



**AGENDA  
NEWTON TOWN COUNCIL  
REGULAR HYBRID MEETING  
FEBRUARY 23, 2026  
7:00pm**

Please click this URL to join:

<https://us02web.zoom.us/j/83897818208?pwd=b1I2VDYyL0VleVRlemRVVnRrT3ZBZz09>

Webinar ID: 838 9781 8208 Passcode: 594036

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**I. PLEDGE OF ALLEGIANCE**

**II. ROLL CALL**

**III. OPEN PUBLIC MEETINGS ACT STATEMENT**

**IV. APPROVAL OF MINUTES**

**V. OPEN TO THE PUBLIC (3 minutes each)**

At this point in the meeting, the Town Council welcomes comments from any member of the public on any topic. To help facilitate an orderly meeting and to permit the opportunity for anyone who wishes to be heard, speakers are asked to take one turn at the microphone and please limit their comments to 3 minutes. The Clerk will keep time. If reading from a prepared statement, please provide a copy and email a copy to the Clerk's Office after making your comments so it may be properly reflected in the minutes. Council may choose to comment after the entire public portion has concluded. **Please identify yourself and spell your last name for the record.**

**VI. COUNCIL & MANAGER REPORTS**

- a. Town Manager Russo – Proclamation – Black History Month
- b. Councilmember Couce
- c. Councilmember Le Frois
- d. Councilmember Teets
- e. Deputy Mayor Diglio
- f. Mayor Dickson

**VII. UNFINISHED BUSINESS**

**VIII. ORDINANCES**

- a. 2<sup>nd</sup> Reading and Public Hearing:  
Ordinance 2026-1

An Ordinance of the Town Council of the Town of Newton, County of Sussex, State of New Jersey, Authorizing the Sale of the Property Identified On the Tax Map of the Town of Newton as Block 10.01, Lot 6 Pursuant to an Agreement for Sale and Redevelopment of Land

- i. Open Hearing to Public
- ii. Close Hearing to Public
- iii. Act on Ordinance

Ordinance 2026-2

An Ordinance to Amend, Revise, and Supplement Chapter 307 of the Town Code of the Town of Newton, County of Sussex, State of New Jersey, Most Notably Article III, "Traffic Regulation", Section 307-14 "Stop Intersections" and Section 307-58 "Schedule VIII: Stop Intersections"

- i. Open Hearing to Public
- ii. Close Hearing to Public
- iii. Act on Ordinance

Ordinance 2026-3

An Ordinance to Amend, Revise, and Supplement Chapter 307 of the Town Code of the Town of Newton, County of Sussex, State of New Jersey, Entitled "Vehicles and Traffic", Most Notably Article III, "Traffic Regulation", Section 307-12 "One-Way Streets" and Article XI, Schedules, Section 307-55 "Schedule VI: One-Way Streets", As Well As Amending Ordinance No. 2025-9

- i. Open Hearing to Public
- ii. Close Hearing to Public
- iii. Act on Ordinance

Ordinance 2026-4

An Ordinance to Amend, Revise, and Supplement Chapter 320, Entitled "Zoning: Form-Based Code", Most Notably Section 320-29, Entitled "Affordable Housing"

- i. Open Hearing to Public
- ii. Close Hearing to Public
- iii. Act on Ordinance

Ordinance 2026-5

An Ordinance to Amend, Revise, and Supplement Chapter 320, Entitled "Zoning: Form-Based Code", Most Notably Section 320-19, Entitled "Special District 9 – Planned Neighborhood Development Zone"

- i. Open Hearing to Public
- ii. Close Hearing to Public
- iii. Act on Ordinance

Ordinance 2026-6

Ordinance of the Town of Newton, in the County of Sussex, New Jersey, Adopting an Amendment to the Redevelopment Plan for the Paterson Avenue Redevelopment Plan, Pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

- i. Open Hearing to Public
- ii. Close Hearing to Public
- iii. Act on Ordinance

Ordinance 2026-7

Ordinance of the Town of Newton, in the County of Sussex, New Jersey, Adopting an Amendment to the Redevelopment Plan for the Merriam Gateway Redevelopment Plan, Pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

- i. Open Hearing to Public
- ii. Close Hearing to Public
- iii. Act on Ordinance

- b. Introduction  
Ordinance 2026-8

Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank

## IX. CONSENT AGENDA

All items listed with an asterisk (\*) are considered to be routine and non-controversial by the Town Council and will be approved by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

- a. Resolution #95-2026\* Approval of Contracts for Chemical Supplies Bid per Bid 1R-2026 for Items #1, #6, and #7
- b. Resolution #96-2026\* Authorizing Negotiations for Chemical Supply
- c. Resolution #97-2026\* Resolution Memorializing Planning and Design Services Related to Multiple Project Locations for Utility Improvement Projects
- d. Resolution #98-2026\* Authorize Refund of Taxes; Block 18.04, Lot 13, Due to Overpayment
- e. Resolution #99-2026\* Authorize Refund of Taxes; Block 7.10, Lot 12
- f. Resolution #100-2026\* Approval of a Grant Management Plan for a Small Cities Grant for a Public Facilities Fund Project to Construct Sidewalks on Swartswood Road to Provide Pedestrian Facilities for Low and Moderate Income Residents of the Town of Newton, Sussex County, New Jersey
- g. Resolution #101-2026\* Approval to Submit an Application for a Small Cities Grant for a Public Facilities Fund Project to Construct a Sidewalk Along Swartswood Road to Benefit Town Residents of Low and Moderate Incomes
- h. Resolution #102-2026\* Fair Housing - Statement of Actions
- i. Resolution #103-2026\* Approve Bills and Vouchers for Payment

j. Resolution #104-2026\*

Resolution Authorizing the Town Manager and Mayor to Endorse the Application for TWA Permits

**X. DISCUSSION**

**XI. OPEN TO THE PUBLIC (3 minutes each)**

**XII. COUNCIL & MANAGER COMMENTS**

**XIII. EXECUTIVE SESSION**

**XIV. ADJOURNMENT**

Office of the Mayor

Newton, New Jersey

# Proclamation

## Black History Month

February 2026

*WHEREAS, Black History Month is celebrated annually in February to recognize the contributions African Americans have made to American history; and*

*WHEREAS, Black History Month provides an opportunity to reflect on the significant roles African Americans have played in shaping our nation's history; and*

*WHEREAS, Black History Month is an opportunity to celebrate the achievements of African Americans and to recognize their central role in American history; and*

*WHEREAS, Black History Month provides an opportunity to educate the public about the important contributions of African Americans to our society; and*

*WHEREAS, the Newton Town Council recognizes the importance of Black History Month and encourages all residents to participate in activities that celebrate the achievements of African Americans and promote greater understanding of their contributions to our society;*

*NOW, THEREFORE, we, the Mayor and Town Council of the Town of Newton, hereby proclaim **February 2026** as **Black History Month** in the Town of Newton and encourage all residents to participate in activities that celebrate the achievements of African Americans and promote greater understanding of their contributions to our society.*

*In witness whereof I have hereunto set my  
Hand and caused this seal to be affixed.*

Attest: \_\_\_\_\_

Date: \_\_\_\_\_

## TOWN OF NEWTON

### ORDINANCE 2026-1

#### **AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF NEWTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF THE PROPERTY IDENTIFIED ON THE TAX MAP OF THE TOWN OF NEWTON AS BLOCK 10.01, LOT 6 PURSUANT TO AN AGREEMENT FOR SALE AND REDEVELOPMENT OF LAND**

**WHEREAS**, on October 8, 1956, the Town of Newton (the "Town") deeded the land designated as Block 10.01, Lot 6, (previously Block 801, Lot 49.01) to the State of New Jersey, Department of Defense for the sum of One Dollar (\$1.00) on the express condition and understanding that an armory would be erected for the National Guard within five years of the date of the deed (the "**1956 Deed**") and that the land would be used for military purposes; and

**WHEREAS**, pursuant to the 1956 Deed, Block 10.01, Lot 6 would revert to the Town if the armory was not erected or if the land ceased to be used for military purposes; and

**WHEREAS**, in 1987, management of the State's veterans' hospitals was transferred to the Department of Defense and its name was changed to the Department of Veterans Affairs and Defense; and

**WHEREAS**, in 1988, the Department of Veterans Affairs and Defense became the Department of Military and Veterans Affairs ("**DMAVA**"); and

**WHEREAS**, on May 27, 1994, the State deeded approximately 9,540 square feet (0.219 acres) of Block 10.01, Lot 6 back to the Town for the sum of \$11,500.00 for road improvements (the "**1994 Deed**"); and

**WHEREAS**, in or about 2008, the State ceased to use Block 10.01, Lot 6 for military purposes and the property was subject to reversion to the Town in accordance with the provisions of the 1956 deed; and

**WHEREAS**, Block 10.01, Lot 6 has certain areas of environmental concern, including hazardous substances, that require remediation in compliance with applicable law (the "**Environmental Concerns**"); and

**WHEREAS**, DMAVA has undertaken efforts to investigate and remediate the Environmental Concerns at Block 10.01, Lot 6 under New Jersey Department of Environmental Protection ("NJDEP") Program Interest No. 000676, and those efforts are ongoing; and

**WHEREAS**, although DMAVA has been duly proceeding with its remedial obligations at Block 10.01, Lot 6, the slow pace of its work was impacting the Town's ability to utilize the property; and

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended from time to time (the "**Redevelopment Law**"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

**WHEREAS**, by Resolution 130-2012 adopted on June 25, 2012, the Council of the Town (the "**Town Council**") designated Block 10.01, Lots 5 and 6, commonly known as 127 Water Street, as a non-condemnation area in need of redevelopment (the "**Redevelopment Area**" or "**Project Area**") in accordance with the Redevelopment Law; and

**WHEREAS**, by the adoption of Ordinance # 2023-20 on August 21, 2023, the Town Council duly adopted a redevelopment plan for the Redevelopment Area, entitled, "ShopRite Redevelopment Plan", prepared by J. Caldwell & Associates and dated July 17, 2023 (as the same may be amended and supplemented from time to time, the "**Redevelopment Plan**"); and

**WHEREAS**, the Newton 213 Urban Renewal, LLC (the "Redeveloper") is formed as a limited liability company and is the owner of Block 10.01, Lot 5 ("**Redeveloper's Property**"), which is a portion of the Project Area; and

**WHEREAS**, in order to effectuate the Redevelopment Plan, the Project, and the redevelopment of the Redevelopment Area, the Town has determined to enter into an Agreement for Sale and Redevelopment of Land (the "**Agreement**") with the Redeveloper, which Agreement designates the Redeveloper as the "redeveloper" of the Project in accordance with the Redevelopment Law and which specifies the respective rights and responsibilities of the Parties with respect to the Project; and

**WHEREAS**, the Town Council adopted Resolution #247-2025 on November 24, 2025 authorizing the execution of the Agreement; and

**WHEREAS**, the Redeveloper has committed to undertake the following actions in accordance with the terms of the Agreement and the Redevelopment Plan: (i) acquire Block 10.01, Lot 6 from the Town ("**Town Property**") and take over and complete the remediation of the Environmental Concerns; (ii) demolish the existing improvements on the Redevelopment Property; (iii) design, develop, finance, construct, and lease a supermarket with a minimum of 80,000 square feet and a liquor store with a minimum of 15,000 square feet; (iv) design, develop, finance, construct, and lease to third parties two (2), single-story retail/commercial buildings totaling approximately 7,100 square feet; and, (v) construct all necessary on- and off-site infrastructure improvements (items (i) through (v), collectively, the "**Project**" or "**Redevelopment Project**"); and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-8(g), the Town Council has recommended that the Town sell the Town Property to the Redeveloper for the consideration of \$413,126.00, which represents a value of \$1,897,200.00 less a credit of \$1,484,074.00 for the Environmental Concerns ("Purchase Price"), which price, and under such terms as, the Town deems to be reasonable for the purpose of redeveloping the Property, in accordance with the Redevelopment Law, the Agreement, and the Redevelopment Plan; and

**WHEREAS**, in order to allow the Town to convey the Town Property to the Redeveloper, the State will convey the balance of the Town Property remaining after the 1994 Deed conveyance back to the Town in an "As Is" condition pursuant to a deed (the "**State Deed**") that will be held in escrow until the closing of the property transfer authorized by the Agreement, at which point the State Deed will be delivered to the Town; and

**WHEREAS**, upon release of the State Deed from escrow, the Town will simultaneously convey title to the Town Property in an "As Is" condition pursuant to a deed to the Redeveloper (the "**Town Deed**"); and

**WHEREAS**, the Redeveloper has agreed to enter into an Environmental Indemnification and Release Agreement (the "**EIRA**") with the Town and the State, obligating the Redeveloper to remediate and redevelop the Town Property and to defend and indemnify the Town and the State from and against any and all liabilities associated with the Environmental Concerns at the Town Property; and

**WHEREAS**, the Town, in turn, has agreed to waive and discharge any claims that it might have against the State for the Environmental Concerns at the Town Property pursuant to a Waiver and Release Agreement (the "**WRA**"); and

**WHEREAS**, the EIRA and the WRA are each expressly contingent upon and shall survive the closing of the transaction contemplated in the Agreement and delivery of title to the Town Property from the Town to the Redeveloper.

**WHEREAS**, the Redeveloper shall pay the 2.5% State of New Jersey Non-Residential Development fee for Non-Residential improvements in accordance with Ordinance #166-51 and N.J.S.A. 40:55D-8.1;

**NOW, THEREFORE BE IT ORDAINED AND ENACTED**, by the Town Council of the Town of Newton as follows:

**Section 1.** The foregoing recitals are incorporated herein as if set forth in full.

**Section 2.** The Mayor and Town Council of the Town of Newton authorize the sale of the Town Property to the Redeveloper for the consideration of \$413,126.00, which represents a value of \$1,897,200.00 less a credit of \$1,484,074.00 for the Environmental Concerns, pursuant to the Agreement for Sale and Redevelopment of Land, a copy of which is attached hereto as **Exhibit A**.

**Section 3.** The Mayor and Town Council are hereby authorized to effectuate certain business terms and conditions related to the Agreement concerning the remediation, sale and transfer of the Town Property and may enter into and execute any related documents which may be necessary to effectuate same for the Town Property, including, without limitation, (i) the Environmental Indemnification and Release Agreement, a copy of which is attached hereto as **Exhibit B**, (ii) the Waiver and Release Agreement, a copy of which is attached hereto as **Exhibit C**, (iii) the State Deed, the form of which is attached hereto as **Exhibit D**, and (iv) the Town Deed, the form of which is attached hereto as **Exhibit E**.

**Section 4.** The executed Agreement and all exhibits thereto, and all additional executed agreements shall be placed on file in the Office of the Municipal Clerk.

**Section 5.** This Ordinance shall take effect upon final passage and public as required by law.

#### **NOTICE**

**TAKE NOTICE** the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on February 9, 2026. It was adopted, after final reading and public hearing thereon, at a meeting of the Newton Town Council conducted at 7:00 pm on February 23, 2026 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect in accordance with law.

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Teresa A. Oswin, RMC  
Municipal Clerk

**EXHIBIT A  
REDEVELOPMENT AGREEMENT**

**EXHIBIT B**  
**ENVIRONMENTAL INDEMNIFICATION AND RELEASE AGREEMENT**

**EXHIBIT C**  
**WAIVER AND RELEASE AGREEMENT**

**EXHIBIT D  
STATE DEED**

**EXHIBIT E  
TOWN DEED**

**TOWN OF NEWTON**

**ORDINANCE 2026-2**

**AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT CHAPTER 307 OF THE TOWN CODE OF THE TOWN OF NEWTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, MOST NOTABLY ARTICLE III, "TRAFFIC REGULATION", SECTION 307-14 "STOP INTERSECTIONS" AND SECTION 307-58 "SCHEDULE VIII: STOP INTERSECTIONS"**

**WHEREAS**, the Mayor and the Town Council of the Town of Newton have decided, based on the recommendations of the Town Engineer, that the intersection of Moran Street and East Clinton Street in the Town of Newton needs to be a four-way (all-way) stop intersection, rather than in its current condition of East Clinton Street with a stop control and Moran Street as an unrestricted through street; and

**WHEREAS**, the Mayor and the Town Council of the Town of Newton have also decided, based on the recommendations of the Town Engineer, that the intersection of Merriam Avenue and Paterson Avenue in the Town of Newton needs to be a four-way (all-way) stop intersection, rather than in its current condition of Merriam Avenue with a stop control and Paterson Avenue as an unrestricted through street.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Town Council of the Town of Newton, County of Sussex, State of New Jersey that the Town wishes to amend, revise, and supplement Article III, "Traffic Regulation", most notably Section 307-14 entitled "Stop Intersections" and Section 307-58, entitled "Schedule VIII: Stop Intersections" as to both sets of intersections set forth above as follows:

"§ 307-58 Schedule VIII: Stop Intersections.

In accordance with the provisions of § 307-14, the following described intersections are designated as STOP intersections:

<b>Intersection</b>	<b>Stop Sign on</b>	<b>Direction of Travel</b>
<u>Moran Street and East Clinton Street</u>	<u>Moran Street and East Clinton Street</u> <u>(Four-Way/All-Way)</u>	
<u>Merriam Avenue and Paterson Avenue</u>	<u>Merriam Avenue and Paterson Avenue</u> <u>(Four-Way/All-Way)</u>	

All other existing provisions of Section 307-58, other than what is set forth above, shall remain in full force and effect.

**NOW, THEREFORE, BE IT FURTHER ORDAINED**, that:

(1) All ordinances or parts of ordinance which are inconsistent with this Ordinance be and the same are hereby repealed to the extent of their inconsistencies.

(2) This Ordinance shall take effect immediately upon due passage and publication in accordance with law.

**NOTICE**

**TAKE NOTICE** the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on February 9, 2026. It was adopted, after final reading and public hearing thereon, at a meeting of the Newton Town Council conducted at 7:00 pm on February 23, 2026 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect in accordance with law.

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Teresa A. Oswin, RMC  
Municipal Clerk

**UNDERLINES MEAN ADDITIONS; [BRACKETS] MEAN DELETIONS**

**TOWN OF NEWTON**

**ORDINANCE 2026-3**

**AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT CHAPTER 307 OF THE TOWN CODE OF THE TOWN OF NEWTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, ENTITLED "VEHICLES AND TRAFFIC", MOST NOTABLY ARTICLE III, "TRAFFIC REGULATION", SECTION 307-12 "ONE-WAY STREETS" AND ARTICLE XI, SCHEDULES, SECTION 307-55 "SCHEDULE VI: ONE-WAY STREETS", AS WELL AS AMENDING ORDINANCE NO. 2025-9**

**WHEREAS**, the Town of Newton Mayor and Council of the Town of Newton previously adopted Ordinance No. 2025-9, which, at the recommendation of the Town Engineer, turned Linwood Annex into a one-way street based on a number of factors as set forth in Ordinance No. 2025-9; and

**WHEREAS**, subsequent to the adoption of Ordinance No. 2025-9 on April 28, 2025, the Town Engineer has partially revised his opinion as to the full one-way street designation of Linwood Annex and now recommends of a portion of Linwood Annex to be returned to a two-way directional throughfare and the other portion remain as it currently is as a one-way street;

**NOW, THEREFORE BE IT ORDAINED**, by the Mayor and Town Council of the Town of Newton, County of Sussex, State of New Jersey that the Mayor and Town Council wish to amend, revise, and supplement Ordinance No. 2025-9, as well as Chapter 307 of the Town Code of the Town of Newton, County of Sussex, State of New Jersey, entitled "Vehicles and Traffic", most notably Article III, "Traffic Regulation", Section 307-12 "One-Way Streets" and Section 307-55 "Schedule VI: One-Way Streets" as follows:

<u>Name of Street</u>	<u>Direction</u>	<u>Location</u>
Linwood Annex	Southbound	[From Church Street to Liberty Street] <u>From Church Street to Division Street</u>

The portion of Linwood Annex from Division Street and Liberty Street shall return to two-way directional traffic.

All other one-way streets referred to in either Section 307-12 of the Town Code and or Section 307-55 (Schedule VI) of the Town Code of the Town of Newton, County of Sussex, State of New Jersey shall remain in full force and effect; and

**BE IT FURTHER ORDAINED** that any provisions of Chapter 307 and its Sections located in the Newton Town Code which are not enumerated in this Ordinance shall remain in their current form; and

**UNDERLINES MEAN ADDITIONS; [BRACKETS] MEAN DELETIONS**

**UNDERLINES MEAN ADDITIONS; [BRACKETS] MEAN DELETIONS**

**BE IT FURTHER ORDAINED** that should any part or portions of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereto other than the part held invalid. All ordinances or part of ordinances which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.

**NOTICE**

**TAKE NOTICE** the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on February 9, 2026. It was adopted, after final reading and public hearing thereon, at a meeting of the Newton Town Council conducted at 7:00 pm on February 23, 2026 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect in accordance with law.

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Teresa A. Oswin, RMC  
Municipal Clerk

**UNDERLINES MEAN ADDITIONS; [BRACKETS] MEAN DELETIONS**

## TOWN OF NEWTON

### ORDINANCE 2026-4

#### **AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT CHAPTER 320, ENTITLED “ZONING: FORM-BASED CODE”, MOST NOTABLY SECTION 320-29, ENTITLED “AFFORDABLE HOUSING”**

**WHEREAS**, the Town of Newton, in accordance with the Consent Order granting Conditional Compliance Certification pursuant to N.J.S.A. 52:27D-304(q), the Town of Newton seeks to repeal and replace Section 320-29 Affordable Housing and repeal section 166-48 Development Fees to be included under the provisions of Chapter 320 of the Town Code of the Town of Newton.

**NOW, THEREFORE BE IT ORDAINED**, by the Mayor and Council of the Town of Newton, County of Sussex, State of New Jersey that the Mayor and Town Council wish to repeal and replace Section 320-29 of the Town Code of the Town of Newton, entitled: “Zoning: Form-Based Code”, most notably Section 320-29, entitled “Affordable Housing” and repeals Section 166-48 Development Fees and replace under Section 320-29 as follows:

§ 320-29 Affordable Housing.

A. Introduction & Applicability

1. This section of the Code sets forth regulations regarding the very low-, low- and moderate-income housing units in the Town of Newton consistent with the provisions outlined in P.L 2024, Chapter 2, including the amended Fair Housing Act (“FHA”) at N.J.S.A. 52:27D-301 et seq., as well as the Department of Community Affairs, Division of Local Planning Services (“LPS”) at N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing (“COAH”) at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls (“UHAC”) at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted municipal Fourth Round Housing Element and Fair Share Plan (“HEFSP”).
2. This Ordinance is intended to ensure that very low-, low- and moderate-income units (“affordable units”) are created with controls on affordability over time and that very low-, low- and moderate-income households shall occupy these units pursuant to statutory requirements. This Ordinance shall apply to all inclusionary developments, individual affordable units, and 100% affordable housing developments except where inconsistent with applicable law. Low-Income Housing Tax Credit financed developments shall adhere to the provisions set forth below in item 5.c. below.
3. The Town of Newton Planning Board has adopted a HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan describes the ways the municipality shall address its fair share of very low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element.

4. This Ordinance implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of P.L 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented.
5. Applicability
  - a. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created pursuant to the municipality's most recently adopted HEFSP.
  - b. This Ordinance shall apply to all developments that contain very low-, low- and moderate-income housing units included in the Municipal HEFSP, including any unanticipated future developments that will provide very low-, low- and moderate-income housing units.
  - c. Projects receiving federal Low Income Housing Tax Credit financing and are proposed for credit shall comply with the low/moderate split and bedroom distribution requirements, maximum initial rents and sales prices requirements, affirmative fair marketing requirements of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year compliance period plus a 15-year extended-use period, for a total of not less than 45 years.

B. Definitions

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

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

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

"Adaptable" means constructed in compliance with the technical design standards of the barrier free subcode adopted by the Commissioner of Community Affairs pursuant to the "State Uniform Construction Code Act," P.L.1975, c. 217 (C.52:27D-119 et seq.) and in accordance with the provisions of section 5 of P.L.2005, c. 350 (C.52:27D-123.15).

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

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

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

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

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

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

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

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

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

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

“Affordable Housing Trust Fund” or “AHTF” means that non-lapsing, revolving trust fund established in DCA pursuant to N.J.S.A. 52:27D-320 and N.J.A.C. 5:43 to be the repository of all State funds appropriated for affordable housing purposes. All references to the “Neighborhood Preservation Nonlapsing Revolving Fund” and “Balanced Housing” mean the AHTF.

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

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

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

“Assisted living residence” means a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to ensure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor. Apartment units must offer, at a minimum, one

unfurnished room, a private bathroom, a kitchenette, and a lockable door on the unit entrance.

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

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

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

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

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

“Commissioner” means the Commissioner of the Department of Community Affairs.

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

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

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

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

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

“Department” means the New Jersey Department of Community Affairs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Moderate-income household” means a household with a household income in excess of 50 percent but less than 80 percent of the regional median income.

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

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

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

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

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

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

“New Jersey Affordable Housing Trust Fund” means an account established pursuant to N.J.S.A. 52:27D-320.

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

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

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

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

“Non-residential development” means:

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

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

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

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

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

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

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

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

“Prior round unit” means a housing unit that addresses a municipality’s fair share obligation from a round prior to the fourth round of affordable housing obligations, including any unit that: (1) received substantive certification from COAH; (2) is part of

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

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

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

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

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

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

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

"Recreational facilities and community centers" means any indoor or outdoor buildings, spaces, structures, or improvements intended for active or passive

recreation, including, but not limited to, ballfields, meeting halls, and classrooms, accommodating either organized or informal activity.

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

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

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

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

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

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

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

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

“Supportive housing household” means a very low-, low- or moderate-income household certified as income eligible by an administrative agent in accordance with N.J.A.C. 5:80-26.14, in which at least one member is an individual who requires supportive services to maintain housing stability and independent living and who is part of a population identified by federal or state statute, regulation, or program guidance as eligible for supportive or special needs housing. Such populations include, but are not limited to: persons with intellectual or developmental disabilities, persons with serious mental illness, person with head injuries (as defined in Section 2 of P.L. 1977), persons with physical disabilities or chronic health conditions, persons who are homeless as defined by the U.S. Department of Housing and Urban Development

at 24 C.F.R. Part 578, survivors of domestic violence, youth aging out of foster care, and other special needs populations recognized under programs administered by the U.S. Department of Housing and Urban Development, the Low-Income Housing Tax Credit Program, the McKinney–Vento Act, or the New Jersey Department of Human Services. A supportive housing household may include family members, unrelated individuals, or live-in aides, provided that the household meets the income eligibility requirements of this subchapter, except that in the case of unrelated individuals not operating as a family unit, income eligibility shall be tested on an individual basis rather than in the aggregate; the unit is leased or sold subject to the affordability controls established herein; and the supportive services available to the household are designed to promote housing stability, independent living, and community integration. The determination of whether unrelated individuals are operating as a family unit shall be made based on the applicant's self-identification of household members on the affordable housing application.

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

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

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

“Treasurer” means the Treasurer of the State of New Jersey.

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

“UHORP” means the Agency’s Urban Homeownership Recovery Program, as it was authorized by the Agency Board.

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

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

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

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

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

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

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

C. Monitoring and Reporting Requirements

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

a. The municipality shall provide electronic monitoring data with the Department pursuant to P.L 2024, Chapter 2 and N.J.A.C. 5:99 through the Affordable Housing Monitoring System (AHMS). All monitoring information required to be made public by the FHA shall be available to the public on the Department’s website at <https://www.nj.gov/dca/dlps/hss/MuniStatusReporting.shtml>.

b. On or before February 15 of each year, the municipality shall provide annual reporting of its municipal Affordable Housing Trust Fund activity to the Department on the AHMS portal. The reporting shall include an accounting of all municipal Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended, for the previous year from January 1st to December 31st.

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

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

1. The following requirements shall apply to all new or planned developments that contain very low-, low- and moderate-income housing units. To the extent possible, details related to the adherence to the requirements below shall be outlined in the resolution granting municipal subdivision or site plan approval of the project to assist municipal representatives, developers and Administrative Agents.

2. Completion Schedule (previously known as phasing). Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following completion schedule for very low-, low- and moderate-income units whether developed in a single-phase development, or in a multi-phase development:

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

50	50
75	75
90	100

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

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

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

subject to the technical design standards of the barrier free subcode and shall include the following features:

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

#### E. Affordable Housing Programs

1. Pursuant to amended UHAC regulations at N.J.A.C. 5:80-26.1 et seq. and, in addition, pursuant to P.L. 2024, c.2 and specifically to the amended FHA at N.J.S.A. 52:27D-311.m, "All parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including

but not limited to P.L. 2024, c.2, or binding court decisions." The following are many of the main provisions of the COAH regulations at either N.J.A.C. 5:93 or 5:97 that have been upheld by the NJ Supreme Court. Municipalities should consult the cited full COAH regulations when preparing the HEFSP for required documentation, etc. Additional compliance details may also be included in the specific municipal program manual.

2. Rehabilitation Program (per N.J.A.C. 5:93-5.2 with updated provisions herein per N.J.A.C. 5:97-6.2 related to credit towards a municipal present need obligation).
  - a. The rehabilitation program shall be designed to renovate deficient housing units occupied or intended to be occupied by very low-, low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28-1.1 et seq or the Rehabilitation Subcode, N.J.A.C. 5:23-6 to the extent applicable.
  - b. Both ownership and rental units shall be eligible for rehabilitation funds.
  - c. All rehabilitated units shall remain affordable to very low-, low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units, the control period shall be enforced with a mortgage and note and for renter-occupied units the control period will be enforced with a deed restriction.
  - d. The municipality shall dedicate a minimum average hard cost of \$10,000 for each unit to be rehabilitated through this program and in addition shall dedicate associated rehabilitation program soft costs such as case management, inspection fees and work write-ups.
  - e. The municipality shall designate, subject to the approval of the Department, one or more Administrative Agents to administer the rehabilitation program in accordance with P.L 2024, Chapter 2. The Administrative Agent(s) shall provide rehabilitation manuals for ownership and rental rehabilitation programs. Manuals shall be adopted by resolution of the governing body. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and on the municipal affordable housing web page.
  - f. Households determined to be very low-, low-, or moderate-income may participate in a rehabilitation program. Rehabilitated units shall be exempt from the very low-income requirements, low/mod split, and bedroom distribution requirements of UHAC, but shall be administered in accordance with the following:
    - i. If a unit is vacant at the time of rehabilitation, or if a rehabilitated unit becomes vacant and is re-rented before the expiration of the affordability controls, the deed restriction shall require that the unit be rented to a low- or moderate-income household at an affordable rent.
    - ii. If a rental unit is occupied by a tenant at the time rehabilitation is completed, the rent charged after rehabilitation shall not exceed the lesser of the tenant's current rent or the maximum rent permitted under UHAC.
    - iii. Rents in rehabilitated units may increase annually based on the standards in UHAC.
    - iv. At the time of application, applicant households and/or tenant households shall be subject to income eligibility determinations in accordance with UHAC.

3. Extension of Controls Program (for ownership units per N.J.A.C. 5:97-6.14 and UHAC at N.J.A.C. 5:80-26.6(h) through (k) and (m); and for rental units per N.J.A.C. 5:97-6.14 and N.J.A.C. 5:80-26.12(h) through (k)).
  - a. An extension of affordability controls program is established to maintain and extend the affordability of deed restricted units scheduled to come out of their affordability control period, subject to N.J.A.C. 5:97-6.14 and UHAC, including the following:
    - i. The affordable unit meets the criteria for prior cycle (April 1, 1980 - December 15, 1986) or post December 15, 1986 credits set forth in N.J.A.C. 5:97.
    - ii. The affordability controls for the unit are scheduled to expire in the current round; or in the next round of housing obligations if the municipal election to extend controls is made no earlier than one year before the end of the current round;
    - iii. The municipality shall obtain a continuing certificate of occupancy or a certified statement from the municipal building inspector stating that the restricted unit meets all code standards.
    - iv. If a unit requires repair and/or rehabilitation work in order to receive a continuing certificate of occupancy or certified statement from the municipal building inspector, the municipality shall fund and complete the work.
    - v. The municipality shall adhere to the process for extending controls pursuant to UHAC for extending ownership units and rental units, either inclusionary or 100% affordable developments.
    - vi. The deed restriction for the extended control period shall be filed with the County Clerk.
4. Supportive Housing and Group Homes (per N.J.A.C. 5:97-6.10).
  - a. The following provisions shall apply to group homes, residential health care facilities, and supportive shared living housing:
    - i. Units are subject to Affirmative Marketing requirements, household certification, and administrative agent oversight; and may, with the approval of the municipal housing liaison and the administrative agent, be leased either by the bedroom or to a single household in the case of multi-bedroom configurations, provided such arrangement is consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968).
    - ii. Units may, with the approval of the administrative agent, be subject to a master lease by an approved supportive housing operator, provided that all subleases are to be certified supportive housing households and remain fully subject to the affordability controls of this subchapter. Rents for supportive housing units shall not exceed the rent standards established and published by the New Jersey Department of Human Services.
    - iii. The unit of credit shall be the bedroom. However, the unit of credit shall be the unit if occupied by a single person or household.
    - iv. Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.
    - v. Occupancy shall not be restricted to youth under 18 years of age.

- vi. In affordable developments with 20 or more restricted units that are supportive housing, two-bedroom units must compose at least five percent of those restricted units.
  - vii. The bedrooms and/or units shall comply with UHAC with the following exceptions:
    - (a) Affirmative marketing; however, group homes, residential health care facilities, permanent supportive housing, and supportive shared living housing shall be affirmatively marketed to broadest possible population of qualified individuals with special needs in accordance with a plan approved by the sponsoring program;
    - (b) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).
  - viii. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with the Act. In the event that a supportive housing provider is unable to record or execute a long-term deed restriction, the units shall be subject to annual recertification by the Municipal Housing Liaison to confirm continued occupancy and compliance with this Section.
  - ix. Objective standards shall be applied in the selection of tenants for supportive housing units and shall be designed to ensure that individuals are not excluded in an arbitrary or capricious manner.
  - x. The following documentation shall be submitted by the sponsor to the municipality prior to marketing the completed units or facility:
    - (a) An Affirmative Marketing Plan in accordance with D1 above; and
    - (b) If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency in accordance with the requirements of this section, which includes validation of the number of bedrooms or units in which low- or moderate-income occupants reside.
  - xi. The sponsor/owner shall complete annual monitoring as directed by the MHL.
5. Municipally Sponsored/100% Affordable Developments (per N.J.A.C. 5:97-6.7).
- a. The Town will work with 100% affordable housing developers to identify potential sites in the Town to develop 100% affordable housing as funding and sites become available.
  - b. Municipally sponsored and 100 percent affordable developments include, but are not limited to:
    - i. Developments in which all units are available to low- and moderate-income households;
    - ii. Units created through a municipal partnership with a non-profit or other affordable housing provider; and
    - iii. Developments for which the municipality serves as the primary sponsor.
  - c. The following provisions shall apply to municipally sponsored and 100% affordable developments:
    - i. All sites shall meet the site suitability criteria set forth in N.J.A.C. 5:97-3.13.

- ii. The municipality or developer/sponsor shall have control or the ability to control the site(s).
  - iii. The construction schedule shall provide for construction to begin within two years of substantive certification or in accordance with the municipality's implementation schedule pursuant to N.J.A.C. 5:97-3.2(a)4.
  - iv. The first floor of all townhouse dwelling units and of all other multistory dwelling units must comply with N.J.A.C. 5:97-3.14.
  - d. The units shall comply with N.J.A.C. 5:97-9 and UHAC.
  - e. The following minimum documentation, as detailed further in a checklist provided by the Council, shall be submitted with the municipality's petition for substantive certification or in accordance with the municipality's implementation schedule pursuant to N.J.A.C. 5:97-3.2(a)4:
    - i. Information regarding the development on forms provided by the Council;
    - ii. A demonstration that the municipality or developer/sponsor has site control or has the ability to control the site(s). Control may be in the form of outright ownership, a contract to purchase or an option on the property;
    - iii. A description of the site, including the street location, block and lot, and acreage;
    - iv. A demonstration of the suitability of the site;
    - v. A request for proposals (RFP) or executed agreement, including a schedule for the construction of the units, with the developer or sponsor; or documentation that the development has received preliminary or final approvals; and
    - vi. Detailed information demonstrating that the municipality or developer has adequate funding capabilities. The documentation shall include:
      - (a) A pro forma statement for the project; and
      - (b) Evidence of adequate and stable funding. If State and/or Federal funds will be used, documentation shall be provided indicating the available funding and any pending applications. In the case where an application for outside funding is pending, a stable alternative source such as municipal bonding shall be provided in the event the funding request is not approved. As outside funds become available, the municipality may reduce its reliance on municipal sources.
    - vii. The following documentation shall be submitted prior to marketing the completed units:
      - (a) A draft or adopted operating manual that includes a description of the program procedures and administration in accordance with UHAC;
      - (b) An affirmative marketing plan in accordance with UHAC; and
      - (c) Designation of an experienced administrative agent, including a statement of his or her qualifications, in accordance with N.J.A.C. 5:96-18.
- F. Regional Income Limits.
- 1. Administrative agents shall use the current regional income limits for the purpose of pricing affordable units and determining income eligibility of households.
  - 2. Regional income limits are based on regional median income, which is established by a regional weighted average of the "median family incomes" published by HUD. The procedure for computing the regional median income is detailed in N.J.A.C. 5:80-26.3.

3. Updated regional income limits are effective as of the effective date of the regional Section 8 income limits for the year, as published by HUD, or 45 days after HUD publishes the regional Section 8 income limits for the year, whichever comes later. The new income limits may not be less than those of the previous year.
- G. Maximum Initial Rents And Sales Prices.
1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC N.J.A.C. 5:80-26.4.
  2. The average rent for all restricted units within each affordable housing development shall be affordable to households earning no more than 52 percent of regional median income.
  3. The maximum rent for restricted rental units within each affordable housing development shall be affordable to households earning no more than 60% of regional median income.
  4. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13% of all low- and moderate-income rental units shall be affordable to households earning no more than 30% of median income. These very low-income units shall be part of the low-income requirement and very-low-income units should be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count.
  5. The maximum sales price of restricted ownership units within each affordable housing development shall be affordable to households earning no more than 70% of median income, and each affordable housing development must achieve an affordability average that does not exceed 55% for all restricted ownership units. In achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type when the number of low- and moderate-income units permits.
  6. The master deeds and declarations of covenants and restrictions for affordable developments may not distinguish between restricted units and market-rate units in the calculation of any condominium or homeowner association fees and special assessments to be paid by low- and moderate-income purchasers and those to be paid by market-rate purchasers. Notwithstanding the foregoing sentence, condominium units subject to a municipal ordinance adopted before December 20, 2004, which ordinance provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection are governed by the ordinance.
  7. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted family units, the following standards shall be met:
    - a. A studio or efficiency unit shall be affordable to a one-person household;
    - b. A one-bedroom unit shall be affordable to a one and one-half person household;
    - c. A two-bedroom unit shall be affordable to a three-person household;
    - d. A three-bedroom unit shall be affordable to a four and one-half person household; and

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

2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 1 and is required to be followed throughout the period of deed restriction.
3. The Affirmative Marketing Plan provides the following preferences, provided that units that remain unoccupied after these preferences are exhausted may be offered to households without regard to these preferences.
  - a. There shall be a regional preference for all households that live and/or work in Housing Region 1 comprising Bergen, Hudson, Passaic, and Sussex Counties.
  - b. Subordinate to the regional preference, there shall be a preference for households that live and/or work in New Jersey.
  - c. With respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or to restricted units newly created to replace existing restricted units undergoing demolition, a preference for the very-low-, low-, and moderate-income households that are displaced by the rehabilitation or demolition and replacement.
4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Process, including the marketing of initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the municipality shall implement the Affirmative Marketing Process to ensure the Affirmative Marketing of all affordable units, with the exception of affordable programs that are exempt from Affirmative Marketing as noted herein.
5. The Affirmative Marketing Process shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Process, the Administrative Agent shall consider the use of language translations where appropriate.
6. Applications for affordable housing or notices thereof, if offered online, shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and municipal library in the municipality in which the units are located; and the developer's rental or sales office. The developer shall mail applications to prospective applicants upon request and shall make applications available through a secure online website address.
7. In addition to other Affirmative Marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units on the New Jersey Housing Resource Center website. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph.
8. In implementing the Affirmative Marketing Process, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

9. The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
  10. The cost to affirmatively market the affordable units shall be the responsibility of the developer, sponsor or owner, with the exception of Affirmative Marketing for resales.
- I. Selection of Occupants of Affordable Housing Units.
1. The Administrative Agent shall use a random selection process to select occupants of very low-, low- and moderate-income housing.
  2. A pool of interested households will be maintained in accordance with the provisions of N.J.A.C. 5:80-26.16.
- J. Occupancy Standards.
1. In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
    - a. Ensure each bedroom is occupied by at least one person, except for age-restricted and supportive and special needs housing units;
    - b. Provide a bedroom for every two adult occupants;
    - c. With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom; and
    - d. Avoid placing a one-person household into a unit with more than one bedroom.
- K. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.
1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80- 26.6, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years subject to the requirements of N.J.A.C. 5:80-26.6, as may be amended and supplemented.
  2. Rehabilitated housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years (crediting towards present need only).
  3. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit. The date of commencement shall be identified in the deed restriction.
  4. If existing affordability controls are being extended, the extended control period for a restricted ownership unit commences on the effective date of the extension, which is the end of the original control period.
  5. After the end of any control period, the restricted ownership unit remains subject to the affordability controls set forth in this subchapter until the owner gives notice of their intent to make an exit sale, at which point:
    - a. If the municipality exercises the right to extend the affordability controls on the unit, no exit sale occurs and a new control period commences; or
    - b. If the municipality does not exercise the right to extend the affordability controls on the unit, the affordability controls terminate following the exit sale.
  6. Prior to the issuance of any building permit for the construction/rehabilitation of restricted ownership units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.

7. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
  8. At the time of the initial sale of the unit and upon each successive price-restricted sale, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obliging the purchaser, as well as the purchaser's heirs, successors, and assigns, to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
  9. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to price-restricted ownership units.
- L. Price Restrictions for Restricted Ownership Units and Resale Prices.
1. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.7, as may be amended and supplemented, including:
    - a. The initial purchase price and affordability percentage for a restricted ownership unit shall be set by the Administrative Agent.
    - b. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the standards set forth in N.J.A.C 5:80-26.7.
      - i. If the resale occurs prior to the one-year anniversary of the date on which title to the unit was transferred to a certified household, the maximum resale price for a is the most recent non-exempt purchase price.
      - ii. If the resale occurs on or after such anniversary date, the maximum resale price is the most recent non-exempt purchase price increased to reflect the cumulative annual percentage increases to the regional median income, effective as of the same date as the regional median income calculated pursuant to N.J.A.C. 5:80-26.3
    - c. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be:
      - i. those that render the unit suitable for a larger household or the addition of a bathroom.
      - ii. The maximum resale price may be further increased by an amount up to the cumulative dollar value of approved capital improvements made after the last non-exempt sale for improvements and/or upgrades to the unit, excluding capital improvements paid for by the entity favored on the recapture note and recapture lien described at N.J.A.C. 5:80-26.6(d);
    - d. No increase for capital improvements is permitted if the maximum resale price prior to adjusting for capital improvements already exceeds whatever initial purchase price the unit would have if it were being offered for purchase for the first time at the initial affordability percentage. All adjustments for capital improvements are subject to 10-year, straight-line depreciation.

2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase but shall be separate and apart from any contract of sale for the underlying real estate. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price of the air conditioning equipment, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The seller and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

M. Buyer Income Eligibility.

1. Buyer income eligibility for restricted ownership units shall be established pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented, such that very low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 30% of median income, low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for occupancy by households with a gross household income less than 80% of median income.
2. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the municipality, and subject to the Division's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit. Similarly, the administrative agent may permit low-income purchasers to buy very-low-income units in housing markets where, as determined by the Division, units are reserved for very-low-income purchasers, but there is an insufficient number of very-low-income purchasers to permit prompt occupancy of the units. In such instances, the purchased unit must be maintained as a very-low-income unit and sold at a very-low-income price point such that on the next resale the unit will still be affordable to very-low-income households and able to be purchased by a very-low-income household. A very-low-income unit that is seeking bonus credit pursuant to N.J.S.A. 52:27D-311.k(9) must first be advertised exclusively as a very-low-income unit according to the Affirmative Marketing requirements at N.J.A.C. 5:80-26.16, then advertised as a very-low-income or low-income unit for at least 30 additional days prior to referring any low-income household to the unit.
3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided,

however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.

4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 35 percent of the household's eligible monthly income; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
    - a. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for housing expenses, and the proposed housing expenses will reduce its housing costs;
    - b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for housing expenses in the past and has proven its ability to pay; or
    - c. The household is currently in substandard or overcrowded living conditions;
    - d. The household documents the existence of assets, within the asset limitation otherwise applicable, with which the household proposes to supplement the rent payments
- N. Limitations on Indebtedness Secured by Ownership Unit; Subordination.
1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
  2. With the exception of original purchase money mortgages, neither an owner nor a lender shall at any time during the control period cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of that unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C. 5:80-26.7(c).
- O. Control Periods for Restricted Rental Units.
1. Control periods for units that meet the definition of prior round units shall be pursuant to the 2001 UHAC rules originally adopted October 1, 2001, 33 N.J.R. 3432, and amended December 20, 2004, 36 N.J.R. 5713 and shall remain subject to the requirements of this ordinance for a period of at least 30 years as applicable unless otherwise indicated.
  2. Other than for prior round units, control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 40 years. Restricted rental units created as part of developments receiving 9% Low-Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period for a total of 45 years.
  3. The affordability control period for a restricted rental unit shall commence on the first date that a unit is issued a certificate of occupancy following the execution

- of the deed restriction or, if affordability controls are being extended, on the effective date of the extension, which is the end of the original control period.
4. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years.
  5. Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
  6. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property. The deed restriction shall be recorded by the developer with the county records office, and provided as filed and recorded, to the Administrative Agent within 30 days of the receipt of a certificate of occupancy.
  7. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
    - a. Sublease or assignment of the lease of the unit;
    - b. Sale or other voluntary transfer of the ownership of the unit;
    - c. The entry and enforcement of any judgment of foreclosure on the property containing the unit; or
    - d. The end of the control period, until the occupant household vacates the unit, or is certified as over-income and the controls are released in accordance with UHAC.
- P. Rent Restrictions for Rental Units; Leases and Fees.
1. The initial rent for a restricted rental unit shall be set by the Administrative Agent.
  2. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be retained on file by the Administrative Agent.
  3. No additional fees, operating costs, or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
    - a. Operating costs, for the purposes of this section, include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory utility submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household.
  4. Any fee structure that would remove or limit affordable unit occupant access to any amenities or services that are required or included for market-rate unit occupants is prohibited. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
  5. Fees for unit-specific, non-communal items that are charged to market-rate unit tenants on an optional basis, such as pet fees for tenants with pets, storage spaces, bicycle-share programs, or one-time rentals of party or media rooms, may also be charged to affordable unit tenants, if applicable.
  6. Pet fees may not exceed \$30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.

7. Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.
8. For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with 5:80-26.13(c)1, may continue until the occupant household's current lease term expires or that occupant household vacates the unit, whichever occurs later.

Q. Tenant Income Eligibility.

1. Tenant income eligibility shall be determined pursuant to N.J.A.C. 5:80-26.14, as may be amended and supplemented, and shall be determined as follows:
  - a. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of the regional median income by household size.
  - b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of the regional median income by household size.
  - c. Moderate-income rental units shall be reserved for households with a gross household income less than 80% of the regional median income by household size.
2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income or moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
  - a. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
  - b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
  - c. The household is currently in substandard or overcrowded living conditions;
  - d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
  - e. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
3. The applicant shall file documentation sufficient to establish the existence of any of the circumstances in 2.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

R. Municipal Housing Liaison.

1. The Municipal Housing Liaison shall be approved by municipal resolution.
2. The Municipal Housing Liaison shall be approved by the Division, or is in the process of getting approval, and fully or conditionally meets the requirements for qualifications, including initial and periodic training as set forth in N.J.A.C. 5:99-1 et seq.

3. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program, including the following responsibilities, which may not be contracted out to the Administrative Agent:
  - a. Serving as the primary point of contact for all inquiries from the Affordable Housing Dispute Resolution Program, the State, affordable housing providers, administrative agents and interested households.
  - b. The oversight of the Affirmative Marketing Plan and affordability controls.
  - c. When applicable, overseeing and monitoring any contracting Administrative Agent.
  - d. Overseeing the monitoring of the status of all restricted units listed in the Fair Share Plan.
  - e. Verifying, certifying and providing annual information within AHMS at such time and in such form as required by the Division.
  - f. Coordinating meetings with affordable housing providers and administrative agents, as needed.
  - g. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division.
  - h. Overseeing the recording of a preliminary instrument in the form set forth at N.J.A.C. 5:80-26.1 for each affordable housing development.
  - i. Coordinating with the Administrative Agent, municipal attorney and municipal Construction Code Official to ensure that permits are not issued unless the document required in C.8. above has been duly recorded.
  - j. Listing on the municipal website contact information for the MHL and Administrative Agents.
- S. Administrative Agent.
  1. All municipalities that have created or will create affordable housing programs and/or affordable units shall designate or approve, for each project within its HEFSP, an administrative agent to administer the affordable housing program and/or affordable housing units in accordance with the requirements of the FHA, NJAC 5:99-1 et seq. and UHAC.
  2. The fees for administrative agents shall be paid as follows:
    - a. Administrative agent fees related to rental units shall be paid by the developer/owner.
    - b. Administrative agent fees related to initial sale of units shall be paid by the developer.
    - c. Administrative agent fees related to resales shall be paid by the seller of the affordable home.
    - d. Administrative agent fees related to ongoing administration and enforcement shall be paid by the municipality.
  3. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s). The Operating Manual(s) shall be available for public inspection in the Office of the Clerk and in the office(s) of the Administrative Agent(s). Operating manuals shall be adopted by resolution of the Governing Body.
  4. Subject to the role of the Administrative Agent(s), the duties and responsibilities as are set forth in N.J.A.C. 5:99-7 and which are described in full detail in the Operating Manual, including those set forth in UHAC, include:

- a. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;
- b. Affirmative marketing:
  - i. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the municipality and the provisions of N.J.A.C. 5:80-26.16.
  - ii. Providing counseling, or contracting to provide counseling services, to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements; and landlord/tenant law.
- c. Household certification.
  - i. Soliciting, scheduling, conducting and following up on interviews with interested households.
  - ii. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
  - iii. Providing written notification to each applicant as to the determination of eligibility or non-eligibility within 5 days of the determination thereof.
  - iv. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in the Appendices J and K of N.J.A.C. 5:80-26.1 et seq.
  - v. Creating and maintaining a referral list of eligible applicant households living in the housing region, and eligible applicant households with members working in the housing region, where the units are located.
  - vi. Employing a random selection process as provided in the Affirmative Marketing Plan when referring households for certification to affordable units.
- d. Affordability controls.
  - i. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for the recording at the time of conveyance of title of each restricted unit.
  - ii. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and filed properly with the County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit in accordance with UHAC.
  - iii. Communicating with lenders and the Municipal Housing Liaison regarding foreclosures.
  - iv. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.
- e. Records retention.
  - i. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded recapture mortgage, and note, as appropriate.
  - ii. Records received, retained, retrieved, or transmitted in furtherance of crediting affordable units of a municipality constitute public records of the

municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality.

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

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

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

U. Enforcement of Affordable Housing Regulations

1. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
2. After providing written notice of a violation to an owner, developer or tenant of an affordable unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
  - a. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
    - i. A fine of not more than \$1,250 or imprisonment for a period not to exceed 90 days, or both, unless otherwise specified below, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
    - ii. In the case of an owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Affordable Housing Trust Fund of the gross amount of rent illegally collected;
    - iii. In the case of an owner who has rented his or her affordable unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
3. The municipality shall have the authority to levy fines against the owner of the development for instances of noncompliance with NJHRC advertising requirements (N.J.S.A. 52:27D-321.6.e.(2)), following written notice to the owner. The fine for the first offense of noncompliance shall be \$5,000, the fine for the second offense of noncompliance shall be \$10,000, and the fine for each subsequent offense of noncompliance shall be \$15,000.
4. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.
  - a. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the affordable unit of

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

- f. The affordable unit owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.
  5. It is the responsibility of the municipal housing liaison and the administrative agent(s) to ensure that affordable housing units are administered properly. All affordable units must be occupied within a reasonable amount of time and be released within a reasonable amount of time upon the vacating of the unit by a tenant. If an administrative agent or municipal housing liaison becomes aware of or suspects that a developer, landlord, or property manager has not complied with these regulations, it shall report this activity to the Division. The Division must notify the developer, landlord, or property manager, in writing, of any violation of these regulations and provide a 30-day cure period. If, after the 30-day cure period, the developer, landlord, or property manager remains in violation of any terms of this subchapter, including by keeping a unit vacant, the developer, landlord, or property manager may be fined up to the amount required to construct a comparable affordable unit of the same size and the deed-restricted control period will be extended for the length of the time the unit was out of compliance, in addition to the remedies provided for in this section. For the purposes of this subsection, a reasonable amount of time shall presumptively be 60 days, unless a longer period of time is required due to demonstrable market conditions and/or failure of the municipal housing liaison or the administrative agent to refer a certified tenant.
  6. Banks and other lending institutions are prohibited from issuing any loan secured by owner occupied real property subject to the affordability controls set forth in this subchapter if such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located. Any loan issued in violation of this subsection is void as against public policy.
  7. The Agency and the Department hereby reserve, for themselves and for each administrative agent appointed pursuant to this subchapter, all of the rights and remedies available at law and in equity for the enforcement of this subchapter, including, but not limited to, fines, evictions, and foreclosures as approved by a county-level housing judge.
  8. Appeals
    - a. Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must be filed, in writing, with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's decision is a final administrative action.
- V. Development Fees.
1. Purpose
    - a. This section establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with the amended Fair Housing Act (P.L.2024, c.2), N.J.A.C. 5:99, and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan.

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

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units; and the specified higher percentage of 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.
  - b. Eligible exactions, ineligible exactions and exemptions for residential development
    - i. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made an eligible payment in lieu of on-site construction of affordable units, if permitted by ordinance, or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2, shall be exempt from development fees.
    - ii. Developments that have received preliminary or final site plan approval prior to the adoption of this ordinance and any preceding ordinance permitting the collection of development fees shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where a site plan approval does not apply, the issuance of a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for the purpose of determining

the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the development fee ordinance in effect on the date that the construction permit is issued.

- iii. No development fee shall be collected for the demolition and replacement of a residential building resulting from a fire or natural disaster.
4. Non-Residential Development Fees
- a. Imposition of fees
    - i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
    - ii. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
    - iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure; i.e., land and improvements; and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
  - b. Eligible exactions, ineligible exactions and exemptions for non-residential development
    - i. The non-residential portion of a mixed-use inclusionary or market-rate development shall be subject to a 2.5% development fee, unless otherwise exempted below.
    - ii. The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
  - c. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.
  - d. A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
  - e. If a property that was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-

residential development fees under these circumstances may be enforceable by the municipality as a lien against the real property of the owner.

5. Collection Procedures
  - a. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
  - b. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Non-Residential Development Certification/Exemption," to be completed by the developer as per the instructions provided in the Form N-RDF. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided on Form N-RDF. The tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
  - c. The construction official responsible for the issuance of a building permit shall notify the tax assessor of the issuance of the first construction permit for a development that is subject to a development fee.
  - d. Within 90 days of receipt of that notice, the tax assessor shall provide an estimate, based on the plans filed, of the equalized assessed value of the development.
  - e. The construction official responsible for the issuance of a final certificate of occupancy shall notify the tax assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.
  - f. Within 10 business days of a request for the scheduling of a final inspection, the tax assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
  - g. Should the municipality fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).
  - h. Fifty percent (50%) of the development fee shall be collected at the time of issuance of the construction permit. The remaining portion shall be collected at the time of issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the construction permit and that determined at the time of issuance of certificate of occupancy.
6. Appeal of development fees
  - a. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by that board, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

- b. A developer may challenge non-residential development fees imposed by filing a challenge with the director of the Division of Taxation. Pending a review and determination by the director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
7. Affordable Housing Trust Fund
- a. A separate, interest-bearing Municipal Affordable Housing Trust Fund shall be maintained by the chief financial officer of the municipality for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
  - b. The following additional funds shall be deposited in the Municipal Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
    - i. Payments in lieu of on-site construction of an affordable unit, where previously permitted by ordinance or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2;
    - ii. Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
    - iii. Rental income from municipally operated units;
    - iv. Repayments from affordable housing program loans;
    - v. Recapture funds;
    - vi. Proceeds from the sale of affordable units; and
    - vii. Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.
  - c. The municipality shall provide the Division with written authorization, in the form of a tri-party escrow agreement(s) between the municipality, the Division and the financial institution in which the municipal affordable housing trust fund has been established to permit the Division to direct the disbursement of the funds as provided for in N.J.A.C. 5:99-2.1 et seq.
  - d. Occurrence of any of the following deficiencies may result in the Division requiring the forfeiture of all or a portion of the funds in the municipal Affordable Housing Trust Fund:
    - i. Failure to meet deadlines for information required by the Division in its review of a development fee ordinance;
    - ii. Failure to commit or expend development fees within four years of the date of collection in accordance with N.J.A.C. 5:99-5.5;
    - iii. Failure to comply with the requirements of the Non-Residential Development Fee Act and N.J.A.C. 5:99-3;
    - iv. Failure to submit accurate monitoring reports pursuant to this subchapter within the time limits imposed by the Act, this chapter, and/or the Division;
    - v. Expenditure of funds on activities not approved by the Superior Court or otherwise permitted by law;

- vi. Revocation of compliance certification or a judgment of compliance and repose;
  - vii. Failure of a municipal housing liaison or administrative agent to comply with the requirements set forth at N.J.A.C. 5:99-6, 7, and 8;
  - viii. Other good cause demonstrating that municipal affordable housing funds are not being used for an approved purpose.
- e. All interest accrued in the housing trust fund shall only be used on eligible affordable housing purposes approved by the Court.
8. Use of Funds
- a. The expenditure of all funds shall conform to a Spending Plan approved by Superior Court. Funds deposited in the municipal Affordable Housing Trust Fund may be used for any activity approved by the Court to address the fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market-to-affordable program; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost-saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by Superior Court and specified in the approved Spending Plan.
  - b. Funds shall not be expended to reimburse the municipality or activities that occurred prior to the authorization of a municipality to collect development fees.
  - c. At least a portion of all development fees collected and interest earned shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipal Fair Share Plan. A portion of the development fees which provide affordability assistance shall be used to provide affordability assistance to very low-income households.
    - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, infrastructure assistance, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.
    - ii. Affordability assistance for very low income households may include producing very low-income units or buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
  - d. No more than 20% of all affordable housing trust funds, exclusive of those collected to fund an RCA prior to July 17, 2008, shall be expended on administration, including, but not limited to, salaries and benefits for municipal

employees or consultants' fees necessary to develop or implement a new construction program, prepare and implement a Housing Element and Fair Share Plan, administer an Affirmative Marketing Program and for compliance with the Superior Court and the Program including the costs to the municipality of resolving a challenge.

9. Monitoring

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

10. Ongoing Collection of Fees

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

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

**NOW, THEREFORE, BE IT FURTHER ORDAINED** that:

(1) All ordinances or parts of ordinance which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistencies.

(2) This Ordinance shall take effect immediately upon due passage and publication in accordance with law.

**NOTICE**

**TAKE NOTICE** the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on February 9, 2026. It was adopted, after final reading and public hearing thereon, at a meeting of the Newton Town Council conducted at 7:00 pm on February 23, 2026 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect in accordance with law.

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Teresa A. Oswin, RMC  
Municipal Clerk

**TOWN OF NEWTON**

**ORDINANCE 2026-5**

**AN ORDINANCE TO AMEND, REVISE, AND SUPPLEMENT CHAPTER 320, ENTITLED "ZONING: FORM-BASED CODE", MOST NOTABLY SECTION 320-19, ENTITLED "SPECIAL DISTRICT 9 – PLANNED NEIGHBORHOOD DEVELOPMENT ZONE"**

**WHEREAS**, the Town of Newton, in accordance with the Consent Order granting Conditional Compliance Certification pursuant to N.J.S.A. 52:27D-304(q), the Town of Newton seeks to amend the SD-9 Zone District to encourage development of affordable housing units, under the provisions of Chapter 320 of the Town Code of the Town of Newton;

**NOW, THEREFORE BE IT ORDAINED**, by the Mayor and Council of the Town of Newton, County of Sussex, State of New Jersey that the Mayor and Town Council wish to amend, revise and supplement Chapter 320 of the Town Code of the Town of Newton, entitled: "Zoning: Form-Based Code", most notably Section 320-19, entitled "Special District 9 – Planned Neighborhood Development Zone" as follows:

(1) Section 320-19, Special District 9 – Planned Neighborhood Development Zone is hereby amended, revised, and supplemented as follows:

a. Amend, revise, and supplement Section 320-19(B), Bulk Requirements, as follows:

<b>Building Configuration</b>	Principal building	4 stories/50 feet maximum; 2 minimum
	Accessory building	2 stories/25 feet maximum
<b>Lot Occupation</b>	Lot width	20 feet maximum
	Lot coverage	70% maximum <sup>1</sup>
<b>Residential Density</b>	85% of the development	Max. 8 du/acre
	15% of the development	Max. 20 du/acre
<b>Affordable Housing Requirement</b>	Minimum set-aside	20%
<b>Building Disposition (§ 320-26B)</b>	Edgeyard	Permitted
	Sideyard	Permitted
	Rearyard	Permitted
	Courtyard	Not permitted
<b>Commercial/Mixed-Use Building Setbacks</b>	Front yard primary (g.1) <sup>2</sup> (NE side lot line along	10 feet minimum; 30 feet maximum

	hospital lot should be treated as a front yard)	
	Front yard secondary (g.2) <sup>2</sup> for corner lot	10 feet minimum; 30 feet maximum
	Side yard (g.3) <sup>2</sup>	20 feet minimum
	Rear yard (g.4) <sup>2</sup>	50 feet minimum
	Frontage build-out	60% minimum at setback
<b>Residential Building Setbacks</b>	Front yard primary	25 feet minimum
	Front yard secondary	20 feet minimum
	Side yard, detached housing	20 feet minimum
	Side Yard, attached housing	Zero (0) feet
	Rear yard	30 feet minimum
	Frontage build-out	Not applicable
<b>Accessory Building Setbacks</b>	Front yard (h.1) <sup>2</sup>	20 feet minimum + principal bldg. setback
	Side yard (h.2) <sup>2</sup>	5 feet minimum or 10 feet at corner
	Rear yard (h.3) <sup>2</sup>	5 feet minimum
<b>Private Frontages (§ 320-26A)</b>	Common lawn	Permitted
	Porch and fence	Permitted
	Terrace	Permitted
	Forecourt	Permitted
	Shopfront and awning	Permitted
	Gallery	Permitted
	Arcade	Permitted

NOTES:

<sup>1</sup> For projects that include structured parking, affordable housing, or enhanced open space, the permitted lot coverage is increased to 80%.

<sup>2</sup> See § 230-19C.

**NOW, THEREFORE BE IT FURTHER ORDAINED**, that:

(1) All ordinances or parts of ordinance which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistencies.

(2) This Ordinance shall take effect immediately upon due passage and publication in accordance with law.

**NOTICE**

**TAKE NOTICE** the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on February 9, 2026. It was adopted, after final reading and public hearing thereon, at a meeting of the Newton Town Council conducted at 7:00 pm on February 23, 2026 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect in accordance with law.

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Teresa A. Oswin, RMC  
Municipal Clerk

**TOWN OF NEWTON**

**ORDINANCE 2026-6**

**ORDINANCE OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, ADOPTING AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PATERSON AVENUE REDEVELOPMENT PLAN, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, *et. seq.***

**WHEREAS**, the Paterson Avenue Redevelopment Plan governs the redevelopment area identified as Block 16.03, Lots 6 and 7, designated by the Town of Newton on December 10, 2007, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq., and subsequent plan adopted by the Town Council in December 2008, amended in January 2016 and January 2020; and

**WHEREAS**, in accordance with the Redevelopment Law, the Municipal Council (the "Town Council") of the Town of Newton (the "Town") authorized and directed the Town Planning Board (the "Planning Board") to review the draft Redevelopment Plan Amendment, pursuant to N.J.S.A. 40A:12A-7(e); and

**WHEREAS**, following such review, the Planning Board has rendered its report and recommendations to the Town Council and noted the Redevelopment Plan is not inconsistent with the Town's Master Plan and with comments and recommendations, pursuant to N.J.S.A. 40A:12A-7(e); and

**WHEREAS**, the Town Council hereby finds it appropriate for an Amendment to the Redevelopment Plan to be adopted for the Redevelopment Area, the Redevelopment Plan being, among other things, substantially consistent with the Master Plan for the Town; and

**WHEREAS**, the Town Council now desires to adopt the Amendment to the Redevelopment Plan and to direct the applicable provisions of the Town's Zoning Ordinance/Code and Map be amended and superseded to reflect the provisions of the Amended Redevelopment Plan, as and to the extent set forth therein;

**NOW, THEREFORE BE IT ORDAINED**, by the Town Council of the Town of Newton as follows:

1. Generally. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. Adoption. The Amendment to the Redevelopment Plan, as filed in the Office of the Town Clerk and attached hereto as Exhibit A, is hereby approved and adopted.

3. Amendment of Zoning Ordinance and Map. The sections of the Town's Zoning Ordinance/Code and Map are hereby amended to incorporate and reflect the change in the Redevelopment Plan and, to the extent provided in the current Redevelopment Plan, are superseded thereby.
4. Severability. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.
5. All ordinances and/or parts of ordinance which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only with this Ordinance.

### **NOTICE**

**TAKE NOTICE** the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on February 9, 2026. It was adopted, after final reading and public hearing thereon, at a meeting of the Newton Town Council conducted at 7:00 pm on February 23, 2026 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect in accordance with law.

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Teresa A. Oswin, RMC  
Municipal Clerk

**EXHIBIT A**

**TOWN OF NEWTON**

**ORDINANCE 2026-7**

**ORDINANCE OF THE TOWN OF NEWTON, IN THE COUNTY OF SUSSEX, NEW JERSEY, ADOPTING AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE MERRIAM GATEWAY REDEVELOPMENT PLAN, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, *et. seq.***

**WHEREAS**, the Merriam Gateway Redevelopment Plan governs a portion of the Town of Newton Rehabilitation Area, designated by the Town of Newton on April 23, 2007, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq., and the Redevelopment Plan adopted by the Town Council in November 2010, amended in September 2012, March 2015, July 2017, and September 2020; and

**WHEREAS**, in accordance with the Redevelopment Law, the Municipal Council (the "Town Council") of the Town of Newton (the "Town") authorized and directed the Town Planning Board (the "Planning Board") to review the draft Redevelopment Plan Amendment, pursuant to N.J.S.A. 40A:12A-7(e); and

**WHEREAS**, following such review, the Planning Board has rendered its report and recommendations to the Town Council and noted the Redevelopment Plan is not inconsistent with the Town's Master Plan and with comments and recommendations, pursuant to N.J.S.A. 40A:12A-7(e); and

**WHEREAS**, the Town Council hereby finds it appropriate for an Amendment to the Redevelopment Plan to be adopted for the Redevelopment Area, the Redevelopment Plan being, among other things, substantially consistent with the Master Plan for the Town; and

**WHEREAS**, the Town Council now desires to adopt the Amendment to the Redevelopment Plan and to direct the applicable provisions of the Town's Zoning Ordinance/Code and Map be amended and superseded to reflect the provisions of the Amended Redevelopment Plan, as and to the extent set forth therein;

**NOW, THEREFORE BE IT ORDAINED**, by the Town Council of the Town of Newton as follows:

1. Generally. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. Adoption. The Amendment to the Redevelopment Plan, as filed in the Office of the Town Clerk and attached hereto as Exhibit A, is hereby approved and adopted.

3. Amendment of Zoning Ordinance and Map. The sections of the Town's Zoning Ordinance/Code and Map are hereby amended to incorporate and reflect the change in the Redevelopment Plan and, to the extent provided in the current Redevelopment Plan, are superseded thereby.
4. Severability. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.
5. All ordinances and/or parts of ordinance which are inconsistent with this Ordinance shall be repealed as to their inconsistencies only with this Ordinance.

### **NOTICE**

**TAKE NOTICE** the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on February 9, 2026. It was adopted, after final reading and public hearing thereon, at a meeting of the Newton Town Council conducted at 7:00 pm on February 23, 2026 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect in accordance with law.

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Teresa A. Oswin, RMC  
Municipal Clerk

**EXHIBIT A**

**TOWN OF NEWTON**

**ORDINANCE 2026-8**

**CALENDAR YEAR 2026**

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND  
TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.50% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS**, the Governing Body of the Town of Newton in the County of Sussex finds it advisable and necessary to increase its CY 2026 budget by up to 3.50% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS**, the Governing Body hereby determines that a 1.50% increase in the budget for said year, amounting to \$187,973.37 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

**WHEREAS**, the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years;

**NOW, THEREFORE BE IT ORDAINED**, by the Governing Body of the Town of Newton, in the County of Sussex, State of New Jersey, a majority of the full authorized membership of this Governing Body affirmatively concurring, that, in the CY 2026 budget year, the final appropriations of the Town of Newton shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$438,604.53, and that the CY 2026 municipal budget for the Town of Newton be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Recorded Vote:

Ayes: (   
 (   
 (   
 (   
 (

Nays: (   
 (   
 (   
 (

Abstain: (

Absent: (

**NOTICE**

**TAKE NOTICE** the above Ordinance was introduced at a regular meeting of the Town Council of the Town of Newton conducted on Monday, February 23, 2026. It will be considered for adoption, after final reading and public hearing thereon, at a meeting of the Newton Town Council conducted at 7:00 pm or as soon thereafter as the matter may be heard on March 9, 2026 in the Council Chambers at the Newton Municipal Building, 39 Trinity Street, Newton, New Jersey, and shall take effect in accordance with law.

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Teresa A. Oswin, RMC  
Municipal Clerk



# TOWN OF NEWTON

## RESOLUTION #95-2026

February 23, 2026

**"Approval of Contracts for Chemical Supplies Bid per Bid 1R-2026 for Items #1, #6, and #7"**

**WHEREAS**, there is a need for Chemical Supplies for use at the Town of Newton Water and Sewer Treatment Plants; and

**WHEREAS** the Town publicly advertised in a fair and open manner consistent with N.J.S.A.19:44A-20.5 and received and opened bids for 1R-2026 Chemical Supply at 12:00 PM on February 10, 2026; and

**WHEREAS** the Town of Newton received four (4) bids for Chemical Supplies under Bid 1R-2026 to wit:

NAME OF BIDDER	Miracle Chemical Company	CHEMRITE	PVS Minibulk Inc.	George S. Coyne Chemical Co.
Bid Item 1 - Liquid sodium carbonate, as called for in the Specifications 90,000 gallons 15%	NO BID	NO BID	NO BID	\$2.3711/ gal - (\$213,399.00) - delivery terms are Monday through Friday 7-10 business days ARO for packaged product delivery and 10-14 business days ARO for bulk product delivery.
Bid Item 6 - Liquid Hydrofluosilic Acid, as called for in Specifications 1,250 gallons	NO BID	NO BID	NO BID	\$8.7848/ gal(\$10,981.00) - delivery terms are Monday through Friday 7-10 business days ARO for packaged product delivery and 10-14 business days ARO for bulk product delivery.
Bid Item 7 - Liquid SodiumHypochlorite, as called for in Specifications 7,500 gallons	\$4.14(\$31,050) - 2 DAYS	NO BID	\$4.62 (\$34,650.00) - 3 days	\$4.1086/ gal (\$30,816.00) - delivery terms are Monday through Friday 7-10 business days ARO for packaged product delivery and 10-14 business days ARO for bulk product delivery.
Bid Item 11 – Ammonium Sulfate 30%, as called for in Specifications 660 gallons, 55 gallon drum a must	NO BID	NO BID	NO BID	NO BID

; and

**WHEREAS** the lowest responsible bidder in accordance with N.J.S.A.40A:11-4(a), was found to be:

NAME OF BIDDER	George S. Coyne Chemical Co.
Bid Item 1 - Liquid sodium carbonate, as called for in the Specifications 90,000 gallons 15%	\$2.3711/ gal - (\$213,399.00) - delivery terms are Monday through Friday 7-10 business days ARO for packaged product delivery and 10-14 business days ARO for bulk product delivery.
Bid Item 6 - Liquid Hydrofluosilic Acid, as called for in Specifications 1,250 gallons	\$8.7848/ gal(\$10,981.00) - delivery terms are Monday through Friday 7-10 business days ARO for packaged product delivery and 10-14 business days ARO for bulk product delivery.
Bid Item 7 - Liquid SodiumHypochlorite, as called for in Specifications 7,500 gallons	\$4.1086/ gal (\$30,816.00) - delivery terms are Monday through Friday 7-10 business days ARO for packaged product delivery and 10-14 business days ARO for bulk product delivery.

; and

**WHEREAS**, the Newton Chief Municipal Finance Officer has certified funds will be available as per the attached certification;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Newton, in the County of Sussex as follows:

1. Contracts of award will commence March 1, 2026, through February 28, 2027.
  - a. Bid Item 1 - Liquid sodium carbonate, as called for in the Specifications 90,000 gallons 15% - \$2.3711/ gal - (\$213,399.00) - delivery terms are Monday through Friday 7-10 business days ARO for packaged product delivery and 10-14 business days ARO for bulk product delivery.
  - b. Bid Item 6 - Liquid Hydrofluosilic Acid, as called for in Specifications 1,250 gallons - \$8.7848/ gal(\$10,981.00) - delivery terms are Monday through Friday 7-10 business days ARO for packaged product delivery and 10-14 business days ARO for bulk product delivery.
  - c. Bid Item 7 - Liquid SodiumHypochlorite, as called for in Specifications 7,500 gallons - \$4.1086/ gal (\$30,816.00) - delivery terms are Monday through Friday 7-10 business days ARO for packaged product delivery and 10-14 business days ARO for bulk product delivery.

#### **CERTIFICATION**

**THIS IS TO CERTIFY** the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, February 23, 2026.

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Teresa A. Oswin, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #96-2026

February 23, 2026      “Authorizing Negotiations for Chemical Supply”

**WHEREAS** the Town publicly advertised and sought receipt of public bids on January 7, 2026, and February 10, 2026, for chemical supplies bid for the water utility; and

**WHEREAS**, the Town has duly advertised for bids on both occasions, wherein no bidders responded for the product line of Bid Item 11 – Ammonium Sulfate 30%, as called for in Specifications 660 gallons, 55 gallon drum; and

**WHEREAS**, the New Jersey State Local Public Contracts Law, N.J.S.A. 40A:11-5(3) allows for negotiations subsequent to two (2) rejected or non-received bids; and

**WHEREAS**, it is the desire of the Town to authorize the Newton Town Manager and/or his designee to conduct the negotiations process; and

**WHEREAS**, it remains the desire of Town of Newton to secure a contract with a local and economically efficient and qualified provider of the tenets as found within Bid 1-2026 and 1R-2026 Chemical Supply Bid; and

**WHEREAS**, relief is available through the New Jersey Local Public Contracts Law N.J.S.A.40A:11-5(3) and the Town desires to avail itself of this remedy through negotiations;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton, Sussex County, New Jersey, that the Newton Town Manager and/or his designee are hereby authorized to enter into negotiations with contractors under the provisions of N.J.S.A. 40A:11- 5(3) which correspond to available funding for the project known Chemical Supply Bid - Bid Item 11 – Ammonium Sulfate 30%, as called for in Specifications 660 gallons, 55 gallon drum.

This Resolution shall take effect immediately.

### CERTIFICATION

**THIS IS TO CERTIFY** the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, February 23, 2026.

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Teresa A. Oswin, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #97-2026

February 23, 2026

### “Resolution Memorializing Planning and Design Services Related to Multiple Project Locations for Utility Improvement Projects”

**WHEREAS**, the Town of Newton was in need of planning and design services related to multiple project locations for Utility Improvement projects in accordance with N.J.S.A. 40A:11-5(a)(1); and

**WHEREAS**, Suburban Consulting Engineers Inc, 96 U.S Highway 206, Suite 101, Flanders, New Jersey 07836; Professional Consulting, Inc. 1719 Route 10, Suite 225 Parsippany, New Jersey 07054; and PS&S, 3 Mountainview Road Warren, New Jersey 07059 have provided professional services for the above referenced services in the amounts indicated below; and

**WHEREAS**, the detailed scopes of planning & design professional services for the subject grant are included as attachments to this resolution as indicated below:

1. SRF GRANTS # 340449-09 (TA Grant WBTA2024-00025) – As Detailed in Attachment 1A; 1B; 1C for a total of \$196,459
  - a. PS&S - \$90,000 (Resolution #48-2024; 48-2025)
  - b. PCI - \$68,829 (Resolution #38-2023; 37-2024; & 37-2025)
  - c. SCE- \$37,630 (Resolution #143-2025 & 62-2026)
2. SRF GRANT # S340449-07 (TA Grant # WBTA2024-00024) – As Detailed in Attachment 2A & 2B for a total of \$487,112.50
  - a. PCI - \$404,857.50 (Resolution #38-2023; 37-2024; & 37-2025)
  - b. SCE- \$82,255 (Resolution #128-2025; 166-2025 & 64-2026)
3. SRF GRANTS # S340449-11 (TA Grant WBTA2024-00026) – As Detailed in Attachment 3A; 3B; 3C for a total of \$113,548
  - a. PS&S - \$100,257 (Resolution #54-2023; 48-2024; 48-2025)
  - b. PCI - \$1,611 (Resolution #38-2023; & 37-2024;)
  - c. SCE- \$11,680 (Resolution #150-2025)
4. SRF GRANTS # S340449-05 (TA Grant WBTA2024-00020) – As Detailed in Attachment 4A & 4B for a total of \$390,585
  - a. PCI - \$ 352,905 (Resolution #39-2020; 39-2021; 38-2022; 38-2023; 37-2024; & 37-2025)
  - b. SCE- \$ 37,680 (Resolution #167-2025 & 63-2026)

**WHEREAS**, the Town has previously awarded these professional services and entered into a contract pursuant with N.J.S.A. 40A:11-5(a)(1) as a professional services agreement;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Town Council of the Town of Newton, County of Sussex, New Jersey, that the Mayor be and is hereby authorized to memorialize work completed under professional services agreements for the purpose of obtaining New Jersey Department of Environmental Protection (NJDEP) Technical Assistance Grant Funds for work associated with NJDEP State Revolving Fund project numbers S340449-05, S340449-07, S340449-09, S340449-11, and the Newton Municipal Clerk to attest, an agreement between the Town of Newton, and Suburban Consulting Engineers Inc, 96 U.S Highway 206, Suite 101, Flanders, New Jersey 07836; Town of Newton, and Professional Consulting, Inc. 1719 Route 10, Suite 225 Parsippany, NJ 07054; and an agreement between the Town of Newton, and PS&S, 3 Mountainview Road Warren, NJ 07059 for professional planning and design services related to multiple project locations for Utility Improvement projects in the amount enclosed above.

**CERTIFICATION**

**THIS IS TO CERTIFY** the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, February 23, 2026.

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Teresa A. Oswin, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #98-2026

February 23, 2026

**“Authorize Refund of Taxes; Block 18.04, Lot 13, Due to Overpayment”**

**WHEREAS**, 4-6 Pine Street Newton, LLC owns Block 18.04, Lot 13, also known as 4-6 Pine Street, Newton, New Jersey; and

**WHEREAS**, both, 4-6 Pine Street Newton, LLC and Provident Bank, the mortgage company, paid the 1<sup>st</sup> quarter 2026 taxes; and

**WHEREAS**, there was an over payment of \$3,589.05 made on February 9, 2026 by the owner of 4-6 Pine Street Newton, LLC and Provident Bank for the 1<sup>st</sup> quarter, 2026; and

**WHEREAS**, the owner has requested the overpayment be refunded;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Governing Body acknowledges a refund is due to 4-6 Pine Street Newton, LLC in the amount of \$3,589.05; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to refund the tax overpayment in the amount of \$3,589.05 to 4-6 Pine Street Newton, LLC, 265 Sparta Avenue, Newton, NJ 07860.

### CERTIFICATION

**THIS IS TO CERTIFY** the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, February 23, 2026.

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Teresa A. Oswin, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #99-2026

February 23, 2026

"Authorize Refund of Taxes; Block 7.10, Lot 12"

**WHEREAS**, Acacia TD Secondary LLC, is the former owner of Block 7.10, Lot 12, also known as 5 Clarkson Street, Newton, New Jersey; and

**WHEREAS**, Acacia TD Secondary LLC overpaid the 2025 taxes; and

**WHEREAS**, Acacia TD Secondary LLC is due a refund in the amount of \$2,034.76;

**NOW, THEREFORE BE IT RESOLVED**, by the Town Council of the Town of Newton that the Governing Body acknowledges that a refund is due in the amount of \$2,034.76 to Acacia TD Secondary LLC; and

**BE IT FURTHER RESOLVED**, that the Tax Collector be authorized to refund the tax overpayment in the amount of \$2,034.76 to Acacia TD Secondary LLC, PO Box 328, Englewood, NJ 07631.

### CERTIFICATION

**THIS IS TO CERTIFY** the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, February 23, 2026.

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Teresa A. Oswin, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #100-2026

February 23, 2026

**“Approval of a Grant Management Plan for a Small Cities Grant for a Public Facilities Fund Project to Construct Sidewalks on Swartswood Road to Provide Pedestrian Facilities for Low and Moderate Income Residents of the Town of Newton, Sussex County, New Jersey”**

**WHEREAS**, the Town Council of the Town of Newton (Council) has been notified of the State Fiscal Year 2026 Community Development Block Grant (CDBG) Small Cities Program Request for Proposals which includes \$6,672,195 of funding toward a Public Facilities Fund category and the Town of Newton's desire to apply for \$400,000 in funding to construct a sidewalk along Swartswood Road to benefit residents of low and moderate incomes; and

**WHEREAS**, the Council has successfully applied for Small Cities CDBG funding in the past; and

**WHEREAS**, the Council desires to apply for a grant for \$400,000; and

**WHEREAS**, the Council recognizes that a Grant Management Plan must be adopted in order to properly identify the responsible parties for overseeing and implementing the grant; and

**WHEREAS**, the Council has reviewed the Grant Management Plan submitted for the Town of Newton Swartswood Road Sidewalk Construction Project;

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Town Council of the Town of Newton approve of the above-referenced Grant Management Plan; and

**BE IT FURTHER RESOLVED** that copies of this Resolution and the attached application shall be provided to the Town of Newton, c/o J. Caldwell & Associates, LLC, 145 Spring Street Suite E, Newton, NJ 07860; Bradley Harrington, Administrator, Small Cities CDBG Program, Division of Housing and Community Resources, New Jersey Department of Community Affairs, 101 South Broad Street, PO Box 811, Trenton, NJ, 08625-0811; and the Sussex County Division of Planning.

### CERTIFICATION

**THIS IS TO CERTIFY** the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, February 23, 2026.

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Teresa A. Oswin, RMC  
Municipal Clerk

# 2026 Grant Management Plan: Town of Newton Swartswood Road Sidewalk Construction Project

## Public Facilities Fund Project

**Project Director:** Thomas S. Russo, Jr., Town Manager  
Town of Newton, 39 Trinity Street, Newton New Jersey, 07860  
Phone: 973-383-3521 ext. 224; e-mail: [trusso@newtontownhall.com](mailto:trusso@newtontownhall.com)

- Supervise all grant activities and certify accuracy of quarterly fiscal and program progress reports.
- Create and maintain an environmental review record file and manage the environmental review process.
- Coordinate the Citizen Participation Plan, including issuing public notice for public hearings, conducting a progress hearing, attending all meetings, keeping minutes and hand-outs of meetings, and managing correspondence and information requests.
- Act as fair housing coordinator, issue public notice for fair housing counseling, draft letter to HUD and NJ Dept. of Law and Public Safety and manage information requests concerning fair housing.
- Manage equal employment opportunity requirements, fair labor standards and civil rights issues.
- Maintain program and grant agreement records, contracts, reports and files, as required by law.

**Project Coordinator:** Jessica C. Caldwell, PP, AICP, LEED-GA, Town Planner  
J. Caldwell & Associates, LLC, 145 Spring Street, Suite E, Newton, NJ 07860  
Phone: 973-300-5060; e-mail: [jcaldwell@jcaldwellassociates.com](mailto:jcaldwell@jcaldwellassociates.com)

- Manage compliance files for citizen participation, fair housing, construction progress, correspondence and records for contractor, including monthly reporting, payment requests and correspondence. Ensure compliance with labor standards.
- Administer day-to-day operation of the project, including serving as liaison with Small Cities Program, monitoring rehabilitation and contractor progress, reviewing and processing work change orders, and preparing monthly reports and payment requests to NJDCA.
- Prepare public notice for public performance hearing in conjunction with project director, ensure compliance with mid and final monitoring visits, prepare and submit the final monthly report and payment requests, and the final program performance report to NJDCA for review and approval. Verify all work is complete to the satisfaction of the grantee.

# 2026 Grant Management Plan: Town of Newton Swartswood Road Sidewalk Construction Project

## Public Facilities Fund Project

**Fiscal Administrator:** Thomas M. Ferry, Chief Financial Officer  
Town of Newton, 39 Trinity Street, Newton New Jersey, 07860  
Phone: 973-383-3521 ext. 241; e-mail: [tferry@newtontownhall.com](mailto:tferry@newtontownhall.com)

- Responsible for fiscal administration of the grant and will maintain records of such at Town of Newton.

**Staff Assistant:** Kimberly Williams, Community Development Director  
Town of Newton, 39 Trinity Street, Newton New Jersey, 07860  
Phone: 973-383-3521 ext. 234; e-mail: [kwilliams@newtontownhall.com](mailto:kwilliams@newtontownhall.com)

- Provide information and coordination on the project as needed; provide staff as needed for access and coordination with construction; oversee development and review of bids; conduct bidding process for professionals; assist in construction monitoring and coordination with contractors.

**Engineer/Inspector:** Cory Stoner, P.E., C.M.E., Town Engineer's Office  
Harold E. Pellow & Associates, Inc., 17 Plains Road, Augusta NJ 07822  
Phone: 973-948-6463 ext. 213; e-mail: [cstoner@hpellow.com](mailto:cstoner@hpellow.com)

- Oversee bidding process for contractors.
- Complete engineering plans, bid documents, and other engineering related information, as needed.
- Manage construction progress, correspondence and records for contractors, including monthly reporting to grant administrator, submit payments requests and correspondence on behalf of the project.
- Assist in compliance with labor standards.
- Assist construction time management schedule.
- Monitor and inspect work by contractors.

### Estimated time:

Thomas S. Russo, Jr., Project Director:	2 hours per month
Jessica Caldwell, Project Coordinator:	10 hours per month
Thomas M. Ferry, Project Finance Officer:	2 hours per month
Cory Stoner, Town Engineer's Office:	10 hours per month (average)
Kimberly Williams, Staff Assistant:	2 hours per month



## TOWN OF NEWTON

### RESOLUTION #101-2026

February 23, 2026

**“Approval to Submit an Application for a Small Cities Grant for a Public Facilities Fund Project to Construct a Sidewalk Along Swartswood Road to Benefit Town Residents of Low and Moderate Incomes”**

**WHEREAS**, the Town Council of the Town Newton (Council) has been notified of the State Fiscal Year 2026 Community Development Block Grant (CDBG) Small Cities Program Request for Proposals which includes \$6,672,195 of funding toward a Public Facilities Fund category and the Town of Newton's desire to apply for \$400,000 in funding to construct a sidewalk along Swartswood Road to benefit residents with low and moderate incomes in the Town of Newton; and

**WHEREAS**, the Council has successfully applied for Small Cities CDBG funding in the past; and

**WHEREAS**, the Council desires to apply for a grant for \$400,000; and

**WHEREAS**, the Council recognizes and accepts that the Small Cities Program may offer a lesser amount of grant funding and therefore, upon receipt of the Grant Agreement from the State Department of Community Affairs, and any amendments thereto, does further authorize the execution of any such Grant Agreement; and also, upon receipt of the fully executed Agreement from the Small Cities Program, does further authorize the expenditure of funds pursuant to the terms of the Agreement; and

**WHEREAS**, in order to make application and undertake all other required elements of submission, a Resolution must be adopted by the Council authorizing the application and any amendments thereto and the authority to construct the sidewalk as previously described and all other aspects of the grant administration; and

**WHEREAS**, the construction of sidewalk along Swartswood Road will benefit low and moderate income persons in Census Block Group 1, Census Tract 3737, Newton Town, which is comprised of 63% low- and moderate-income persons and Census Block Group 2, Census Tract 3737, which is comprised of 59% low- and moderate-income persons, all of whom will benefit from sidewalk construction linking those communities with the Sussex County Community College and the downtown, and therefore this project is deemed in the best interest of the Town and the low- and moderate-income residents of this area;

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor, Town Manager, and Town Clerk are authorized to sign all required elements of the proposed application to construct a sidewalk along Swartswood Road and apply for a grant in the amount \$400,000 to execute the same; and

**BE IT FURTHER RESOLVED**, the attached application is submitted to the New Jersey Department of Community Affairs' Small Cities Program in accordance with the regulations promulgated by the US Department of Housing and Urban Development; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution and the attached application shall be provided to the Town of Newton, c/o J. Caldwell & Associates, LLC, 145 Spring Street Suite E, Newton, NJ 07860; and Bradley Harrington, Administrator, Small Cities CDBG Program, Division of Housing and Community Resources, New Jersey Department of Community Affairs, 101 South Broad Street, PO Box 811, Trenton, NJ, 08625-0811; and the Town of Newton Manager's Office.

**CERTIFICATION**

**THIS IS TO CERTIFY** the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, February 23, 2026.

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Teresa A. Oswin, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #102-2026

February 23, 2026 "Fair Housing - Statement of Actions"

**WHEREAS**, the Town of Newton has made an application for a Public Facilities Small Cities Grant to the New Jersey Department of Community Affairs (hereafter NJDCA) for the construction of sidewalks along Swartswood Road to provide pedestrian facilities for low- and moderate-income individuals within the Town; and

**WHEREAS**, the Town of Newton must make efforts to affirmatively further fair housing; and

**WHEREAS**, the Town of Newton has reviewed various actions that would be acceptable to the NJDCA and the U.S. Department of Housing and Urban Development (hereafter USHUD); and

**WHEREAS**, the Town of Newton has made assurances that:

- 1) It will comply with the Housing and Community Development Act of 1974, as amended, and regulations issued thereto; and
- 2) It will comply with the Civil Rights Act of 1964, and the regulations issued thereto it; and
- 3) It will comply with the Fair Housing Act of 1968 and will affirmatively further fair housing; and
- 4) It will comply with the Age Discrimination Act of 1975 and with the Rehabilitation Act of 1973.

**NOW, THEREFORE BE IT RESOLVED**, Thomas S. Russo, Jr., Newton Town Manager, shall be designated as the Fair Housing Officer for the Town of Newton; and

**BE IT FURTHER RESOLVED**, the Fair Housing Officer shall contact the USHUD Regional Office of Housing and Equal Opportunity and the NJ Division on Civil Rights, inform those agencies of his/her appointment as Fair Housing Officer and request Fair Housing Information; and

**BE IT FURTHER RESOLVED**, the Fair Housing Officer shall provide fair housing advisory services and assistance and referral advice to persons requesting such assistance from the Town of Newton; and

**BE IT FURTHER RESOLVED**, the Town of Newton will publish in the local newspaper of record and post at the municipal hall a public notice announcing the appointment of the Fair Housing Officer and the availability of local fair housing advisory services.

### CERTIFICATION

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Teresa A. Oswin, RMC  
Municipal Clerk



## TOWN OF NEWTON

### RESOLUTION #103-2026

February 23, 2026 "Approve Bills and Vouchers for Payment"

**BE IT RESOLVED** by the Town Council of the Town of Newton that payment is hereby approved for all vouchers that have been properly authenticated and presented for payment, representing expenditures for which appropriations were duly made in the 2025 and 2026 Budgets adopted by this local Governing Body, including any emergency appropriations, and where unexpended balances exist in said appropriation accounts for the payment of such vouchers.

#### CERTIFICATION

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Teresa A. Oswin, RMC  
Municipal Clerk

## List of Bills - CLEARING/CLAIMS

Meeting Date: 02/23/2026 For bills from 02/10/2026 to 02/20/2026

Check#	Vendor	Description	Payment	Check Total
14983	5047 - 4-6 PINE STREET NEWTON, LLC.	PO 69501 TAX OVERPAYMENT	3,589.05	3,589.05
14984	5048 - ACACIA TD SECONDARY LLC	PO 69500 TAX OVERPAYMENT REFUND	2,034.76	2,034.76
14985	4834 - ACE SERVICE GROUP	PO 69427 Generator/Rpr cust #8383	720.00	720.00
14986	3754 - ADP, LLC	PO 69424 Payroll Charges - P/E 01/11 & 01/25	925.74	925.74
14987	2141 - AIRMATIC COMPRESSOR SYSTEMS, INC.	PO 69469 Svc Contract Morris Lk/ 2026 contract/ c	1,056.93	
		PO 69470 Service Call to Troubleshoot Compressor	2,120.18	
		PO 69474 Rpr Atlas Copco Compressor/ Repair WTP/	5,326.23	8,503.34
14988	4432 - ALLEGIANCE TRUCKS LLC	PO 69438 Vehicle Repairs Truck #10	59.05	59.05
14989	3897 - AMAZON CAPITAL SERVICES	PO 69435 FINANCE OFFICE SUPP'S	47.21	
		PO 69440 ACO SUPPLIES Order #112-0637749-3817819	106.93	
		PO 69518 Award, recycling decal, calendar	28.46	
		PO 69518 Award, recycling decal, calendar	52.85	
		PO 69526 St Patricks day Sernior bus, and easter	62.89	
		PO 69530 Phone case, cable, brick	23.55	
		PO 69530 Phone case, cable, brick	43.73	365.62
14990	2757 - ATLANTIC TACTICAL, INC.	PO 67636 BODY ARMOR VESTS QUOTE #80818324	420.98	
		PO 69506 PD UNIFORMS CUST #3202391	34.91	455.89
14991	4026 - AUTOZONE INC.	PO 69458 Vehicle Spls cust #11108160	126.89	126.89
14992	32 - B & R UNIFORM, INC.	PO 69448 PD CITATION BAR	155.40	155.40
14993	5035 - BE WELL WELLNESS CENTERS	PO 69426 Health and Nutrition Seminar	140.00	
		PO 69426 Health and Nutrition Seminar	260.00	400.00
14994	300 - BRIGHTSPEED	PO 69216 B: LOCAL PHONE SVC A/C #310115975	1,200.00	
		PO 69216 B: LOCAL PHONE SVC A/C #310115975	2,171.82	3,371.82
14995	4706 - CARLUCCI, MICHAEL	PO 69256 B: MUNICIPAL JUDGE (N \$41,009.00 + F \$2	3,621.00	3,621.00
14996	77 - CCP INDUSTRIES, INC.	PO 69481 Cleaning Supplies Cust #53794	1,036.28	1,036.28
14997	3770 - CINTAS	PO 69364 B: FIRST AID SUPPLIES DPW/WS/TH Jan - De	85.13	
		PO 69364 B: FIRST AID SUPPLIES DPW/WS/TH Jan - De	214.95	
		PO 69365 B: Water Filtration/ Cooler/ Cleaning (J	135.00	
		PO 69365 B: Water Filtration/ Cooler/ Cleaning (J	45.00	480.08
14998	2697 - CIVIC PLUS LLC	PO 69497 Website Design - Legal Notices Button	160.00	160.00
14999	4147 - CONVERGINT TECHNOLOGIES, LLC. CORP.	PO 69520 MAINT SECURITY SYS CUST CODE ID #6879	6,089.77	6,089.77
15000	1632 - COOPER ELECTRIC SUPPLY CO.	PO 69434 B: TH LIGHTS ACCT #25723	19.72	19.72
15001	4827 - CTS LANGUAGE LINK	PO 69441 PD LANGUAGE SERVICES	1.37	1.37
15002	4386 - DECOTIIS, FITZPATRICK, COLE& GIBLIN, LLP	PO 69482 ARMORY REDEVELOPMENT -DEC	2,052.30	
		PO 69486 BROOKSIDE 33 MILL ST PILOT -OCT	8,083.50	10,135.80
15003	4069 - DELL MARKETING L.P.	PO 69487 USB -C HUB MONITOR CUST #36731320	288.75	
		PO 69487 USB -C HUB MONITOR CUST #36731320	288.75	
		PO 69521 LAPTOPS CODE ENFORCEMENT CUST #36731320	3,714.03	4,291.53
15004	106 - ELIZABETHTOWN GAS	PO 69235 B: NATURAL GAS	1,330.38	
		PO 69235 B: NATURAL GAS	5,110.08	6,440.46
15005	4385 - ERIC M. BERNSTEIN & ASSOCIATES, LLC.	PO 69221 B: LEGAL ATTORNEY (\$130/HR NOT TO EXCEE	4,226.50	
		PO 69221 B: LEGAL ATTORNEY (\$130/HR NOT TO EXCEE	272.00	
		PO 69221 B: LEGAL ATTORNEY (\$130/HR NOT TO EXCEE	493.00	4,991.50
15006	2852 - FERRIERO ENGINEERING INC.	PO 69523 2023 services inv.100073	395.00	395.00
15007	4635 - FRANKLIN SUSSEX AUTO MALL, INC.	PO 69437 Truck #16/ Tail Lamp/ CUST #303703	264.00	264.00
15008	5037 - FRATLLI BAKERY & PASTRY SHOP	PO 69421 NPP GRANT - FACADE AND SIGNAGE FOR PRATE	5,000.00	5,000.00
15009	3318 - FREDON ANIMAL HOSPITAL INC.	PO 69508 VETERINARY SERVICES	484.08	484.08
15010	2626 - GENERAL CODE, LLC	PO 69528 Supplement #30	2,494.00	2,494.00
15011	4506 - GLENN C KIENZ	PO 69253 B: 2026 PLANNING BOARD ATTORNEY (800/MNT	800.00	800.00
15012	4398 - GLOBAL RECYCLING SOLUTIONS LLC	PO 67207 B: Recycling Collection: Jan to Dec 2025	2,310.76	
		PO 69461 B: Recycling Collection: Jan to Dec 2026	1,384.04	3,694.80
15013	2313 - GRAVITY DESIGN WORKS, INC.	PO 69439 Vehicle/ Magnets	750.00	750.00
15014	70 - HACH COMPANY	PO 69457 LAB SUPP'S	1,346.18	1,346.18
15015	5040 - HANOVER-SUSSEX, LLC.	PO 69462 B: PLUMBING SUPPLIES 2025	276.93	
		PO 69462 B: PLUMBING SUPPLIES 2025	124.19	
		PO 69467 B: PLUMBING SUPPLIES 2026	467.39	
		PO 69467 B: PLUMBING SUPPLIES 2026	70.65	939.16
15016	3804 - HAYDEE BALLESTER	PO 69199 B: COURT TRANSLATION	150.00	150.00
15017	230 - HAYEK'S MARKET INC.	PO 69452 2/11 LUNCH MEETING	46.61	46.61
15018	4337 - HFE SERVICES LLC	PO 67297 B: COMPUTER TECH IT SVC'S (NOT TO EXC	300.00	
		PO 69432 B: COMPUTER TECH IT SVC'S (NOT TO EXC	1,423.27	

## List of Bills - CLEARING/CLAIMS

Meeting Date: 02/23/2026 For bills from 02/10/2026 to 02/20/2026

Check#	Vendor	Description	Payment	Check Total
15019	3876 - HOLLAND COMPANY, INC.	PO 69432 B: COMPUTER TECH IT SVC'S (NOT TO EXC	1,224.54	2,947.81
		PO 69475 B: EPIC 2400 (\$149,000/Gal) Jan 15, 2025	11,477.10	
		PO 69476 B: EPIC 2400 (\$160,160 @ \$6.16/Gal) Feb	12,375.44	23,852.54
15020	4620 - HQW ARCHITECTS, LLC.	PO 62304 Oct 2022 - Fire Museum	187.50	187.50
15021	2140 - HYDRO TECHNOLOGY, LLC. CORP	PO 69473 B.BACKFLOW INSPECTION 2025 : WWTP/Morris	2,625.00	2,625.00
15022	3668 - IHEARTMEDIA + ENTERTAINMENT INC.	PO 69012 Advertising/Marketing - Holiday Season	3,387.06	3,387.06
15023	332 - J & D SALES & SERVICE,LLC.	PO 69330 WATER RECYLC MAINT RENEW 1/2026 - 12/202	265.00	265.00
15024	5012 - JACOB GLISTA	PO 69465 REIMBURSEMENT	291.40	291.40
15025	113 - JERSEY CENTRAL POWER & LIGHT, INC.	PO 66993 B: ELECTRIC BLDG'S & STREET LIGHTING	7,943.46	
		PO 69211 B: W/S ELECTRIC	16,863.92	
		PO 69212 B: ELECTRIC BLDG'S & STREET LIGHTING	6,076.25	30,883.63
15026	3772 - JK HVAC SERVICE, LLC.	PO 67443 Heating Issues/ Dispatch/ WWTP/ Firehous	5,948.62	
		PO 69456 Heating Issue	1,494.34	
		PO 69456 Heating Issue	600.00	8,042.96
15027	1453 - JMP SECURITY LLC	PO 69385 KEYS	209.70	
		PO 69393 KEYS	37.50	247.20
15028	4211 - JOSEPH D CALABRESE	PO 69227 B: LOGISTICS FOR SPECIAL EVENTS	150.00	150.00
15029	4359 - KATIES HOUSE INC	PO 69511 Ad in 2026 Katie's House Jamboree Progra	17.50	
		PO 69511 Ad in 2026 Katie's House Jamboree Progra	32.50	50.00
15030	2138 - KISTLER O'BRIEN FIRE PROTECTION, IN	PO 69478 Inspect FIRE ALARM SYSTEM Equipment 2026	588.00	588.00
15031	3711 - KKPR MARKETING & PUBLIC RELATIONS, INC.	PO 69222 B: PUBLIC RELATIONS & SPECIAL EVENTS MAR	1,440.00	1,440.00
15032	4658 - LAW OFFICE OF ORLANDO R RODRIGUEZ, LLC.	PO 69254 B: 2025 PUBLIC DEFENDER ((N \$13,770. F	1,247.50	1,247.50
15033	4668 - LAW OFFICES OF CHIRAG D. MEHTA, LLC.	PO 69255 B: PROSECUTOR (N \$31,620. F \$1,800 = T	2,785.00	2,785.00
15034	5046 - MICHAEL I. SCHNECK, TRUSTEE FOR MSP PATT	PO 69492 STATE TAX APPEAL - 2025 ASSESSMENT	5,324.00	5,324.00
15035	409 - MINISINK PRESS INC	PO 69464 PD FORMS	274.00	274.00
15036	1741 - MORRIS COUNTY POLICE ACADEMY INC.	PO 69513 BASIC POLICE CLASS	3,000.00	3,000.00
15037	3651 - MORTON SALT, INC.	PO 69339 B: SALT @ \$72.20 TON cust #3681777	15,100.14	15,100.14
15038	3728 - MUNICIPAL SAFETY SUPPLY	PO 68419 CROSSING GUARD SUPPLIES Quote #2093	675.80	675.80
15039	2943 - NEW JERSEY CONFERENCE OF MAYORS	PO 69498 2026 Winter Summit - Matthew Dickson	100.00	100.00
15040	4977 - NEW WAVE ENERGY, LLC. INC.	PO 69233 B: NATUAL GAS	1,499.65	
		PO 69233 B: NATUAL GAS	5,208.07	6,707.72
15041	170 - NEWTON BOARD OF EDUCATION	PO 69252 SCHOOL TAX (JAN-JUNE) 2026 -	1,178,478.34	1,178,478.34
15042	3979 - NEWTON PIZZA	PO 69433 Pizza for Super Bowl Party	92.30	
		PO 69433 Pizza for Super Bowl Party	49.70	142.00
15043	2456 - NIELSEN FORD INC.	PO 69446 PD VEHICLE REPAIR	539.35	539.35
15044	1762 - NJSACOP	PO 69414 2024 ANNUAL MEMBERSHIP	275.00	
		PO 69463 TRAINING COURSE FOR LT. FINKLE	350.00	625.00
15045	4681 - NORTHEAST COMMUNICAITONS INC.	PO 68931 COMBO MOUNT Quote #7660	419.00	
		PO 69139 DISPATCH HEADSETS QUOTE #7753	612.90	1,031.90
15046	1407 - PASSAIC VALLEY SEWERAGE COMM. INC	PO 69247 B: SLUDGE DISPOSAL ACCT #12701 (\$107,	8,788.50	8,788.50
15047	64 - FELLOW, HAROLD & ASSO, INC.	PO 65388 FIRE HOUSE #1 RENOVATIONS ENGINEERING	4,810.00	
		PO 66977 B: WATER ENGINEER (not to exceed \$55,000	1,341.25	
		PO 69494 DEC ENGINEERING	212.00	
		PO 69494 DEC ENGINEERING	5,166.15	
		PO 69494 DEC ENGINEERING	5,261.50	16,790.90
15048	64 - FELLOW, HAROLD & ASSO, INC.	PO 69494 DEC ENGINEERING	7,182.70	
		PO 69522 invoice 85281 December services	72.50	7,255.20
15049	1416 - PETRO-MECHANICS, INC.	PO 69460 Rpr diesel fuel tank/ frigid temperature	825.17	825.17
15050	4204 - PLANET NETWORKS INC.	PO 69455 B: Phone System Hosting: Jan - Dec 2026	629.65	629.65
15051	2212 - PROCESS TECH SALES AND SERVICE	PO 69459 WATER PLANT TURBIDITY PM/Service Jan 27,	2,036.33	2,036.33
15052	4203 - RAPID PUMP	PO 69466 REPAIR 2nd stage SCUM PUMP acct #685	6,670.00	
		PO 69468 High Street Pump Station/ Jockey Pump/ I	1,734.00	8,404.00
15053	5041 - RUTGERS OFFICE OF CONTINUING PROFESSIONA	PO 69450 Training Classes	570.00	570.00
15054	3660 - SCHENCK, PRICE, SMITH, & KING, LLP	PO 66976 B: TAX APPEAL ATTORNEY & SPECIAL CONFLIC	5,590.27	
		PO 66976 B: TAX APPEAL ATTORNEY & SPECIAL CONFLIC	3,842.53	9,432.80
15055	4868 - SCHMITZ SAFE & LOCK LLC	PO 69483 Door Rprs and Keys	1,491.35	1,491.35
15056	4830 - SEARCH GEEK SOLUTIONS LLC	PO 67759 SEO Plan - Implementation and monthly se	1,416.67	1,416.67
15057	5038 - SEMBRE LLC.	PO 69419 NPP GRANT - FACADE AND SIGNAGE FOR SEMPR	793.79	793.79
15058	3134 - SEOP RITE, INC.	PO 69496 Valentines Social #70600496	218.35	218.35
15059	2312 - SPECTRUM COMMUNICATIONS, INC.	PO 69429 REPAIR WORK	330.00	330.00
15060	5011 - SPINELLI, LISA	PO 69425 Valentines Day craft	120.07	
		PO 69451 Valentines	65.84	185.91

### List of Bills - CLEARING/CLAIMS

Meeting Date: 02/23/2026 For bills from 02/10/2026 to 02/20/2026

Check#	Vendor	Description	Payment	Check Total
15061	2257 - STAPLES	PO 69444 PD OFFICE SUPPLIES ORDER #7674220910	104.03	104.03
15062	1212 - STATEWIDE INSURANCE FUND	PO 69525 DEDUCTIBLE TOWN VS SIEGEL	15,000.00	15,000.00
15063	4440 - STORR TRACTOR COMPANY CORP.	PO 68551 Ventrac Tractor 4520Y Kubota D902/ Snow	61,128.67	
		PO 68885 Ventrac Tractor 4520Y Kubota D902/ Stree	6,351.48	67,480.15
15064	4144 - SUBURBAN CONSULTING ENGINEERS, INC.	PO 67622 MORRIS LK WTP CLEARWELL & HIGH ST WATER	1,860.00	
		PO 67623 MORRIS LK CHEM RM REHAB & SCADA IMPROVEM	245.00	
		PO 67632 CONVEYANCE STSTEM IMPROVEMENTS PHASE i S	5,520.00	
		PO 67835 WWTP GENERATOR IMPROVEMENTS NJIB REPORTI	507.50	
		PO 67925 MERRIAM AVE & SUSSEX ST PUMP STATION CON	435.00	
		PO 67938 SPARTA AVE PUMP STATION NJIB REPORTING	1,025.00	
		PO 67939 DIGESTER NJIB REPORTING	2,115.00	
		PO 68028 MEMORY PARK ATHLETIC FIELD IMPROVEMENTS	1,717.50	13,425.00
15065	4144 - SUBURBAN CONSULTING ENGINEERS, INC.	PO 68041 B: ENGINEERING DESIGN MOORES BROOK [F	793.50	
		PO 68375 SRF PROJECT PRIORITIZAITON SERVICES	745.00	
		PO 69238 B: SEWER ENGINEER (\$100.,000)	5,639.15	
		PO 69337 SYSTEM WIDE WATER METER REPLAEMENT PROJE	7,380.00	14,557.65
15066	4458 - SUMMIT SUPPLY GROUP INC.	PO 69453 Machine Spls/Maintenace Spls ACCT #42872	195.00	195.00
15067	1215 - SUSSEX & WARREN TAX COLL	PO 69484 ANNUAL MEMBERSHIP J SHACKLETON 2026	40.00	40.00
15068	102 - SUSSEX CAR WASH INC	PO 69224 B: CAR WASHES	306.00	306.00
15069	371 - T.A. MOUNTFORD COMPANY, INC.	PO 69447 POLICE COPIER SVC CONTRACT 2026	700.00	700.00
15070	3851 - THE CANNING GROUP, LLC.	PO 69257 B: 2026 QPA ANN \$9,000	750.00	750.00
15071	2781 - THE CHILLA BUSINESS COUNSEL	PO 69231 B: LABOR ATTORNEY (\$170/HR NOT TO EXCE	1,059.00	1,059.00
15072	2880 - TRACTOR SUPPLY	PO 69445 ACO SUPPLIES	161.59	161.59
15073	4013 - TRANSUNION ALTERNATIVE RISK & DATA,	PO 69394 ONLINE INVESTIGATION SERVICE acct #7971	100.00	100.00
15074	367 - TREASURER, STATE OF NEW JERSEY	PO 69431 4TH QTR 2025 MARRIAGE LICENSE (13)	325.00	325.00
15075	219 - TRI-STATE RENTALS, INC.	PO 69428 Carpet Cleaner for Lower Level TH/ INSUR	43.00	43.00
15076	4767 - TROJAN TECHNOLOGIES CORP	PO 67923 2025/2026 SVC CONTRACT WTP (NOT TO EXCEE	6,800.00	6,800.00
15077	1280 - VERIZON WIRELESS, INC.	PO 69261 B: CELL PHONES ACCT #882571077-0001	279.15	
		PO 69261 B: CELL PHONES ACCT #882571077-0001	1,700.00	1,979.15
15078	2635 - W.B. MASON, INC.	PO 69442 File Boxes and label tape cust #C132949	47.65	
		PO 69449 Clerk's Office supplies cust #c	120.24	167.89
15079	1144 - WEINER LESNIAK	PO 69524 January services	729.00	729.00
15080	633 - WEIS MARKETS, INC.	PO 69443 SHELTER SUPPLIES	20.97	20.97
15081	4815 - WELDON QUARY CO., LLC.	PO 69454 17.45 asphalt/ Road Rpr	5,635.00	5,635.00
15082	4822 - WILDFLOWERS OF SUSSEX COUNTY	PO 69502 Sympathy arrangement - Mike Monaco	110.00	110.00
TOTAL				1,554,184.80

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-201-20-100-200	TOWN MANAGER'S OFFICE - OTHER EXPENSES	6,127.40			
01-201-20-105-200	HUMAN RESOURCE - OTHER EXPENSES	972.35			
01-201-20-110-200	TOWN COUNCIL - OTHER EXPENSES	210.00			
01-201-20-120-200	TOWN CLERK'S OFFICE - OTHER EXPENSES	327.89			
01-201-20-155-200	LEGAL SERVICES - OTHER EXPENSES	9,068.00			
01-201-21-180-200	PLANNING BOARD - OTHER EXPENSES	800.00			
01-201-22-196-200	CODE ENFORCEMENT - OTHER EXPENSES	2,414.12			
01-201-25-240-200	POLICE DEPARTMENT - OTHER EXPENSES	4,721.42			
01-201-25-250-200	COMMUNICATIONS CENTER - OTHER EXPENSES	6,893.80			
01-201-26-290-200	ROAD REPAIR & MAINT - OTHER EXPENSES	5,287.41			
01-201-26-305-200	RECYCLING/SANITATION - OTHER EXPENSES	1,384.04			
01-201-26-310-200	BUILDINGS & GROUNDS - OTHER EXPENSES	2,058.06			
01-201-26-315-200	VEHICLE MAINTENANCE - OTHER EXPENSES	2,051.78			
01-201-27-340-200	ANIMAL CONTROL - OE	773.57			
01-201-28-370-200	RECREATION - OTHER EXPENSES	467.15			
01-201-28-371-200	SWIMMING POOL - OTHER EXPENSES	898.35			
01-201-31-460-200	UTILITY EXP/BULK PURCH - OTHER EXPENSES	21,091.39			
01-201-42-107-100	INTERLOCAL - FREDON TWP COURT	454.00			
01-201-43-490-200	MUNICIPAL COURT - OTHER EXPENSES	3,567.00			

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-203-20-100-200	(2025) TOWN MANAGER'S OFFICE - OTHER EXPENSES		1,493.95		
01-203-20-155-200	(2025) LEGAL SERVICES - OTHER EXPENSES		29,532.12		
01-203-20-165-200	(2025) ENGINEERING - OTHER EXPENSES		2,192.50		
01-203-25-240-200	(2025) POLICE DEPARTMENT - OTHER EXPENSES		1,517.15		
01-203-25-250-200	(2025) COMMUNICATIONS CENTER - OTHER EXPENSES		612.90		
01-203-26-290-200	(2025) ROAD REPAIR & MAINT - OTHER EXPENSES		8,630.98		
01-203-26-298-200	(2025) STORMWATER/FLOOD CONTROL - OTHER EXPENSE		2,936.65		
01-203-26-305-200	(2025) RECYCLING/SANITATION - OTHER EXPENSES		2,310.76		
01-203-26-310-200	(2025) BUILDINGS & GROUNDS - OTHER EXPENSES		124.19		
01-203-26-315-200	(2025) VEHICLE MAINTENANCE - OTHER EXPENSES		330.00		
01-203-31-460-200	(2025) UTILITY EXP/BULK PURCH - OTHER EXPENSES		7,943.46		
01-205-55-000-000	TAX OVERPAYMENTS			5,623.81	
01-207-55-000-000	DUE NEWTON BOE - SCHOOL TAX PAYABLE			1,178,478.34	
01-221-55-000-001	DUE S/NJ - MARRIAGE LICENSE FEES			325.00	
01-260-05-100	DUE TO CLEARING			0.00	1,316,943.54
01-275-55-000-000	RESERVE FOR TAX APPEALS PENDING			5,324.00	
<b>TOTALS FOR</b>	<b>CURRENT FUND</b>	<b>69,567.73</b>	<b>57,624.66</b>	<b>1,189,751.15</b>	<b>1,316,943.54</b>
=====					
02-213-41-000	RESERVE FEDERAL/STATE GRANTS			15,859.02	
02-260-05-100	Due to Clearing			0.00	15,859.02
<b>TOTALS FOR</b>	<b>STATE AND FEDERAL GRANTS</b>	<b>0.00</b>	<b>0.00</b>	<b>15,859.02</b>	<b>15,859.02</b>
=====					
04-215-55-908-000	ORD 2022-13 SIDEWALKS RT 206/WATER ST			217.50	
04-215-55-912-000	ORD 2022-19 FIRE MUSEUM RENOVATION			187.50	
04-215-55-913-000	ORD 22-21 amendORD 20-10 MEM PK ORD 23-2 NJIB			2,511.00	
04-215-55-918-000	ORD 2023-7 VAR CAP IMP.			1,589.50	
04-215-55-921-000	ORD 2023-13 HAMPSHIRE ST M&P			4,955.00	
04-215-55-925-000	ORD 2024-4 FIRE HOUSE 1 RENOVATIONS			4,810.00	
04-215-55-928-000	ORD 2024-14 RESURFACING RDS, SUPP ORD 24-11			148.00	
04-215-55-930-000	ORD 2024-18 HVAC, SUPP ORD 24-11			600.00	
04-215-55-933-000	ORD 2024-30 HVAC SUPPL TO ORD 24-11 & 18			217.50	
04-215-55-935-000	ORD 2025-10 VARIOUS CAPITAL IMPROVEMENTS			61,183.87	
04-260-05-100	Due to Clearing			0.00	76,419.87
<b>TOTALS FOR</b>	<b>GENERAL CAPITAL</b>	<b>0.00</b>	<b>0.00</b>	<b>76,419.87</b>	<b>76,419.87</b>
=====					
08-215-55-903-000	ORD 2020-7 DIGESTER & PRI SLUDGE PUMP-NJIB			2,115.00	
08-215-55-907-000	ORD 2022-12 WS IMP. FULLY FUNDED			212.00	
08-215-55-910-000	ORD 2023-3 SPARTA AVE PS - NJIB			1,025.00	
08-215-55-912-000	ORD 2023-8 WATER IMP NJIB			990.00	
08-215-55-913-000	ORD 2023-11 SEWER IMP. NJIB			942.50	
08-215-55-921-000	ORD 2024-25 WATER IMP amend Ord 2023-08 NJIB			1,860.00	
08-215-55-923-000	ORD 2025-05 SUPPL APPROP VAR SEWER IMP-NJIB			5,520.00	
08-260-05-100	DUE TO CLEARING			0.00	12,664.50
<b>TOTALS FOR</b>	<b>WATER/SEWER UTILITY CAPITAL</b>	<b>0.00</b>	<b>0.00</b>	<b>12,664.50</b>	<b>12,664.50</b>
=====					
09-201-56-501-200	W&S OPERATING - TOTAL OTHER EXPENSES	81,967.67			
09-201-60-512-000	W&S CAP IMPROVE - CAPITAL OUTLAY	7,380.00			
09-203-56-501-200	(2025) W&S OPERATING - TOTAL OTHER EXPENSES		26,160.56		
09-260-05-100	DUE TO CLEARING			0.00	115,508.23
<b>TOTALS FOR</b>	<b>WATER/SEWER UTILITY</b>	<b>89,347.67</b>	<b>26,160.56</b>	<b>0.00</b>	<b>115,508.23</b>
=====					
31-260-05-100	DUE TO CLEARING			0.00	16,296.64
31-286-56-102-000	ENGINEER REVIEW FEES			1,196.50	
31-287-56-101	RESERVE FOR SNOW REMOVAL/STORM RECOVERY			15,100.14	
<b>TOTALS FOR</b>	<b>TRUST</b>	<b>0.00</b>	<b>0.00</b>	<b>16,296.64</b>	<b>16,296.64</b>
=====					

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
35-260-05-100	DUE TO CLEARING			0.00	493.00
35-296-56-001-000	RESERVES FOR COMMERCIAL DEVELOPMENT			493.00	
<b>TOTALS FOR</b>	<b>HOUSING TRUST</b>	<b>0.00</b>	<b>0.00</b>	<b>493.00</b>	<b>493.00</b>

Total to be paid from Fund 01 CURRENT FUND	1,316,943.54
Total to be paid from Fund 02 STATE AND FEDERAL GRANTS	15,859.02
Total to be paid from Fund 04 GENERAL CAPITAL	76,419.87
Total to be paid from Fund 08 WATER/SEWER UTILITY CAPITAL	12,664.50
Total to be paid from Fund 09 WATER/SEWER UTILITY	115,508.23
Total to be paid from Fund 31 TRUST	16,296.64
Total to be paid from Fund 35 HOUSING TRUST	493.00
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	1,554,184.80

Checks Previously Disbursed

14748	IHEARTMEDIA + ENTERTAINMENT INC.	VOID CK #14748 LOST IN MAIL REISSU	-3,387.06	2/20/2026	*MANUAL V
14976	PIERCE EAGLE EQUIPMENT, INC.	po #68581 reissue ck #14976	2,299.75	2/09/2026	
14977	SYMONDS VINTAGE AUTO REPAIR LLC.	REPAIR OBIE REBUILD RADIATOR	2,546.00	2/10/2026	
14978	NORTH JERSEY COURT ADMIN. ASSOC.	Multiple:	180.00	2/10/2026	
14979	O'REILLY'S PUB	REORG FOOD	500.00	2/10/2026	
14980	TEAM TWENTY THREE LLC	PO# 69258 B: CONSULTING HOMELESSNESS TASK FO	3,200.00	2/11/2026	
14981	SEMBRE LLC.	Multiple:	350.00	2/12/2026	
14982	CORELOGIC	PO# 69185 TAX OVERPAYMENT REFUND RESO# 255-2	51,775.39	2/17/2026	
18010	UPPER DELAWARE SCD	void ck #18010 STALE CK FR 2024	-1,450.00	2/12/2026	*MANUAL V
18013	UPPER DELAWARE SCD	void ck #18013 STALE CK FR 2024	-50.00	2/12/2026	*MANUAL V
260114	TRUST ACCOUNT, TOWN OF NEWTON	MOVE 25' SNOW O/E & S/W TO SNOW TR	171,424.79	2/10/2026	
260115	PAYROLL ACCOUNT	2/12 CURR PAY	264,831.28	2/12/2026	
260116	JP MORGAN CHASE BANK	2016 BOND INT PAYMENT	28,523.75	2/13/2026	
260205	PAYROLL ACCOUNT	2/2 GRANT PAY	528.09	2/12/2026	
260906	PAYROLL ACCOUNT	2/12 W/S PAY	54,674.95	2/12/2026	
263105	PAYROLL ACCOUNT	2/12 TRUST PAY	11,424.00	2/12/2026	
263106	CURRENT ACCOUNT	1/29 PAY SNOW O/T	54,000.00	2/13/2026	
			-----		
			646,258.00		
			-4,887.06		*VOIDED
			-----		
			641,370.94		

Totals by fund	Previous Checks/Voids	Current Payments	Total
Fund 01 CURRENT FUND	523,208.71	1,316,943.54	1,840,152.25
Fund 02 STATE AND FEDERAL GRANTS	-2,858.97	15,859.02	13,000.05
Fund 04 GENERAL CAPITAL		76,419.87	76,419.87
Fund 08 WATER/SEWER UTILITY CAPITAL		12,664.50	12,664.50
Fund 09 WATER/SEWER UTILITY	55,597.20	115,508.23	171,105.43
Fund 31 TRUST	65,424.00	16,296.64	81,720.64
Fund 35 HOUSING TRUST		493.00	493.00
<b>BILLS LIST TOTALS</b>	<b>641,370.94</b>	<b>1,554,184.80</b>	<b>2,195,555.74</b>



## TOWN OF NEWTON

### RESOLUTION #104-2026

February 23, 2026

### **“Resolution Authorizing the Town Manager and Mayor to Endorse the Application for TWA Permits”**

**WHEREAS**, in accordance with N.J.S.A 7:14A-22 et. seq. the person who proposes to build, install, or modify treatment works that require the New Jersey Department of Environmental Protection (NJDEP) approval pursuant to N.J.S.A 7:14A-22 et. seq. are required to submit a Treatment Works Approval (TWA) application to the NJDEP; and

**WHEREAS**, prior to the issuance of said TWA by the NJDEP, consent of the municipal Governing Body is required in order for the Town Manager and Mayor to endorse the application for the TWA permit; and

**WHEREAS**, it is the desire of the Town of Newton to hereby grant the Town Manager and Mayor the authority to endorse all TWA permits on the Governing Body's behalf when, in consultation with the Sewer Engineer, the sewage disposal system meets the standards set by the municipality and the State of New Jersey for such systems, and does not adversely impact any other property not served by said disposal system;

**NOW, THEREFORE BE IT RESOLVED**, by Town of Newton as follows:

1. By the Mayor and Council of the Town of Newton, County of Sussex, State of New Jersey, that the Town Manager and Mayor, in consultation with the Sewer Engineer, is hereby authorized to endorse any TWA permit application on the Governing Body's behalf when it meets the requirements stated in the paragraph above. If it does not, then said application will be referred back to the Governing Body for further discussion and action.

### **CERTIFICATION**

**THIS IS TO CERTIFY** the above is a true copy of a Resolution adopted by the Town Council of the Town of Newton at a regular meeting of said Governing Body conducted on Monday, February 23, 2026.

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Teresa A. Oswin, RMC  
Municipal Clerk