code Act," P.L.1975, c.217 (C.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," P.L.1986, c.103 (C.52:27D-330 et seq.).

"Non-residential development fee" means the fee authorized to be imposed pursuant to Sections 32 through 38 of P.L.2008, c.46 (C.40:55D-8.1 through C.40:55D-8.7).

"Random selection process" means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

"Recreational facilities and community center" means any indoor or outdoor buildings, spaces, structures, or improvements intended for active or passive recreation, including but not limited to ball fields, meeting halls, and classrooms, accommodating either organized or informal activity; and "senior center" means any recreational facility or community center with activities and services oriented towards serving senior citizens.

"Regional asset limit" means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by/approved regional income limits.

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

"Relating to the provision of housing" shall be liberally construed to include the construction, maintenance, or operation of housing, including but not limited to the provision of services to such housing and the funding of any of the above.

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

"Restricted unit" means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHROP or MONI.

"Spending plan" means a method of allocating funds collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to P.L.2008, c.46 (C.52:27D-

329.1 et al.) for the purpose of meeting the housing needs of low and moderate income individuals.

"Special Master" means an expert appointed by a judge to make sure that judicial orders are followed. A master's function is essentially investigative, compiling evidence or documents to inform some future action by the court.

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

"UHAC" means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

"Very low-income household" means a household with a total gross annual household income equal to 30 percent or less of the median household income.

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

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

C. Borough-Wide Mandatory Set-Aside.

- (1) A multi-family or single-family development providing a minimum of five (5) new housing units created through any future development application, municipal rezoning or Zoning Board action, use or density variance, redevelopment plan, or rehabilitation plan is required to include an affordable housing set-aside of 20 percent if the affordable units will be for sale and 15 percent if the affordable units will be for rent. This requirement does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of Woodcliff Lake Borough to grant such rezoning, variance or other relief. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement.
- (2) This requirement shall not apply to any sites or specific zones otherwise identified in the Borough's Settlement Agreement with Fair Share Housing Center dated November 6, 2017, or in the Borough's Housing Element and Fair Share Plan, adopted by the Borough Planning Board and endorsed by the Borough Council, for which density and set-aside standards shall be governed by the specific standards set forth therein.

D. New Construction.

The following general guidelines apply to all newly constructed developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

- (1) Phasing. Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following phasing schedule for low- and moderate-income units.

**Maximum Percentage of Market-Rate
Units Completed**

**Minimum Percentage of Low- and
Moderate-Income Units Completed**

25%

0%

25% +1

10%

50%

50%

75%

75%

90%

100%

- (2) Design. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- (3) Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.
- (4) Low/Moderate Split and Bedroom Distribution of Affordable Housing Units.
 - (a) 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 deemed a low income unit.
 - (b) In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
 - (c) Within rental developments, of the total number of affordable rental units, at least 13 percent shall be affordable to very low-income households.
 - (d) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - [1.] The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - [2.] At least 30 percent of all low- and moderate-income units shall be two bedroom units;
 - [3.] At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
 - [4.] The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
 - (e) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.
- (5) Accessibility Requirements.

- (a) 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.
- (b) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - [1.] An adaptable toilet and bathing facility on the first floor;
 - [2.] An adaptable kitchen on the first floor;
 - [3.] An interior accessible route of travel on the first floor;
 - [4.] An interior accessible route of travel shall not be required between stories within an individual unit;
 - [5.] 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 floor; and
 - [6.] 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 10 percent of the adaptable entrances in the development accessible:
 - [a] Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - [b] To this end, the builder of restricted units shall deposit funds within the Borough's affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
 - [c] The funds deposited under subsection [b] above shall be used by the Borough for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - [d] The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of Woodcliff Lake Borough.
 - [e] 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 Woodcliff Lake's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the affordable

housing trust fund and appropriately earmarked for use in accordance with the provisions of this paragraph.

- [f] Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is 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.

(6) Maximum Rents and Sales Prices.

- (a) In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and by the Superior Court, utilizing the regional income limits established.
- (b) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.
- (c) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units. At least 13 percent of all low- and moderate-income rental units shall be affordable to households earning no more than 30 percent of median income.
- (d) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
- (e) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
 - [1.] A studio shall be affordable to a one-person household;
 - [2.] A one-bedroom unit shall be affordable to a one and one-half person household;
 - [3.] A two-bedroom unit shall be affordable to a three-person household;
 - [4.] A three-bedroom unit shall be affordable to a four and one-half person household; and
 - [5.] A four-bedroom unit shall be affordable to a six-person household.

(f) In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:

[1.] A studio shall be affordable to a one-person household;

[2.] A one-bedroom unit shall be affordable to a one and one-half person household; and

[3.] A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

(g) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 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. 5:80-26.3, as may be amended and supplemented.

(h) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size 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. 5:80-26.3, as may be amended and supplemented.

(i) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.

(j) The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed 9 percent in any one year. 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.

(k) Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

E. Condominium and Homeowners Associates Fees.

For any affordable housing unit that is part of a condominium association and/or homeowner's association, the Master Deed shall reflect that the association fee assessed for each affordable housing unit shall be established at 100 percent of the market rate fee.

§380-16. Administration.

A. Municipal Housing Liaison.

- (1) The position of Municipal Housing Liaison (MHL) for Woodcliff Lake Borough is established by this Section. The MHL shall be appointed by the Mayor and Council.
- (2) The Municipal Housing Liaison must be either a full-time or part-time employee of Woodcliff Lake Borough.
- (3) The Municipal Housing Liaison must meet the requirements for qualifications, including initial and periodic training, as required by state law or regulation.
- (4) The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Woodcliff Lake Borough, including the following responsibilities which may not be contracted out to the Administrative Agent.
 - (a) Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - (b) The implementation of the Affirmative Marketing Plan and affordability controls.
 - (c) When applicable, supervising any contracting Administrative Agent.
 - (d) Monitoring the status of all restricted units in the Woodcliff Lake's Fair Share Plan;
 - (e) Compiling, verifying and submitting annual reports as required by the Superior Court;
 - (f) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
 - (g) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Superior Court.

B. Administrative Agent.

- (1) The Borough shall designate by resolution of the Borough Council one or more Administrative Agents to administer newly constructed affordable units in accordance with State law or regulation and UHAC.
- (2) The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
 - (a) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Superior Court;

(b) Affirmative Marketing and conducting an outreach process to ensure affirmative marketing of affordable housing units in accordance with the affirmative marketing plan of the Borough and the provisions of N.J.A.C. 5:80-26.15.

(c) Household Certification.

- [1.] Soliciting, scheduling, conducting and following up on interviews with interested households;
- [2.] Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
- [3.] Providing written notification to each applicant as to the determination of eligibility or noneligibility;
- [4.] 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.
- [5.] 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
- [6.] Employing the random selection process as provided in the affirmative marketing plan of the Borough when referring households for certification to affordable units.

(d) Affordability Controls.

- [1.] Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
- [2.] Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
- [3.] Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;
- [4.] Communicating with lenders regarding foreclosure; and
- [5.] Ensuring the issuance of continuing certificates of occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

(e) Resale and Re-Rental.

- [1.] Instituting and maintaining an effective means of communicating information between owners and the administrative agent regarding the availability of restricted units for resale or rental; and

- [2.] Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.
- (f) Processing requests from unit owners.
- [1.] Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
 - [2.] Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems; and
 - [3.] Processing requests and making determinations on requests by owners of restricted units for hardship waivers.
- (g) Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
- [1.] Ensure that all restricted units are identified as affordable within the tax assessors' office and upon notification to the administrative agent of change in billing address, payment delinquency of two consecutive billing cycles, transfer of title, or institution of a writ of foreclosure on all affordable units, notifying all such owners that they must either move back to their unit or sell it;
 - [2.] Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgment of the requirement that no restricted unit can be offered, or in any other way committed to any person, other than a household duly certified to the unit by the administrative agent;
 - [3.] The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the administrative agent where complaints of excess rent can be made;
 - [4.] Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
 - [5.] Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;
 - [6.] Establishing a rent-to-equity program;
 - [7.] Creating and publishing a written operating manual setting forth procedures for administering such affordability controls; and

[8.] Proving annual reports as required.

(h) The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

C. Enforcement of Affordable Housing Regulations.

(1) Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

(2) After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice.

(a) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court.

[1.] A fine of not more than \$500 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;

[2.] In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Woodcliff Lake Borough Affordable Housing Trust Fund of the gross amount of rent illegally collected;

[3.] In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.

(b) The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.

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

- (7) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (8) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.
- D. The Borough may contract with or authorize a consultant, authority, government or any agency charged by the Borough council, which entity shall have the responsibility of administering the affordable housing program of the Borough. If the Borough contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and affirmative marketing plan, the municipal housing liaison shall supervise the contracting administrative agent. The administrative agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
- E. The cost for administering the affordable housing program for Woodcliff Lake Borough, including affirmative marketing, household certification, affordability controls, resale and rentals, communicating with unit owners and enforcement, shall be the responsibility of developers or owners of affordable housing units in accordance with the following fee schedule, as may be amended from time to time.

Annual fee for consulting, list maintenance and responding to inquiries	\$50.00 per affordable unit
Re-Sales of existing affordable housing units (payable by seller upon transfer of title)	\$1,000 per re-sale certification
Re-rentals of existing affordable housing units (payable by landlord upon occupancy of new tenant)	\$550 pre re-occupancy certification
Sale of new affordable housing units	\$200 per unit setup, plus \$1000 per unit certification fee, plus \$3,000 minimum project fee (payable at least 180 days prior to the issuance of a temporary or permanent certificate of occupancy, which first occurs)

Rental of new affordable housing units	\$400 per unit setup, plus \$500 per unit certification fee, plus \$3,000 minimum project fee (payable at least 180 days prior to the issuance of a temporary or permanent certificate of occupancy, whichever first occurs)
Refinancing	\$200 to be paid by unit owner
Lien satisfaction	no charge
Other programs	The cost to provide compliance services for programs, such as accessory apartments, market to affordable, etc., are subject to the number of units and the scope of services required for each.
Additional Services	In the event additional services are requested or required to comply with the affirmative marketing requirements, the rate for such services shall be determined prior to implementation.
Reimbursement of expenses	In addition to the foregoing fees, cost of postage, printing of notices, copying costs, and advertising shall be paid by the developer or owner.

§380-17. Affordable Housing Board.

- A. There is hereby created the Affordable Housing Board of the Borough of Woodcliff Lake (hereinafter referred to as "Board") to monitor the compliance of the Borough in providing housing for low- and moderate-income families as provided by and in accordance with the regulations set forth by the New Jersey Council on Affordable Housing (hereinafter referred to as "COAH"). The Board shall be the designated municipal authority as provided in N.J.A.C. 5:93-9.1.
- B. The Board shall consist of five members, one of whom shall be a member of the Borough Council, one of whom shall be a member of the Planning Board and one of whom shall be a member of the Board of Adjustment and all of whom shall be appointed by the Borough Council. The Board shall be representative of the citizens of the Borough.

- (1) Attendance by three voting members shall constitute a quorum. Passage of any motion shall require an affirmative vote by a majority of those members present.
 - (2) The initial term of office of Board members shall be in one, two or three years, such terms to be designated when making the appointment. The terms of office shall thereafter be three years, staggered, with reappointment at the pleasure of the Borough Council. All appointments shall be made in such a manner that the terms of approximately 1/3 of the members of the Board shall expire each year.
 - (3) The Board shall elect a Chairperson and Vice Chairperson from among its members. Their terms of office shall be one year, and they shall be eligible for reelection. The Board may also elect a Secretary, who need not be a member of the Board, and it may create and fill such other offices as it shall determine are appropriate and necessary to achieve the objectives of the Board. The Board may employ or contract for and fix the compensation of such experts and other staff as it deems necessary, provided that such obligations do not exceed funds it has available for such use.
 - (4) The Borough Council may remove any member of the Board for cause on written charges served upon the member and after a hearing thereon, at which time such member shall be entitled to be heard, either in person or represented by counsel. A vacancy on the Board occurring otherwise than the expiration of the term shall be filled for the unexpired term in the manner as an original appointment by the Borough Council.
- C. The Board is hereby granted and shall have and exercise the following powers in addition to the responsibilities and duties set forth in N.J.A.C. 5:93-9.1(a).
- (1) With the assistance of the Administrator, prepare amendments and additions to Board regulations as it deems necessary or appropriate to implement the purpose of this article. Amendments and additions, other than required by COAH regulations, shall not become effective until approved by the Borough Council.
 - (2) Hold hearings upon notice to adjudicate complaints of developers or applicants, owners and renters if the developer, applicant, owner or renter is not satisfied with the rulings of the Administrator. In matters involving a hearing, the Administrator shall give 10 days' written notice to all parties involved and shall give all interested parties an opportunity to be heard.
 - (3) With the assistance of the Administrator, review and approve requests for federal, state, county or local agencies regarding funding or applications for funding.
 - (4) With the assistance of the Administrator, make recommendations to the Borough Council regarding how Borough funds or funds collected from developer contributions for affordable housing should be spent and propose priorities for such expenditures in accordance with N.J.A.C. 5:93-8.10.
 - (5) Approve all affirmative marketing plans to ensure compliance with N.J.A.C. 5:93-11.1 et seq.

- (6) Monitor the administration of all the resale and re-rental transactions as provided in this Article to ensure compliance with N.J.A.C. 5:93-9.1 et seq.

§380-18. Affordable Housing Development Fees.

See Article X, Affordable Housing Development Fees, of Chapter 380, Zoning.

§380-19. Option to Buy Sales Units.

- A. The restrictive covenant governing the deeds of affordable housing units shall include an option permitting the purchase of the affordable housing unit at the maximum allowable restricted sales price at the time of the first nonexempt sale after controls on affordability have been in effect on the unit for the minimum required period as set forth in this Article. The option to buy shall be available to the Borough, the Department of Community Affairs ("DCA"), the New Jersey Housing and Home Finance Agency (the "NJHMFA") or a qualified nonprofit organization or entity as determined by COAH.
- B. All deed restrictions governing affordable housing units shall require the owner to notify the Board and COAH by certified mail of any intent to sell the unit 90 days prior to entering into an agreement for the first nonexempt sale after controls have been in effect on the housing unit for the minimum required period as set forth in this Article.
- C. Upon receipt of such notice, the option to buy the unit at the maximum allowable restricted sales price or any mutually agreeable sales price that does not exceed the maximum allowable restricted sales price shall be available for 90 days. The Board shall notify the Borough Council, the DCA, NJHMFA and COAH that the unit is for sale. If the Borough exercises this option, it may enter into a contract of sale. If the municipality fails to exercise this option within 90 days, the first of the other entities giving notice to the seller of its intent to purchase during the ninety-day period shall be entitled to purchase the unit. If the option to purchase the unit at the maximum allowable restricted sales price is not exercised by a written offer to purchase the housing unit within 90 days of receipt of the intent to sell, the owner may proceed to sell the housing unit pursuant to this Article. If the owner does not sell the unit within one year of the date of delivery of notice of intent to sell, the option to buy the unit shall be restored and the owner shall be required to submit a new notice of intent to sell 90 days prior to any future proposed date of sale.
- D. Any option to buy an affordable housing unit at the maximum allowable restricted sales price shall be exercised by certified mail and shall be deemed exercised upon mailing.

§380-20. Option of Borough to Buy Units.

- A. If the Borough elects to purchase an affordable housing unit pursuant to this Article, it may:
 - (1) Convey or rent the housing unit to a low- or moderate-income purchaser or tenant at a price or rent not to exceed the maximum allowable restricted sales price or rent,

provided that the unit is controlled by a deed restriction in accordance with COAH regulation or an alternative approved by COAH; or

(2) Convey the unit at a fair market value subject to the provisions of §380-20C below.

- B. If the Borough purchases low-income housing units, it shall maintain them as low-income housing units.
- C. If the Borough elects to purchase low- or moderate-income housing units and convey them at a fair market value, it shall:
 - (1) Notify COAH of any proposed sale and sales price 90 days before closing.
 - (2) Notify COAH of the price differential as defined in N.J.A.C. 5:93-1.3.
 - (3) Deposit the price differential in an interest-bearing housing trust fund devoted solely to the creation, rehabilitation or maintenance of low- and moderate-income housing.
- D. Money deposited in housing trust funds may not be expended until the Borough submits and COAH or any court having jurisdiction over the same approves a spending plan in accordance with N.J.A.C. 5:93-5.1(c). Money deposited in housing trust funds shall be subject to the restrictions, monitoring requirements and penalties outlined in N.J.A.C. 5:93-8.15 through 17.

§380-21. State and Nonprofit Purchase of Units.

If the DCA or a qualified nonprofit agency or organization purchases a low- or moderate-income unit, they shall meet all requirements set forth in N.J.A.C. 5:93-9.6 and N.J.A.C. 5:93-9.7, respectively.

§380-22. Seller Option.

- A. An eligible seller of a low- or moderate-income unit which has been controlled for the minimum required period specified in this Article and who has provided notice of an intent to sell, may proceed with the sale if no eligible entity exercises its option to purchase within 90 days.
- B. Subject to §380-22A above, the seller may elect to:
 - (1) Sell to a qualified low- and moderate-income household at a price not to exceed the maximum permitted sales price in accordance with existing Board rules, provided that the unit is regulated by the deed restriction and lien adopted by COAH, incorporated herein by reference for a period of at least 20 years; or
 - (2) Exercise the repayment option and sell to any purchaser at market price, provided that 95% of the price differential is paid to the Board, as an instrument of the Borough at closing.
- C. If the sale will be to a qualified low- and moderate-income household, the Board shall certify the income qualifications of the purchaser and shall ensure the housing unit is

regulated by the restrictive covenants and repayment lien required by COAH, which has been incorporated herein by reference.

- D. The Board shall examine any contract or sale containing a repayment option to determine if the proposed sales price bears a reasonable relationship to the housing unit's fair market value. In making this determination, the Board may rely on comparable sales data or an appraisal. The Board shall not approve any contract of sale where there is a determination that the sales price does not bear a reasonable relationship to fair market value. The Board shall make a determination within 20 days of receipt of the contract of sale and shall calculate the repayment option payment.
- E. The Board shall provide for an appeal procedure by which a seller may submit written documentation requesting the Board to re-compute the repayment obligation if the seller believes an error has been made or to reconsider a determination that a sale price does not bear a reasonable relationship to fair market value. A repayment obligation determination made as a result of an owner's appeal shall be a final administrative determination of the Board.
- F. The repayment shall occur at the date of closing and transfer of title for the first nonexempt transaction after the expiration of controls on affordability.
- G. Repayment proceeds shall be deposited in a housing trust fund and may be used as per N.J.A.C. 5:93-8.15. Money deposited in a housing trust fund may not be expended until the Borough submits and COAH or a court having jurisdiction over the same approves a spending plan.

§380-23. Affirmative Marketing within Inclusionary Development.

A. Adoption of an Affirmative Marketing Plan.

- (1) Woodcliff Lake Borough hereby adopts the within an Affirmative Marketing Plan in compliance with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- (2) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 1 and covers the period of deed restriction.

B. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region 1 comprised of Bergen, Hudson, Passaic, and Sussex Counties.

C. The Administrative Agent designated by Woodcliff Lake Borough shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.

(1) All newspaper articles, announcements and requests for applications for low- and moderate-income units will appear in the following newspapers/publications: The Star Ledger, the Bergen Record and the Ridgewood News.

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

(3) The advertisement will include:

- (a) The street address and location of units;
- (b) Directions to the housing units;
- (c) The size, as measured in the number of bedrooms, of the housing units;
- (d) A range of prices/rents for the housing units;
- (e) The maximum income permitted to qualify for the housing units
- (f) The location of applications for the housing units;
- (g) The business hours when interested households may obtain an application for a housing unit.
- (h) The name of the rental manager and/or sales agent for the housing units.

(4) All newspaper articles, announcements and requests for applications for low- and moderate-income housing will appear in publications circulated within the housing region that are likely to be read by low and moderate income households, such as neighborhood oriented weekly newspaper, religious publications and organizational newsletters.

(5) Regional radio and/or cable television station(s) will also be used.

(6) Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program will be provided to specific employment centers within the region and to the municipal clerks of all municipalities in the region.

(7) Applications for low and moderate income housing shall be available in several convenient locations within the Borough of Woodcliff Lake, including, at a minimum, Borough Hall, the Woodcliff Lake Public Library and the developer's sales/rental office. The following is a listing of community contact persons and/or organizations in Woodcliff Lake that will administer the program and will aid in the affirmative marketing program, with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region: land use administrator, Bergen County Housing Office and houses of worship.

(8) Quarterly flyers and applications will be sent to each of the following agencies for publication in their journals and for circulation among their members: Board of Realtors in Bergen, Hudson, Passaic and Sussex Counties.

(9) Applications will be mailed to prospective applicants upon request. Additionally, quarterly informational circulars and applications will be sent to the chief administrative employees of each of the following agencies in the counties the Borough of Woodcliff Lake's region: Welfare or Social Service Board, Rental Assistance Office (local office of DCA), Office on Aging, libraries and housing agency or authority.

(10) The affirmative marketing program will meet the following requirements:

- (a) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- (b) A random selection method will be used to select occupants of low- and moderate-income housing.
- (c) Low- and moderate-income households who live or work in the housing region in which the Borough of Woodcliff Lake is located shall be given preference for sales and rental units constructed within the Borough of Woodcliff Lake. Applicants living outside the housing region will have an equal opportunity for units after regional applicants have been initially serviced.
- (d) Low- and moderate-income households residing or working within the Borough of Woodcliff Lake shall be provided a preference for low and moderate income units created within the Borough of Woodcliff Lake that respond to Woodcliff Lake's rehabilitation component.
- (e) All developers of low- and moderate-income housing units will be required to assist in the marketing of the affordable units in their respective developments.
- (f) The cost of advertising and administering low- and moderate-income units shall be the responsibility of the developer and/or owner of low- and moderate-income housing units within the Borough of Woodcliff Lake.
- (g) The marketing program will commence at least 120 days before the issuance of either temporary or permanent certificates of occupancy. The marketing program will continue until all low- and moderate-income housing units are initially occupied and for as long as affordable units are deed restricted and occupancy or reoccupancy of units continues to be necessary.
- (h) Households that apply for low- and moderate-income housing shall be screened for preliminary income eligibility by comparing their total income to the low and moderate income limits pursuant to State law and regulations. Applicants shall be notified as to their eligibility status.
- (i) Having screened applicants for preliminary income eligibility, the Borough may analyze the income and household sizes of applicants to determine which applicants have the assets and/or income necessary to purchase or

rent each available low- or moderate-income unit.

- (j) The Borough shall conduct a process and interview each applicant to verify the applicant's income and household size; determine the applicant's asset availability; and review the applicant's credit history. Applicants shall be required to submit income verification for each household member 18 years or older. This process shall be utilized in establishing the final certified applicant group.
- (k) The process described in (j) through (l) above may begin no sooner than one month after the advertising program begins. Households shall be selected to proceed through the process described in (j) through (l) above through a method of random selection. Households shall be certified for low- and moderate-income units. The process described in (j) through (l) shall be continued until all the low- and moderate-income units are occupied.
- (l) Continuing marketing activities shall be undertaken after the completion of initial occupancy of sales and rental units in order to fill vacancies resulting from normal turnover which shall include:
 - [1.] Insuring a sufficient supply of income eligible applicants by continuing to implement the marketing plan throughout the housing region. At a minimum, the Borough shall maintain a current pool of at least five income eligible applicants for each low and moderate income unit.
 - [2.] Contacting each income eligible applicant annually to request updated information regarding income and family size.
 - [3.] As units become available, the municipal entity shall select eligible applicants for the units until the units are occupied by low and moderate income households.

D. In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

E. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by Woodcliff Lake Borough.

§380-24. Affordable Unit Controls and Requirements.

The following general guidelines apply to all developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

A. Occupancy Standards.

In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:

- (a) Provide an occupant for each bedroom;
- (b) Provide children of different sex with separate bedrooms; and
- (c) Prevent more than two persons from occupying a single bedroom.

B. Selection of Occupants of Affordable Housing Units.

- (1) The administrative agent shall use a random selection process to select occupants of low- and moderate-income housing.
- (2) A waiting list of all eligible candidates will be maintained in accordance with the provisions of N.J.A.C. 5:80-26 et seq.

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

- (1) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Section until Woodcliff Lake Borough elects to release the unit from such requirements however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (2) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- (3) Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.
- (4) At the time of the first sale of the unit, the purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the requirements of this Section, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- (5) The affordability controls set forth in this Section shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- (6) A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

- (7) Deeds of all real property that include restricted ownership units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Bergen. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy. The deed restriction shall be subject to the approval of the Administrative Agent and shall be substantially in the form set forth in Schedule B, annexed hereto and made part of this Article.

D. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

- (1) The initial purchase price for a restricted ownership unit shall be approved 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 method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- (4) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

E. Buyer Income Eligibility.

- (1) Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
- (2) 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 condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's certified monthly income.

F. Limitations on indebtedness secured by ownership unit; subordination.

- (1) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this Section.
- (2) 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 95 percent of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C.5:80-26.6(b).

G. Control Periods for Restricted Rental Units.

- (1) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Section until the Borough of Woodcliff Lake elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (2) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the land records office of the Clerk of the County of Bergen. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy. The deed restriction shall be subject to the approval of the Administrative Agent and shall be substantially in the form set forth in Schedule B, annexed hereto and made part of this Article.
- (3) A restricted rental unit shall remain subject to the affordability controls of this Section, despite the occurrence of any of the following events:
 - (a) Sublease or assignment of the lease of the unit;
 - (b) Sale or other voluntary transfer of the ownership of the unit; or
 - (c) The entry and enforcement of any judgment of foreclosure.

H. Price Restrictions for Rental Units; Leases.

- (1) A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- (2) No additional fees 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.
- (3) Application fees (including the charge for any credit check) shall not exceed five 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 Section.

I. Tenant Income Eligibility.

- (1) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - (a) Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
 - (b) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
 - (c) Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
- (2) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - (a) The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - (b) The household has consistently paid more than 35 percent (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;
 - (c) The household is currently in substandard or overcrowded living conditions;
 - (d) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - (e) The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- (3) The applicant shall file documentation sufficient to establish the existence of the circumstances in (2)(a) through (e) above with the Administrative Agent, who shall counsel the household on budgeting.

§380-25 through §380-40. (Reserved)

SECTION 2. Inconsistency. All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. Severability. If any sentence, section, clause, or other portion of this ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or repeal the remainder of this ordinance.

SECTION 4. Effective Date. This ordinance shall take effect twenty (20) days following passage and publication, or as otherwise required by law, and upon filing with the Planning Board of the County of Bergen.

Carlos Rendo
Mayor

ATTEST:

Deborah Dakin, Borough Clerk

Introduced: _____

Adopted: _____

SCHEDULE A - MANDATORY DEED RESTRICTION FOR RENTAL PROJECTS

Deed Restriction

**DEED-RESTRICTED AFFORDABLE HOUSING PROPERTY
WITH RESTRICTIONS ON RESALE AND REFINANCING**

To Rental Property

With Covenants Restricting Rentals, Conveyance and Improvements
And Requiring Notice of Foreclosure and Bankruptcy

THIS DEED RESTRICTION, entered into as of this the ____ day of _____, 20____, by and between the [Administrative Agent] ("Administrative Agent"), or its successor, acting on behalf of _____ [Municipality], with offices at _____, and _____ a New Jersey [Corporation / Partnership / Limited Partnership] having offices at _____ the developer/sponsor (the "Owner") of a residential low- or moderate-income rental project (the "Project"):

WITNESSETH

Article 1. Consideration

In consideration of benefits and/or right to develop received by the Owner from the Municipality regarding this rental Project, the Owner hereby agrees to abide by the covenants, terms and conditions set forth in this Deed restriction, with respect to the land and improvements more specifically described in Article 2, hereof (the Property).

Article 2. Description of Property

[If the project is a 100 percent affordable development, use the following:]

The Property consists of all of the land, and improvements thereon, that is located in the municipality of _____, County of _____, State of New Jersey, and described more specifically as Block No. _____ Lot No. _____, and known by the street address:

[Where restrictions are limited to specific units within the project, use the following:]

The Property consists of all of the land, and a portion of the improvements thereon, that is located in the municipality of _____, County of _____, State of New Jersey, and described more specifically as Block No. _____ Lot No. _____, and known by the street address:

More specifically designated as:

(List specific affordable units by address or apartment number.)

Article 3. Affordable Housing Covenants

The following covenants (the "Covenants") shall run with the land for the period of time (the "Control Period"), determined separately with respect for each dwelling unit, commencing upon the earlier of the date hereof or the date on which the first certified household occupies the unit, and shall and expire as determined under the Uniform Controls, as defined below.

In accordance with N.J.A.C. 5:80-26.11, each restricted unit shall remain subject to the requirements of this subchapter, the "Control Period," until the municipality in which the unit is located elects to release the unit from such requirements. Prior to such a municipal election, a restricted unit must remain subject to the requirements of this subchapter for a period of at least 30 years; provided, however, that:

1. Units located in high-poverty census tracts shall remain subject to these affordability requirements for a period of at least 10 years; and
 2. **Any unit that, prior to December 20, 2004, received substantive certification from COAH, was part of a judgment of compliance from a court of competent jurisdiction or became subject to a grant agreement or other contract with either the State or a political subdivision thereof, shall have its control period governed by said grant of substantive certification, judgment or grant or contract.**
- A. Sale and use of the Property is governed by regulations known as the Uniform Housing Affordability Controls, which are found in New Jersey Administrative Code at Title 5, chapter 80, subchapter 26 (N.J.A.C. 5:80-26.1, *et seq.*, the "Uniform Controls").
 - B. The Property shall be used solely for the purpose of providing rental dwelling units for low- or moderate-income households, and no commitment for any such dwelling unit shall be given or implied, without exception, to any person who has not been certified for that unit in writing by the Administrative Agent. So long as any dwelling unit remains within its Control Period, sale of the Property must be expressly subject to these Deed Restrictions, deeds of conveyance must have these Deed Restrictions appended thereto, and no sale of the Property shall be lawful, unless approved in advance and in writing by the Administrative Agent.

- C. No improvements may be made to the Property that would affect the bedroom configuration of any of its dwelling units, and any improvements to the Property must be approved in advance and in writing by the Administrative Agent.
- D. The Owner shall notify the Administrative Agent and the Municipality of any foreclosure actions filed with respect to the Property within five (5) business days of service upon Owner.
- E. The Owner shall notify the Administrative Agent and the Municipality within three (3) business days of the filing of any petition for protection from creditors or reorganization filed by or on behalf of the Owner.

Article 4. Remedies for Breach of Affordable Housing Covenants

A breach of the Covenants will cause irreparable harm to the Administrative Agent, to the Municipality and to the public, in light of the public policies set forth in the New Jersey Fair Housing Act, the Uniform Housing Affordability Control rules found at N.J.A.C. 5:80-26, and the obligation for the provision of low and moderate-income housing.

- A. In the event of a threatened breach of any of the Covenants by the Owner, or any successor in interest of the Property, the Administrative Agent and the Municipality shall have all remedies provided at law or equity, including the right to seek injunctive relief or specific performance.
- B. Upon the occurrence of a breach of any Covenants by the Grantee, or any successor in interest or other owner of the Property, the Administrative Agent and the Municipality shall have all remedies provided at law or equity including but not limited to forfeiture, foreclosure, acceleration of all sums due under any mortgage, recouping of any funds from a sale in violation of the Covenants, diverting of rent proceeds from illegal rentals, injunctive relief to prevent further violation of said Covenants, entry on the premises, those provided under Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code and specific performance.

IN WITNESS WHEREOF, the Administrative Agent and the Owner have executed this Deed Restriction in triplicate as of the date first above written.

[THE ADMINISTRATIVE AGENT]

BY: _____

XXXXXXXXXXXXX

Title

[THE OWNER]

BY: _____

XXXXXXXXXXXXX

Title

APPROVED BY _____ [Municipality]

BY: _____

XXXXXXXXXXXXXX

Title

ACKNOWLEDGEMENTS

On this the day of , 20 before me came _____, to me known and known to me to be the Administrative Agent for _____ [Municipality], who states that (s)he has signed said Agreement on behalf of said Municipality for the purposes stated therein.

NOTARY PUBLIC

On this the day of , 20 before me came _____, to me known and known to me to be _____, the Owner of the Property, who states that (s)he has signed said Agreement for the purposes stated therein.

NOTARY PUBLIC

On this the day of , 20 before me came _____ known and known to me to be _____ of _____, the Municipality identified as such in the foregoing Agreement, who states that (s)he is duly authorized to execute said Agreement on behalf of said Municipality, and that (s)he has so executed the foregoing Agreement for the purposes stated therein

NOTARY PUBLIC

SCHEDULE B - MANDATORY DEED FORM FOR OWNERSHIP UNITS

Deed

**DEED-RESTRICTED AFFORDABLE HOUSING UNIT WITH
RESTRICTIONS ON RESALE AND REFINANCING**

With Covenants Restricting Conveyance
And Mortgage Debt

THIS DEED is made on this _____ day of _____, 20__ by and between
_____ (Grantor) and

_____ (Grantee).

Article 1. Consideration and Conveyance

In return for payment to the Grantor by the Grantee of _____ Dollars

(\$ _____), the receipt of which is hereby acknowledged by the Grantor, the Grantor hereby grants and conveys to the Grantee all of the land and improvements thereon as is more specifically described in Article 2, hereof (the Property).

Article 2. Description of Property

The Property consists of all of the land, and improvements thereon, that is located in the municipality of _____, County of _____, State of New Jersey, and described more specifically as Block No. _____ Lot No. _____, and known by the street address:

Article 3. Grantor's Covenant

The Grantor hereby covenants and affirms that Grantor has taken no action to encumber the Property.

Article 4. Affordable Housing Covenants

Sale and use of the Property is governed by regulations known as the Uniform Housing Affordability Controls, which are found in New Jersey Administrative Code at Title 5, chapter 80, subchapter 26 (N.J.A.C. 5:80-26.1, *et seq*, the "Regulations"). Consistent with the Regulations, the following covenants (the "Covenants") shall run with the land for the period of time commencing upon the earlier of (a) the

date hereof or (b) the prior commencement of the "Control Period", as that term is defined in the Regulations, and terminating upon the expiration of the Control Period as provided in the Regulations.

In accordance with N.J.A.C. 5:80-26.5, each restricted unit shall remain subject to the requirements of this subchapter, the "Control Period," until the municipality in which the unit is located elects to release the unit from such requirements. Prior to such a municipal election, a restricted unit must remain subject to the requirements of this subchapter for a period of at least 30 years; provided, however, that units located in high-poverty census tracts shall remain subject to these affordability requirements for a period of at least 10 years;

- A. The Property may be conveyed only to a household who has been approved in advance and in writing by _____, an administrative agent appointed under the Regulations (hereinafter, collectively, the "Administrative Agent").
- B. No sale of the Property shall be lawful, unless approved in advance and in writing by the Administrative Agent, and no sale shall be for a consideration greater than maximum permitted price ("Maximum Resale Price", or "MRP") as determined by the Administrative Agent.
- C. No refinancing, equity loan, secured letter of credit, or any other mortgage obligation or other debt (collectively, "Debt") secured by the Property, may be incurred except as approved in advance and in writing by the Administrative Agent. At no time shall the Administrative Agent approve any such Debt, if incurring the Debt would make the total of all such Debt exceed 95 percent of the applicable MRP.
- D. The owner of the Property shall at all times maintain the Property as his or her principal place of residence.
- E. Except as set forth in F, below, at no time shall the owner of the Property lease or rent the Property to any person or persons, except on a short-term hardship basis as approved in advance and in writing by the Administrative Agent.
- F. If the Property is a two-family home, the owner shall lease the rental unit only to income-certified low-income households approved in writing by the Administrative Agent, shall charge rent no greater than the maximum permitted rent as determined by the Administrative Agent, and shall submit for written approval of the Administrative Agent copies of all proposed leases prior to having them signed by any proposed tenant.
- G. No improvements may be made to the Property that would affect its bedroom configuration, and in any event, no improvement made to the Property will be taken into consideration to increase the MRP, except for improvements approved in advance and in writing by the Administrative Agent.

Article 5. Remedies for Breach of Affordable Housing Covenants

A breach of the Covenants will cause irreparable harm to the Administrative Agent and to the public, in light of the public policies set forth in the New Jersey Fair Housing Act, the Uniform Housing Affordability Control rules found at N.J.A.C. 5:80-26, and the obligation for the provision of low and moderate-income housing. Accordingly, and as set forth in N.J.A.C. 5:80-26.18:

A. In the event of a threatened breach of any of the Covenants by the Grantee, or any successor in interest or other owner of the Property, the Administrative Agent shall have all remedies provided at law or equity, including the right to seek injunctive relief or specific performance.

B. Upon the occurrence of a breach of any Covenants by the Grantee, or any successor in interest or other owner of the Property, the Administrative Agent shall have all remedies provided at law or equity including but not limited to forfeiture, foreclosure, acceleration of all sums due under any mortgage, recouping of any funds from a sale in violation of the Covenants, diverting of rent proceeds from illegal rentals, injunctive relief to prevent further violation of said Covenants, entry on the premises, those provided under Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code and specific performance.

EXECUTION BY GRANTOR

Signed by the Grantor on the date hereof. If the Grantor is a corporation, this Deed is signed by a corporate officer who has authority to (a) convey all interests of the corporation that are conveyed by this Deed, and (b) to bind the corporation with respect to all matters dealt with herein.

Signed, sealed and delivered in

the presence of or attested by:

_____ [seal]

_____ [seal]

_____ [seal]

_____ [seal]

CERTIFICATE OF ACKNOWLEDGEMENT BY INDIVIDUAL

State of New Jersey, County of _____

I am either (check one) ____ a Notary Public or ____ a _____, an officer authorized to take acknowledgements and proofs in the state of New Jersey. I sign this acknowledgement below to certify that it was executed before me. On this this ____ day of _____, 20____
_____ appeared before me in person. *(If more than one person appears, the words "this person" shall include all persons named who appeared before the officer making this acknowledgement).* I am satisfied that this person is the person named in and who signed this Deed.

This person also acknowledged that the full and actual consideration paid or to be paid for the transfer of title to realty evidenced by this Deed, as such consideration is defined in P.L. 1968, c. 49, sec. 1(c), is \$_____.

Officer's signature: Sign above, and print stamp
or type name below

CORPORATE PROOF BY SUBSCRIBING WITNESS

State of New Jersey, County of _____

I am either (check one) ____ a Notary Public or ____ a _____, an officer authorized to take acknowledgements and proofs in the state of New Jersey. On this this ____ day of _____, 20____, _____ (hereinafter the "Witness") appeared before me in person. The Witness was duly sworn by me, and under oath stated and proved to my satisfaction that:

1. The Witness is the _____ secretary of the corporation which is the Grantor described as such in this deed (hereinafter the "Corporation").
2. _____, the officer who signed this Deed is the (title) _____ of the Corporation (hereinafter the "Corporate Officer").
3. The making, signing, sealing and delivery of this Deed have been duly authorized by a proper resolution of the Board of Directors of the Corporation.
4. The Witness knows the corporate seal affixed to this Deed is the corporate seal of the Corporation. The Corporate Officer affixed the seal to this Deed. The Corporate Officer signed and delivered this Deed as and for the voluntary act and deed of the Corporation. All this was done in the presence of the Witness who signed this Deed as attesting witness. The Witness signs this proof to attest to the truth of these facts.

The Witness also acknowledges that the full and actual consideration paid or to be paid for the transfer of title to realty evidenced by this Deed, as such consideration is defined in P.L. 1968, c. 49, sec. 1(c), is \$_____.

Sworn and signed before me on the date above written:

Witness: Sign above and print or type name below

Officer's signature: Sign above, and print stamp or type name below