CHANGES TO LEGAL NOTICE PUBLICATION REQUIREMENTS EFFECTIVE MARCH 1, 2026

Signed into law by Governor Murphy on June 30, 2025, L.2025.C72 reflects the transition from traditional print newspapers to online platforms effective March 1, 2026

TOWNSHIP OF MONROE, MIDDLESEX COUNTY

Effective after March 1, 2026, the complete text of each legal notice for the Township of Monroe may be obtained or viewed by the public on the official internet website https://www.monroetwp.com/index.php/services/legal-notices, as well as hyperlinked on the Secretary of State's legal notice webpage https://nj.gov/state/statewide-legal-notices-list.shtml. The aforementioned is in accordance with P.L. 2025, c.72. Christine Robbins, RMC, Township Clerk

**** The public will be able to view this meeting via the following YouTube link: https://www.youtube.com/@monroetownship**

THE FOLLOWING IS A **PRELIMINARY AGENDA** AND THERE MAY BE CHANGES MADE TO THE AGENDA BEFORE OR AT THE MEETING, AS PROVIDED BY LAW.

**COMBINED AGENDA/REGULAR MEETING
OF THE MONROE TOWNSHIP COUNCIL**

MARCH 2, 2026

1. **MEETING CALLED TO ORDER.** (6:30 p.m.)

2. **SALUTE TO THE FLAG.**

3. **ROLL CALL:**

Councilwoman Miriam Cohen
Councilman Charles Dipierro
Councilman Terence Van Dzura
Council Vice President Michael Markel
Council President Rupa P. Siegel

4. Township Clerk Christine Robbins reads the **SUNSHINE LAW** into the record.

In accordance with the Open Public Meetings Act, it is hereby announced and shall be entered into the Minutes of this meeting that adequate notice has been provided by the following:

1. Posted on the Bulletin Boards within the Municipal Building on December 26, 2025 and remains posted at that location for public inspection;

2. Printed in the **HOME NEWS TRIBUNE** and the **CRANBURY PRESS** on December 26, 2025;

3. Posted on the Monroe Township website; and

4. Sent to those individuals who have requested personal notice.

In accordance with Chapter 3, Section 17 of the Monroe Township Code, Public Comment shall be limited to five (5) minutes unless further time is granted by the Council President.

5. **PROCLAMATIONS and PRESENTATIONS :**

Proclamations:

Proclaiming March 1, 2026 "Indian Cultural Association of Monroe 20th Anniversary"

Proclaiming March 18, 2026 "Lucille Lamb's 102nd Birthday Celebration"

Proclaiming March 21, 2026 "Save Soil Day"

6. **ORDINANCE(S)** for **SECOND READING** at the March 2, 2026 Regular Meeting:

O-2-2026-002 **ORDINANCE APPROVING THE TRAFFIC SIGNAL IMPROVEMENTS FOR APPLEGARTH ROAD AND JOAN WARREN WAY.**

O-2-2026-003 **ORDINANCE AMENDING CHAPTER 108 OF THE MONROE TOWNSHIP CODE, REZONING OF PARCELS INCLUDED IN MONROE TOWNSHIP'S ROUND FOUR AFFORDABLE HOUSING PLAN.**

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7. **ORDINANCE(S)** for **FIRST READING** at the March 2, 2026 Regular Meeting:

O-3-2026-006 **BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING $2,556,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $2,433,800 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.**

8. **RESOLUTIONS** for **CONSIDERATION** under **CONSENT AGENDA** at the March 2, 2026 Regular Meeting: (R-3-2026-056 – R-3-2026-075)

R-3-2026-056 **RESOLUTION PROVIDING FOR THE CANCELLATION OF CERTAIN CHARGES WHICH THE COLLECTOR OF REVENUE DEEMS UNCOLLECTIBLE.** ($218.09 - wrong fire district code listed)

R-3-2026-057 **RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO POWER SAWS OF AMERICA (t/a RKD TREE SERVICES) FOR MONROE TOWNSHIP SHADE TREE SERVICES.** (per unit pricing)

R-3-2026-058 **RESOLUTION AUTHORIZING SUBMISSION OR MUNICIPAL RECYCLING TONNAGE GRANT APPLICATION FOR YEAR 2026.**

R-3-2026-059 **RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENTS.**

R-3-2026-060 **RESOLUTION ENDORSING THE REVISED FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN, APPROVING A REVISED FOURTH ROUND SPENDING PLAN, AND AUTHORIZING THE SUBMISSION OF SAID PLAN TO THE AFFORDABLE HOUSING DISPUTE RESOLUTION PROGRAM.**

R-3-2026-061 **RESOLUTION AUTHORIZING THE SUBMISSION OF THE 2026 RECYCLING ENHANCEMENT GRANT APPLICATION TO THE MIDDLESEX COUNTY DIVISION OF SOLID WASTE MANAGEMENT.**

R-3-2026-062 **RESOLUTION ENDORSING THE 2026 PROJECT PROPOSALS AS RECOMMENDED BY THE HOUSING AND COMMUNITY DEVELOPMENT CITIZENS ADVISORY COMMITTEE.**
(Senior Center ADA Restroom Access Door Improvements and Demolition of Building at Meadow View Care Center)

R-3-2026-063 **RESOLUTION AUTHORIZING AMENDMENT #1 TO CONTRACT NO. 535 "SODIUM CHLORIDE FOR WATER TREATMENT" WITH CHEMICAL EQUIPMENT LABS. OF DE., INC. EXTENDING THE TERMINATION DATE ONE YEAR TO APRIL 1, 2027 FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.").** ($144.96 per ton)

R-3-2026-064 **RESOLUTION AUTHORIZING CANCELLATION OF WATER-SEWER UTILITY CAPITAL FUND IMPROVEMENT AUTHORIZATION BALANCES.**

R-3-2026-065	**RESOLUTION AUTHORIZING AWARD OF BID FOR CONTRACT U-2602 "WATER METERS" TO FERGUSON WATERWORKS FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.")** (per unit pricing)
R-3-2026-066	**RESOLUTION AUTHORIZING AWARD OF BID FOR CONTRACT U-2601 "BIOXIDE" TO EVOQUA WATER TECHNOLOGIES LLC. FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.")** (per unit pricing)
R-3-2026-067	**RESOLUTION AUTHORIZING RELEASE OF CASH MAINTENANCE GUARANTEE FOR W818M – GREENRBIAR AT STONEBRIDGE MODEL POSTED WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.").**
R-3-2026-068	**RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES UPON THE POSTING OF A MAINTENANCE GUARANTEE FOR MONROE VETERANS URBAN RENEWAL LLC., W&S 1210R POSTED TO THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.").**
R-3-2026-069	**RESOLUTION AUTHORIZING THE RELEASE OF THE REHABILITATED AFFORDABLE HOUSING AGREEMENT AND LIEN ON BLOCK 160.07, LOT 33.**
R-3-2026-070	**RESOLUTION AUTHORIZING THE RELEASE OF THE REHABILITATED AFFORDABLE HOUSING AGREEMENT AND LIEN ON BLOCK 107, LOT 2.03.**
R-3-2026-071	**RESOLUTION AUTHORIZING EMERGENCY 2026 TEMPORARY BUDGET APPROPRIATIONS.**
R-3-2026-072	**RESOLUTION AUTHORIZING THE PURCHASE OF EARTH LIFT MOBILE COLUMN LIFTS FROM HOFFMAN SERVICES, INC. USING THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (ESCNJ) COOPERATIVE PURCHASING PROGRAM FOR THE MONROE TOWNSHIP DEPARTMENT OF PUBLIC WORKS.** ($66,098.00)
R-3-2026-073	**RESOLUTION OF THE MONROE TOWNSHIP COUNCIL AUTHORIZING THE PURCHASE OF UPGRADED SECURITY SURVEILLANCE VIDEO EQUIPMENT FROM SHI INTERNATIONAL CORP. USING THE BERGEN COUNTY (NJCPA) STATE APPROVED COOPERATIVE PURCHASING PROGRAM #CK04 FOR THE TOWNSHIP OF MONROE UTILITY DEPARTMENT ("M.T.U.D.").** ($57,201.70)
R-3-2026-074	**RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH THE WATERSHED INSTITUTE FOR THE CREATION OF A REGIONAL WATERSHED MANAGEMENT PLAN.** (not to exceed $48,980)
R-3-2026-075	**RESOLUTION AUTHORIZING BUDGET APPROPRIATION RESERVE TRANSFERS.**

9. **Public Comments.** (Limited to **Agenda items only** - 5 Minutes per Speaker)

OPEN:	MOTION:___________	SECOND:___________
CLOSE:	MOTION:___________	SECOND:___________

10. **Agenda Meeting Adjournment.** Time: _____________

MOTION:_____SECOND:_____ ROLL CALL: Ayes____Nays___

MARCH 2, 2026 REGULAR MEETING TO FOLLOW

THE FOLLOWING IS A **PRELIMINARY AGENDA** AND THERE MAY BE CHANGES MADE TO THE AGENDA BEFORE OR AT THE MEETING, AS PROVIDED BY LAW.

REGULAR MEETING
OF THE MONROE TOWNSHIP COUNCIL

MARCH 2, 2026

AGENDA

1. **REGULAR MEETING CALLED TO ORDER**: Time: _______

MOTION:_____SECOND:_____ ROLL CALL: Ayes___Nays___

2. **MOTION** to approve the payment of **CLAIMS** per run date **February 25, 2026.**

MOTION:_____SECOND:_____ ROLL CALL: Ayes___Nays___

3. **APPROVAL OF MINUTES:**

MOTION to approve the **MINUTES** of the following meetings as written and presented:

February 9, 2026 - Agenda and Regular Combined Meeting

MOTION:_____SECOND:_____ ROLL CALL: Ayes___Nays___

4. **ORDINANCE(S)** for **SECOND READING**:

O-2-2026-002 **ORDINANCE APPROVING THE TRAFFIC SIGNAL IMPROVEMENTS FOR APPLEGARTH ROAD AND JOAN WARREN WAY.**

PUBLIC HEARING OPEN: MOTION:___________ SECOND:___________

PUBLIC HEARING CLOSE: MOTION:___________ SECOND:___________

ADOPTION: MOTION:______ SECOND:______ ROLL CALL: Ayes______ Nays______

O-2-2026-003 **ORDINANCE AMENDING CHAPTER 108 OF THE MONROE TOWNSHIP CODE, REZONING OF PARCELS INCLUDED IN MONROE TOWNSHIP'S ROUND FOUR AFFORDABLE HOUSING PLAN.**

PUBLIC HEARING OPEN: MOTION:___________ SECOND:___________

PUBLIC HEARING CLOSE: MOTION:___________ SECOND:___________

ADOPTION: MOTION:______ SECOND:______ ROLL CALL: Ayes______ Nays______

O-2-2026-004 **ORDINANCE AMENDING CHAPTER 108, ARTICLE 6.18J(13), OF THE "H-D HIGHWAY DEVELOPMENT DISTRICT", AND ARTICLE 6.7K, OF THE "R-3A RESIDENTIAL-AGRICULTURAL DISTRICT".**

PUBLIC HEARING OPEN: MOTION:___________ SECOND:___________

PUBLIC HEARING CLOSE: MOTION:___________ SECOND:___________

ADOPTION: MOTION:______ SECOND:______ ROLL CALL: Ayes______ Nays______

O-2-2026-005	**ORDINANCE TO REPEAL AND REPLACE §131 "AFFORDABLE HOUSING" AND §131A "AFFORDABLE HOUSING DEVELOPMENT FEES", WITH REVISED REGULATIONS IN CONFORMANCE WITH THE AMENDED FAIR HOUSING ACT.**

PUBLIC HEARING OPEN: MOTION:___________ SECOND:___________

PUBLIC HEARING CLOSE: MOTION:___________ SECOND:___________

ADOPTION: MOTION:______ SECOND:_______ ROLL CALL: Ayes______ Nays_______

5. **ORDINANCE(S)** for **FIRST READING**:

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MOTION:___________ SECOND:_______ ROLL CALL: Ayes______ Nays_______

6. **RESOLUTIONS** for **CONSIDERATION** under the **CONSENT AGENDA:**
(R-3-2026-056– R-3-2026-075)

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R-3-2026-074	**RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH THE WATERSHED INSTITUTE FOR THE CREATION OF A REGIONAL WATERSHED MANAGEMENT PLAN.** (not to exceed $48,980)
R-3-2026-075	**RESOLUTION AUTHORIZING BUDGET APPROPRIATION RESERVE TRANSFERS.**

MOTION:_____SECOND:_____ ROLL CALL: Ayes____Nays___

7. **RESOLUTIONS removed** from consent agenda for **CONSIDERATION (if needed).**

MOTION:_____SECOND:_____ ROLL CALL: Ayes____Nays___

8. **Administrator's Report.**

9. **Engineer's Report.**

10. **Council's Reports.**

11. **Mayor's Report.**

12. **Public Comments.** (5 Minutes per Speaker)

OPEN:	MOTION:___________	SECOND:___________
CLOSE:	MOTION:___________	SECOND:___________

13. **Adjournment.** MOTION:___________ SECOND:___________

Time: ______________

NEXT COUNCIL MEETING
COMBINED AGENDA/REGULAR MEETING –MONDAY, APRIL 6, 2026 @ 6:30 P.M.

COUNCIL MEETING MINUTES

MEETING OF THE MONROE TOWNSHIP COUNCIL – March 2, 2026

The Council of the Township of Monroe met at the Monroe Township Municipal Building, 1 Municipal Plaza, for the Combined Agenda/Regular Meeting.

The Combined Agenda/Regular Meeting was Called to Order at 6:30 p.m. by Council President Rupa P. Siegel with a Salute to the Flag.

UPON ROLL CALL by the Township Clerk, Christine Robbins, the following members of Council were present: Councilwoman Miriam Cohen, Councilman Charles Dipierro, Councilman Terence Van Dzura, Council Vice-President Michael Markel, and Council President Rupa P. Siegel.

ALSO PRESENT: Business Administrator Kevin McGowan, Township Attorney Michael Burns, Engineer Mark Rasimowicz, CFO Lori Olah and Mayor Stephen Dalina.

There were approximately twenty-five (25) members of the Public in attendance.

Township Clerk Christine Robbins read the following **SUNSHINE LAW** into the record:

In accordance with the Open Public Meetings Act, it is hereby announced and shall be entered into the Minutes of this meeting that adequate notice has been provided by the following:

1. Posted on the Bulletin Boards within the Municipal Building on December 26, 2025 and remains posted at that location for public inspection.

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In accordance with Chapter 3, Section 17 of the Monroe Township Code, Public Comment shall be limited to five (5) minutes rolling time unless further time is granted by the Council President.

Council President Siegel read aloud the following proclamations:

Proclamations:

Proclaiming March 1, 2026 "Indian Cultural Association of Monroe 20th Anniversary"

Proclaiming March 18, 2026 "Lucille Lamb's 102nd Birthday Celebration"

Proclaiming March 21, 2026 "Save Soil Day"

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Township Clerk Christine Robbins read the following entitled **ORDINANCE(S)** for **INTRODUCTION** at the **MONDAY, March 2, 2026** Regular Meeting:

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R-3-2026-075	**RESOLUTION AUTHORIZING BUDGET APPROPRIATION RESERVE TRANSFERS.**

Councilman Dipierro requested R-3-2026-057 and R-3-2026-069 to be removed and considered separately.

UPON MOTION made by Councilman Dipierro and seconded by Councilman Van Dzura, the **PUBLIC COMMENTS** portion of the Meeting was opened. All were in favor, none opposed.

Public Comments:

Lucille Panos, 1208C Lindera Plz. – Mrs. Panos asked several questions regarding the following Resolutions: R-3-2026-063, how many tons were done last year; R-3-2026-064, what is the balance and where will it go; R-3-2026-065 and R-3-2026-066 what the cost per unit is. Administrator McGowan answered in response to R-3-2026-063 that this resolution is for the extension of a one-year contract for sodium chloride for water treatment and he apologized as does not have last year's tonnage amount. Regarding R-3-2026-064, Administrator McGowan answered that there is $645,000 remaining as this was done approximately 10-12 years ago for a pipe needed for the 613 tank which no longer needs funding. He explained that the money will be returned to the Utility Department budget. Regarding R-3-2026-065, Administrator McGowan stated this is for water meters with a $10 increase to each meter compare to last year, at a cost of $185.25 per unit. Regarding R-3-2026-066, Administrator McGowan stated this is for bioxide with a cost of $3.09 per unit going up to $3.28 per unit in the optional year three.

Sathianandan Gopalan, 1 Corey Dr. – Mr. Gopalan commented that bringing 30 apartments to a low-density neighborhood now will makes it a high-density neighborhood and he is concerned with not only the invasion of property this will bring but also the increase in how many children it will bring to the area.

Ravi Kanth Kollu, 3 Corey Dr. – Mr. Kollu commented that he is concerned with the invasion of privacy this proposal brings and requests that impact studies are done prior to any new facility coming into place there. He went on to say that he would like enforceable setbacks in place and asked Council not to approve.

Saiyed Mirza, 5 Corey Dr. – Mr. Mirza commented that he is concerned with the proposed 30 apartment building proposal as there is no parking and this will bring much more traffic as well as children.

Bheeman Lingan, 7 Corey Dr. – Mr. Lingan commented that this Ordinance, if passed, will have a major negative impact on the quality of life in the neighborhood as there will be a loss of privacy and intrusions. He went on to ask the Council to deny as the proper measures need to be taken first as to not directly impact homeowners.

Shalin Vasavada, 2 Corey Dr. – Mr. Vasavada stated that he strongly opposes this Ordinance.

George Gunkleman, 5 Kelly Ct. – Mr. Gunkelman inquired about the cost of an ADA accessible door in regard to R-3-2026-062, as well as why the Township is acting on the Meadowview Care Center property now; Administrator McGowan explained that the Township purchased the Meadowview property back in 2023 with the intention to utilize it for its Round 4 affordable housing obligation. In regard to the doors, Administrator McGowan stated that the $50,000 cost is just an estimate and the monies will be reallocated accordingly if received.

Michelle Arminio, 9 Nathaniel St. – Mrs. Arminio asked for an explanation regarding the 9th whereas in R-3-2026-060 that talks about Directive 14-24, as well as if the 460 units are our prospective need; Administrator McGowan affirmed that 460 is the total need. Mrs. Arminio asked if the number has been amended from what was given last year as our prospective need; Administrator McGowan explained that the number has not changed as our number was always 460 and with bonus credits our number is reduced to 345 to which Mrs. Arminio stated that she was trying to count the number of preexisting affordable units as well as looking for the additional number of affordable housing units needing to be built. Administrator McGowan explained that we have to account for the 460 affordable housing units but with the bonus credits we are reduced to 345. He went on to explain that R-3-2026-060 explains in greater detail how we go from 460 units down to 345 units, adding that the Court has signed off on that number, as well as the Planning Board.

John Jensen, 306 Spotswood-Gravel Hill Rd. – Mr. Jensen asked what kind of people would be moving in and will it be safe. He also commented that there will be more traffic with no sidewalks and is worried that home values will now go down. Mr. Jensen also noted that the residents in that area should have been notified as he only lives 325 feet away. Administrator McGowan commented that the Township has been instrumental in getting the facility closed and worked hard to purchase the property back in 2023 and has no plans in the property being utilized as another residential healthcare facility. He went on to explain that we are utilizing some of the Township properties as part of our Round 4 affordable housing obligation and are looking to partner with Project Freedom, a nonprofit who creates independent living for those who are wheelchair bound. Administrator McGowan added that the Township was required to put the zoning into place for the Round 4 affordable housing obligation and we take pride in keeping our Township safe; he went on to say that this project still has to come before the Planning Board, again reiterating that we are only required to put the zoning into place.

Jennifer Hluchy, 436 Schoolhouse Rd. - Mrs. Hluchy asked what the height requirement is and if we knew the number of proposed occupants; Administrator McGowan explained that if Project Freedom chooses not to work with the Township, then we would have to find another nonprofit. Mrs. Hluchy asked if it can be senior housing instead, to which Administrator McGowan answered that we are already capped at the number of senior affordable housing can have.

Michelle Kohler, 27 Pine Valley Rd. – Ms. Kohler stated that she was here to discuss bringing back the bus service to Jersey City as not only herself but approximately 20 other residents utilized it. Attorney Brown advised her to come back during the open public portion of the meeting where any item can be discussed as this portion is for just discussion of Ordinance O-2-2026-003.

UPON MOTION made by Council Vice-President Markel and seconded by Councilman Dipierro, the **PUBLIC COMMENTS** portion of the Meeting was closed. All were in favor, none opposed.

UPON MOTION made by Councilman Dipierro and seconded by Council Vice-President Markel, the Agenda Meeting was Adjourned at 7:11pm.

ROLL CALL:	Councilwoman Miriam Cohen	Aye
	Councilman Charles Dipierro	Aye
	Councilman Terence Van Dzura	Aye
	Council Vice-President Michael Markel	Aye
	Council President Rupa P. Siegel	Aye

UPON MOTION made by Councilman Van Dzura and seconded by Councilman Dipierro, the Regular Meeting was Called to Order at 7:11pm.

ROLL CALL:	Councilwoman Miriam Cohen	Aye
	Councilman Charles Dipierro	Aye
	Councilman Terence Van Dzura	Aye
	Council Vice-President Michael Markel	Aye
	Council President Rupa P. Siegel	Aye

UPON MOTION made by Councilwoman Cohen and seconded by Councilman Can Dzura, the **CLAIMS** per run date of **2/25/2026** were approved for payment as written and presented.

ROLL CALL:	Councilwoman Miriam Cohen	Aye
	Councilman Charles Dipierro	Abstain
	Councilman Terence Van Dzura	Aye
	Council Vice-President Michael Markel	Aye
	Council President Rupa P. Siegel	Aye

UPON MOTION made by Councilwoman Cohen and seconded by Councilman Dipierro, the **MINUTES** of the following meetings as written and presented**:**

February 9, 2026 - Reorganization, Agenda and Regular Combined Meeting

ROLL CALL:	Councilwoman Miriam Cohen	Aye
	Councilman Charles Dipierro	Aye
	Councilman Terence Van Dzura	Abstain
	Council Vice-President Michael Markel	Aye
	Council President Rupa P. Siegel	Aye

UPON ACTION made by the Council the following Ordinance was **moved on SECOND READING for FINAL ADOPTION** as follows:

O-2-2026-002 ORDINANCE APPROVING THE TRAFFIC SIGNAL IMPROVEMENTS FOR APPLEGARTH ROAD AND JOAN WARREN WAY.

WHEREAS, a traffic signal was installed at the intersection of Applegarth Road (County Route 619) and Joan Warren Way (the "Traffic Signal") pursuant to a Traffic Signalization Agreement by and between the County of Middlesex, the Township of Monroe and Shared Properties, LLC, entered into on March 2, 2017, and recorded with the Middlesex County Clerk on March 8, 2017, in Book 6947 at Page 694 (the "Traffic Signal Agreement"); and

WHEREAS, McDonough & Rea Associates, Inc., by Jay Troutman, PE, has certified that the installation of the Traffic Signal was inspected and found in conformance with (a) the As-Built Traffic Signal Plan for Applegarth Road & Joan Warren Way, Monroe Township, Middlesex County, New Jersey, prepared by Peter Strong, of Crest Engineering Associates, Inc., dated 9-27-17, last revised 12/10/25, (b) the Timing Directive dated 2/27/25, and (c) the provisions of the Manual on Uniform Traffic Control Devices, Title 39 of the Revised Statutes of New Jersey and the New Jersey Administrative Code.

WHEREAS, the Township Engineer has reviewed and is satisfied with the representations made by McDonough & Rea Associates, Inc.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Monroe, Middlesex County, New Jersey, as follows:

1. The intersection of Applegarth Road and Joan Warren Way shall be controlled by the Traffic Signal in accordance with the Traffic Signal Agreement, As-Built Traffic Signal Plan and Timing Directive;

2. The Traffic Signal shall be in accordance with the provisions of the Manual on Uniform Traffic Control Devices, Title 39 of the Revised Statutes of New Jersey and the New Jersey Administrative Code, and shall be operated in conformance with the design plan;

3. Any ordinance or part thereof inconsistent with the provisions of this Ordinance is hereby repealed;

4. This Ordinance shall become effective upon adoption and publication required by law;

UPON MOTION made by Councilwoman Cohen and seconded by Councilman Dipierro, the **PUBLIC HEARING for Ordinance O-2-2026-002** was **opened**. All were in favor, none opposed.

Public Comments:

No Public Comment.

UPON MOTION made by Councilwoman Cohen and seconded by Councilman Van Dzura, the **PUBLIC HEARING for Ordinance O-2-2026-002** was **closed**. All were in favor, none opposed.

UPON MOTION made by Councilwoman Cohen and seconded by Councilman Van Dzura, **Ordinance O-2-2026-002** was passed on Second Reading and Final Adoption:

ROLL CALL:	Councilwoman Miriam Cohen	Aye
	Councilman Charles Dipierro	Aye
	Councilman Terence Van Dzura	Aye
	Council Vice-President Michael Markel	Aye
	Council President Rupa P. Siegel	Aye

Copy of Ordinance Duly Filed.

O-2-2026-003 **ORDINANCE AMENDING CHAPTER 108 OF THE MONROE TOWNSHIP CODE, REZONING OF PARCELS INCLUDED IN MONROE TOWNSHIP'S ROUND FOUR AFFORDABLE HOUSING PLAN.**

BE IT ORDAINED, by the Township Council of the Township of Monroe, Middlesex County, New Jersey that Chapter 108 of the Code of the Township of Monroe is hereby amended and supplemented as follows:

Section 1.

The following new section of the Code is hereby adopted:

§108-6.35 R-ARAF-2 Residential Age Restricted Affordable Housing District 2

Lots 3.01 and 3.02 in Block 33.03, which were formerly zoned R3A Residential-Agricultural District, are changed to R-ARAF-2 Residential-Age-Restricted Affordable Housing-2 District.

A. The purpose of this section is to establish the standards and requirements for developments that include a mix of market-priced housing and housing affordable to low- and moderate-income age-restricted households. The affordable housing will assist the Township in meeting its constitutional and statutory obligations to provide a realistic opportunity for the construction of its fair share of its region's need for low- and moderate-income housing.

B. The following requirements, in addition to other provisions not inconsistent with this article, shall apply to the R-ARAF-2 District. In case of conflict with the provisions of other ordinances, this section shall govern.

C. Permitted principal uses:

(1) Inclusionary housing development consisting of age-restricted market-rate housing and affordable housing as defined by this article and N.J.A.C. 5:80-26.1, et seq., Uniform Housing Affordability Controls (UHAC) and the Monroe Township Affordable Housing Ordinance (Chapter 131 of the Township Code). The permitted maximum gross density for the inclusionary housing development shall be eight and five tenths (8.5) dwelling units per acre. All housing shall comply with the provisions set forth in this section. Permitted residential dwellings include:

(a) Market-rate age-restricted multifamily townhouse dwelling units (townhouses) that are deed restricted to limit the number of bedrooms to a maximum of three (3) per dwelling unit and to prohibit the conversion of basements, dens, offices, lofts and other non-bedroom spaces and rooms into a new bedroom. The maximum number of market-rate age-restricted multifamily townhouse dwelling units provided shall not exceed thirty-eight (38). All market-rate age-restricted multifamily townhouse dwellings units shall be for sale.

(b) Market-rate age-restricted multifamily apartment dwelling units (apartments) that are deed restricted to limit the number bedrooms to a maximum of two (2) per dwelling units and to prohibit the conversion of basements, dens, offices, lofts and other non-bedroom spaces and rooms into a new bedroom. The maximum number of market-rate age-restricted multifamily apartment dwelling units provided shall not exceed nine (9). Market-rate age-restricted multifamily apartment dwellings units may be for sale or rent.

(c) In addition to the nine (9) permitted market-rate age-restricted multifamily apartment dwelling units (apartments), one (1) non-age-restricted multifamily apartment dwelling unit (property manager apartment) for an onsite property manager that is deed restricted to limit its number of bedrooms to one (1), to prohibit the conversion of basements, dens, offices, lofts and other non-bedroom spaces and rooms into a new bedroom, and to limit the number of inhabitants to two (2) adults one of which shall be the onsite property manager and the other the manager's spouse and/or partner.

(d) Affordable multifamily age-restricted rental apartment dwelling units (affordable apartments) that are provided at a minimum set-aside rate of twenty-nine and fourth tenths percent (29.4%) of the total number of dwelling units constructed in the development including the dwelling unit for the on-site property manager, with thirteen percent (13%) of the affordable dwelling units to be affordable to very low-income households. The minimum number of affordable multifamily age-restricted rental apartment dwelling units provided, consisting of one (1)- and two (2)-bedroom units according to this section, shall be twenty (20).

(e) One (1) multi-purpose room having at least one thousand (1,000) square feet of floor area shall be provided within an apartment building.

(f) One (1) management office may be provided in an apartment building.

(2) No building, structure or land shall be used for and no building structure shall hereafter be erected, structurally enlarged or maintained except for the permitted affordable age-restricted and market-rate housing to be used by the residents of the inclusionary housing development, their guests or other authorized users.

D. Permitted accessory uses.

(1) Decks and patios for use by the residents on the premises.

(a) Decks and patios for townhouse buildings shall be no larger than ten (10) feet deep by twenty (20) feet wide, shall be located in the side and rear yards, and shall be permitted to extend beyond the building envelope into the side and rear yards by no more than ten (10) feet.

(b) Patios for apartment buildings shall be no larger than fifteen (15) feet deep by thirty (30) feet wide, shall be located in the side and rear yards, and shall be set back at least fifteen (15) feet from side and rear property lines.

(2) Storage areas for residents in the basement of apartment buildings.

(3) Open space and recreational facilities for use by the residents on the premises.

(4) Fences and walls as regulated pursuant to this section and Section 108-8.2.

(5) Trash and recyclables enclosures, which shall not be permitted in the front yard.

(6) Off-street parking as regulated pursuant to this section and Article IX Parking.

(7) Signage as regulated pursuant to this section and Article X Signs.

(8) Satellite antennas.

(9) Public utility installations.

E. Development, area, yard and building requirements.

(1) Minimum tract area shall be eight (8) acres.

(2) Minimum tract frontage shall be six hundred (600) feet.

(3) Minimum tract width shall be six hundred (600) feet.

(4) Minimum tract depth shall be six hundred (600) feet.

(5) Yard and setback requirements for principal buildings.

Description	**Tract Boundary**	**To Right-of-Way Line/Curb Line of Internal Road for Townhouses**	**To Right-of-Way/Curb Line of Internal Road for Apartments**
Minimum Front Yard	50 feet	15 feet/25 feet to front façade 20 feet/30 feet to front façade with driveway	40 feet/50 feet to front façade
Minimum Side Yard	30 feet	N/A	N/A
Minimum Rear Yard	30 feet	N/A	N/A

(6) Minimum separation between facades of residential buildings.

Description	**Minimum Requirement**	
	Townhouse to Townhouse	**Townhouse to Apartment**
Side of Building to Side of Building	15 feet	30 feet
Side of Building to Rear of Building	20 feet	30 feet
Rear of Building to Rear of Building	30 feet	30 feet

(7) Maximum building coverage of tract shall be thirty percent (30%).

(8) Maximum impervious coverage of tract shall be fifty-five percent (55%).

(9) Maximum building height.

(a) Townhouse buildings shall not exceed two and one-half (2-1/2) stories or thirty-five (35) feet.

(b) Apartment buildings shall not exceed three (3) stories or forty-eight (48) feet.

(10) Maximum building length.

(a) Townhouse building length shall not exceed one hundred seventy-five (175) feet.

(b) Apartment building length shall not exceed two hundred (200) feet.

F. Age-restricted housing.

(1) Housing where one hundred (100%) of the dwellings are occupied by at least one (1) person aged fifty-five (55) or over and no other permanent occupants are under the age of forty-eight (48), except that if a legal occupant over forty-eight (48) but under fifty-five (55) is widowed, legally separated or divorced from an over fifty-five (55) legal occupant, prior to attaining age fifty-five (55), and any son or daughter or any step-son or step-daughter of aforesaid fifty-five (55)-year old and/or forty-eight (48)-year old occupants is aged nineteen (19) or over, his or her occupancy status of the 48-year old or over and the 19-year old or over shall be protected, provided such entity, corporation or association for the housing is established in accordance with the laws of the State of New Jersey and qualifies for a Housing for Older Persons ("HOPA") exemption under the Fair Housing Act, 42 U.S.C. 3601, et seq.

G. Affordable housing.

(1) Affordable housing shall comply with the Monroe Township Affordable Housing Ordinance and UHAC, including, but not limited to, the following requirements:

(a) Establishing rents of all affordable units;

(b) Affordability controls for all affordable units; and

(c) General provisions concerning uniform deed restrictions liens and enforcement through certificates of occupancy or re-occupancy of sold units.

(2) Required percentage of affordable age-restricted rental dwelling built in the apartment building(s) on the tract. A minimum set-aside rate of twenty-nine and fourth tenths percent (29.4%) of the total number of dwelling units constructed in the development, which includes the dwelling unit for the on-site property manager, shall be provided. The total number of affordable units shall be twenty

(20) exclusive of the on-site property manager. At least thirteen percent (13%) of the affordable dwelling units shall be affordable to very low-income households.

(3) Required bedroom distribution for affordable age-restricted rental dwelling units.

(a) Nine (9) units (45% of the total affordable units) shall have one (1) bedroom.

(b) Eleven (11) units (55% of the total affordable units) shall have two (2) bedrooms.

(4) Low- and moderate-income split. At least fifty percent (50%) of all units designated for low- and moderate-income households shall be affordable to low- income households. Thirteen percent (13%) of the total affordable dwelling units shall be affordable to very low-income households, which very low-income units shall be counted as part of the low-income housing requirement.

(5) The construction phasing of market-priced and low- and moderate-income units shall comply with the table below. A unit is deemed complete when its certificate of occupancy has been issued. This schedule shall apply unless an accelerated schedule has been agreed to by the Township and developer.

Minimum Percentage of Low- and Moderate- Units Completed	**Percentage of Market-Rate Units Completed**
0	25
10	25, plus 1 unit
50	50
75	75
100	90

(6) Application procedures for inclusionary housing development shall comply with Section 108-6.21M.

H. Fences.

(1) Fences and walls shall comply with Section 108-8.2 with the following exceptions:

(a) Solid or board-on-board wooden and/or vinyl fences shall be permitted in the following manner:

[1] Six (6)-foot high fences erected along the side and rear tract boundaries, with such fences along the side tract boundaries set back at least fifty (50) from the right-of-way line of Buckelew Avenue.

[2] Six (6)-foot high fences enclosing trash and recyclables storage areas.

[3] Six (6)-foot high fences erected between and perpendicular to townhouse dwelling units at the point where the units share a common party wall, and at the corners of end townhouse dwelling units in the direction toward the rear of the townhouse buildings, extending no more than ten (10) feet from the façade of the townhouse buildings.

I. Parking.

(1) Parking for townhouse dwelling units shall be regulated by the New Jersey Residential Site Improvement Standards (RSIS) N.J.A.C. 5:21-1.1 et seq. and Article IX; when provisions of Article IX conflict with the requirements of RSIS, the provisions of RSIS shall supersede the conflicting ones of Article IX.

(2) Parking for apartment dwelling units shall be regulated by the New Jersey Residential Site Improvement Standards (RSIS) N.J.A.C. 5:21-1.1 et seq. and Article IX; when provisions of Article IX conflict with the requirements of RSIS, the provisions of RSIS shall supersede the conflicting ones of Article IX. Notwithstanding the RSIS parking requirements for age-restricted apartment dwelling units, the parking ratio required for the age-restricted apartments developed on the tract shall be one (1) parking space per age-restricted apartment dwelling unit including the apartment unit for the onsite property manager.

(a) Minimum setbacks for parking areas to internal road rights-of-way shall be five (5) feet and internal road curb lines shall be fifteen (15) feet.

(b) Minimum setback for parking areas to the Buckelew Avenue right-of-way shall be fifty (50) feet.

(c) Minimum setback for parking areas to adjacent townhouse buildings shall be twenty (20) feet.

(d) Minimum setback for parking areas to apartment buildings shall be ten (10) feet.

(e) Drive aisles of and driveways to parking areas shall be at least twenty-four (24) feet wide.

(f) Non-ADA parking spaces shall be nine (9) feet wide by eighteen (18) feet long. ADA parking spaces shall comply with current state and federal regulations.

J. Signage.

(1) Signage for the development of the tract shall be regulated by Article X.

K. Design standards.

(1) Design standards shall comply with Article XII with the following exceptions:

(a) Buffer area and landscaping.

[1] Buffer areas and landscaping for the development of the tract shall be regulated by Article VIII with the following exceptions

[a] Buildings shall be set back a minimum of fifty (50) feet from the right-of-way of Buckelew Avenue. At least thirty (30) feet of this setback area shall be either preserved with its natural vegetation or landscaped to provide a visual buffer from the road.

{1} Buffering along Buckelew Avenue shall consist of three (3)- to four (4)-foot high, sculptured, undulating, landscaped berms that have tops at least six (6) feet wide.

{2} The top and side slopes of the berms shall be planted with massing of evergreen trees with an average height of eight (8) feet to create a natural pattern that achieves aesthetic, effective screening. Ornamental deciduous trees and large- and medium-growing evergreen and deciduous shrubs shall be added to the buffer area to improve screening at various growth heights of plant material. Fencing and walls may be added to the buffering to enhance screening and aesthetics according to the provisions of this section. Natural woodlands may be retained in the buffer area. Such natural woodlands shall be evaluated by the reviewing board to determine whether additional plantings are needed to achieve the stated buffering objectives.

{3} Identification and directional signage shall be permitted within the buffer area.

[b] Buildings shall be set back a minimum of thirty (30) feet from side and rear tract boundaries. At least fifteen (15) of this setback area shall be either preserved with its natural vegetation or landscaped to provide a visual buffer from adjacent property.

{1} Buffering along the side and rear tract boundaries shall consist of massing of evergreen trees with an average height of eight (8) feet to create a natural pattern that achieves aesthetic, effective screening. Ornamental deciduous trees and large- and medium-growing evergreen and deciduous shrubs shall be added to the buffer area to improve screening at various growth heights of plant material. Natural woodlands may be retained in the buffer area. Such natural woodlands shall be evaluated by the reviewing board to determine whether additional plantings are needed to achieve the stated buffering objectives.

{2} A six (6)-foot high solid or board-on-board fence may be erected along the side and rear tract boundaries in accordance with this section to supplement the visual buffer from adjacent property.

{3} Stormwater management basins and infrastructure shall be permitted within the buffer area provided planting areas at least fifteen (15) feet wide are located along the side of the basins closest to the tract boundary.

[c] After three (3) growing seasons from time of planting, buffering shall provide a year-round visual screen in order to minimize adverse impacts on a site from adjacent areas. Buffering shall also ensure privacy for dwelling units and minimize adverse impacts from traffic, noise and glaring light.

[2] Landscaping.

[a] Landscaping between parking areas for apartment buildings and internal roads for the development of the tract shall achieve a mature height of at least three (3) feet to partially screen the view of parking areas. Such landscaping shall consist of evergreen shrubs.

[b] Landscaping around trash and recyclables enclosures shall achieve a mature height of at least five (5) feet. Such landscaping shall consist of a mix of at least seventy-five percent (75%) evergreen shrubs and/or trees and no more than twenty-five percent (25%) deciduous shrubs.

[c] Landscaping around the foundations of townhouse and apartment buildings shall be provided to achieve a mature height of at least three (3) feet. Such landscaping may consist of a mix of at least fifty percent (50%) evergreen shrubs.

[d] Street trees along public and private roads and driveways shall be provided on average fifty (50) feet on center and not exceeding sixty (60) on center.

(b) Internal roads.

[1] Internal roads within the development of the tract shall have a cartway width of twenty-eight (28) feet and a right-of-way width of fifty (50) feet.

Section 2.

The following new section of the Code is hereby adopted:

§108-6.36 PRD-AH 2 Planned Residential Development Affordable Housing District 2

Lots 5 and 10 in Block 36 and Lot 1 in Block 36.02, which were formerly zoned R-3A Residential-Agricultural District, are changed to a PRD-AH-2 Residential Affordable Housing District 2.

A. The purpose of this section is to establish the standards and requirements for developments that include a mix of market-priced housing and housing affordable to low- and moderate-income households. The affordable housing will assist the Township in meeting its constitutional and statutory obligations to provide a realistic opportunity for the construction of its fair share of its region's needed low- and moderate-income housing.

B. The following shall be requirements of the PRD-AH-2 District, in addition to other provisions, not inconsistent with this Article. In case of conflict with the provisions of other ordinances, this section shall govern.

C. Permitted Uses:

(1) Inclusionary housing development consisting of affordable housing as defined by this Article and the current rules of the New Jersey Council of Affordable Housing and market-rate housing. All housing shall comply with the provisions set forth herein this section. Permitted residential dwellings include:

(a) Market-rate multi-family townhouse and apartment dwelling units that are deed restricted to limit the number of bedrooms to three (3) per dwelling units and to prohibit the conversion of basements, dens, offices, lofts and other non-bedroom spaces and rooms into a new bedroom.

(b) Affordable multi-family dwelling units that are provided at a minimum twenty-two percent (22%) set aside of total dwelling units and thirteen percent (13%) of the total affordable dwelling units are for very low-income households. The minimum amount of affordable multi-family dwelling units shall be twenty-two percent (22%) of the total dwelling units.

(2) No building, structure or land shall be used for and no building structure shall hereafter be erected, structurally enlarged or maintained except for the permitted affordable and market-rate housing to be used by the residents of the inclusionary housing development, their guests or other authorized users.

D. Permitted Accessory Uses:

(1) Decks and patios for use by the residents on the premises, located in the rear yard within the building envelope. No deck shall be larger than ten (10) feet by twenty (20) feet.

(2) Open space and recreational facilities for use by the residents on the premises.

E. Development, area, yard and building requirements. No building permit shall be issued for construction or other improvement in an PRD-AH-2 Residential Affordable Housing District 2 development except in accordance with an engineering and improvement plan for each section that has been approved by the Planning Board. The following development requirements shall apply to the PRD-AH-2 Residential Affordable Housing District 2:

(1) Minimum site area. The minimum site area for an inclusionary development in the PRD-AH-2 shall be at least forty (40) acres contained in one (1) parcel that is not bisected by existing streets, roads, rights-of-way or railroads.

(2) Gross residential density. The gross residential density shall not exceed two and one half (2.5) dwelling units per acre.

(3) Site bulk requirements:
(a) Minimum site frontage shall be six hundred (600) feet.
(b) Minimum site width shall be two hundred fifty (250) feet.
(c) Minimum site depth shall be four hundred (400) feet.

(4) Yard and setback requirements:

Description	**Tract Boundary**	**Internal Lots**	**To Curb Line of Internal Road Townhouses**	**To Curb Line of Internal Road, Apartments**
Minimum Front Yard	50 feet	---	25 feet; 25 feet to front façade with driveway	15 feet; 25 feet to front façade with parking lot
Minimum Side Yard	50 feet	10 feet	-----	------
Minimum Rear Yard	50 feet	20 feet	-----	-----

(5) Minimum separation between facades of residential buildings on lot with multiple residential buildings, or on a fee simple lot:

Description	Requirement
Side of building to side of building	20 feet
Rear of building to rear of building	50 feet

Rear of building to side of building	40 feet
Minimum front yard for townhomes	25 feet
Minimum rear yard for townhomes	20 feet
Minimum side yard for townhomes	0 feet
Minimum lot width for townhomes	22 feet
Minimum lot depth for townhomes	100 feet
Minimum lot area for townhomes	2,200 square feet

(6) Building coverage. Not more than twenty percent (20%) of the gross area of the total property tract shall be covered by buildings.

(7) Maximum building height.

(a) Townhouses shall not exceed three (3) stories or forty-five (45) feet.

(b) Apartment flats shall not exceed three (3) stories or forty-five (45) feet.

(8) Sidewalks and walkways shall comply with § 108-6.21.1. of this Article.

(9) Buffers and landscaping, shade trees and tree preservation shall comply with § 108-6.30.1. of this Article.

F. Affordable Housing.

(1) Required percentage of affordable dwelling units built on-site. The developer shall designate and set aside twenty-two percent (22%) of the dwelling units to be built on-site to affordable to low- and moderate-income households and at least thirteen percent (13%) of the total affordable dwelling units shall be affordable to very low-income households.

(2) Required bedroom distribution for affordable dwelling units. Low- and moderate-income units may utilize a modified bedroom distribution. At a minimum, the number of bedrooms shall equal the minimum number for low- and moderate- income units within the inclusionary development.

(3) Low- and moderate-income split. At least fifty percent (50%) of all units designated for low- and moderate-income households shall be affordable to low-income households. Thirteen percent (13%) of the total affordable dwelling units shall be affordable to very low-income households, which very low-income units shall be counted as part of the low-income housing requirement

(4) The construction phasing of market-priced and low- and moderate-income units shall comply with following table:

Minimum Percentage of Low and Moderate Units Completed	**Percentage of Market-Housing Units Completed**
0	25
10	25, plus 1 unit
50	50
75	75
100	90

A unit is deemed complete when its certificate of occupancy has been issued. This schedule shall apply unless an accelerated schedule has been agreed to by the Township and developer.

(5) The location and design of affordable housing shall comply with the following requirements:

(a) The low- and moderate-income units shall be sited on the tract in locations at least as accessible to common open spaces and community facilities as market-priced dwellings.

(b) The exterior design of the low- and moderate-income units shall be harmonious in scale, texture and materials with the market priced units on the tract.

(6) Affordable housing shall comply with the Monroe Township Affordable Housing Ordinance and current Uniform Housing Affordability Controls (UHAC).

(7) Establishing sales prices of units shall comply with the Monroe Township Affordable Housing Ordinance and the current UHAC.

(8) Affordability controls shall comply with the Monroe Township Affordable Housing Ordinance and the current UHAC. .

(9) General provisions concerning uniform deed restriction liens and enforcement through certificates of occupancy or re-occupancy on sold units shall comply with the Monroe Township Affordable Housing Ordinance and the current UHAC .

(10) Application procedures for inclusionary housing development shall comply with § 108-6.21.M of this Article.

G. Signage as permitted in Article X of this Chapter.

H. Parking as required to meet RSIS standards.

I. Landscaping and buffering as required by the following standards and in Article VIII of this Chapter:

(1) Buildings shall be set back a minimum of fifty (50) feet from the property lines of the tract. At least thirty (30) feet of this setback area shall either be preserved with its natural vegetation or landscaped to provide a reasonable visual buffer from adjacent property.

(2) Buffering shall provide a year-round visual screen in order to minimize adverse impacts on a site from adjacent areas. Buffering shall also ensure privacy for dwelling units and minimize adverse impacts from traffic, noise and glaring light.

(3) Buffering shall consist of evergreen trees with an average height of six (6) feet to create a natural pattern that achieves a full screening effect. Ornamental deciduous trees and large- and medium-growing evergreen and deciduous shrubs shall be added to the buffer area to improve screening at various growth heights of plant material. Fencing and walls may be added to the buffering to enhance screening and aesthetics. Natural woodlands may be retained in the buffer area. Such natural woodlands shall be evaluated by the reviewing board to determine whether additional plantings are needed to achieve the stated buffering objectives.

J. Fences are permitted in accordance with Article VIII of this Chapter.

Section 3.

The following new section of the Code is hereby adopted:

§108-6.37 R-MAH Residential-Municipally Sponsored Affordable Housing District.

Lot 3.05 in Block 62, which was formerly zoned R20 Residential District, is changed to R-MAH Residential-Age-Municipally Sponsored Affordable Housing District.

A. The purpose of this section is to establish the standards and requirements for developments that include housing affordable to low-and moderate-income households. The affordable housing will assist the Township in meeting its constitutional and statutory obligations to provide a realistic opportunity for the construction of its fair share of its region's need for low- and moderate-income housing.

B. The following requirements, in addition to other provisions not inconsistent with this article, shall apply to the R-MAH District. In case of conflict with the provisions of other ordinances, this section shall govern.

C. Permitted principal uses:

(1) Residential housing development consisting of affordable housing as defined by this article and N.J.A.C. 5:80-26.1, et seq., Uniform Housing Affordability Controls (UHAC) and the Monroe Township Affordable Housing Ordinance (Chapter 131 of the Township Code). The permitted maximum gross density for the affordable housing development shall be six (6) dwelling units per acre. All housing shall comply with the provisions set forth in this section. Permitted residential dwellings include:

(a) Affordable multifamily rental apartment dwelling units (affordable apartments) that comprise 100% of the total number of dwelling units constructed in the development, with thirteen percent (13%) of the affordable dwelling units to be affordable to very low-income households. The minimum number of affordable multifamily rental apartment dwelling units provided, consisting of one (1), two (2), and three (3)-bedroom units according to this section, shall be thirty (30).

(b) One (1) multi-purpose room having at least five hundred (500) square feet of floor area shall be provided within an apartment building.

(c) One (1) management office may be provided in an apartment building.

(2) No building, structure or land shall be used for and no building structure shall hereafter be erected, structurally enlarged or maintained except for the permitted affordable housing to be used by the residents housing development, their guests or other authorized users.

D. Permitted accessory uses.

(1) Storage areas for residents in the basement of apartment buildings.

(2) Open space and recreational facilities for use by the residents on the premises.

(3) Fences and walls as regulated pursuant to this section and Section 108-8.2.

(4) Trash and recyclables enclosures, which shall not be permitted in the front yard

(5) Off-street parking as regulated pursuant to this section and Article IX Parking.

(6) Signage as regulated pursuant to this section and Article X Signs.

(7) Satellite antennas.

(8) Public utility installations.

E. Development, area, yard and building requirements.

(1) Minimum tract area shall be five (5) acres.

(2) Minimum tract frontage shall be two hundred and fifty (250) feet.

(3) Minimum tract width shall be three hundred (300) feet.

(4) Minimum tract depth shall be six hundred (600) feet.

(5) Yard and setback requirements for principal buildings.

Description	**Tract Boundary**
Minimum Front Yard	50 feet
Minimum Side Yard	30 feet
Minimum Rear Yard	30 feet

(6) Maximum building coverage of tract shall be fifty percent (50%).

(7) Maximum impervious coverage of tract shall be sixty-five percent (65%).

(8) Maximum building height.

(a) Apartment buildings shall not exceed three (3) stories or forty-five (45) feet.

(9) Maximum building length.

(a) Apartment building length shall not exceed two hundred and fifty (250) feet.

(10) Yard and setback requirements for apartment building trash and recyclables enclosures.

Description	Tract Boundary
Minimum Front Yard	50 feet
Minimum Side Yard	30 feet
Minimum Rear Yard	30 feet
Separation from Building	N/A

F. Affordable housing.

(1) Affordable housing shall comply with the Monroe Township Affordable Housing Ordinance and UHAC, including, but not limited to, the following requirements:

(a) Establishing rents of all affordable units;

(b) Affordability controls for all affordable units; and

(c) General provisions concerning uniform deed restrictions liens and enforcement through certificates of occupancy or re-occupancy of sold units.

(2) Required bedroom distribution for affordable rental dwelling units.

(a) 20% of the total affordable units shall have one (1) bedroom.

(b) 60% of the total affordable units shall have two (2) bedrooms.

(c) 20% of the total affordable units shall have three (3) bedrooms.

(3) Low- and moderate-income split. At least fifty percent (50%) of all units designated for low- and moderate-income households shall be affordable to low- income households. Thirteen percent (13%) of the total affordable dwelling units shall be affordable to very low-income households, which very low-income units shall be counted as part of the low-income housing requirement.

G. Fences and walls shall comply with Section 108-8.2.

H. Parking.

(1) Parking for apartment dwelling units shall be regulated by the New Jersey Residential Site Improvement Standards (RSIS) N.J.A.C. 5:21-1.1 et seq. and Article IX; when provisions of Article IX conflict with the requirements of RSIS, the provisions of RSIS shall supersede the conflicting ones of Article IX.

(a) Minimum setback for parking areas to the Spotswood Gravel Hill Road right-of-way shall be fifty (50) feet.

(b) Minimum setback for parking areas to apartment buildings shall be ten (10) feet.

(c) Drive aisles of and driveways to parking areas shall be at least twenty-four (24) feet wide.

(d) Non-ADA parking spaces shall be nine (9) feet wide by eighteen (18) feet long. ADA parking spaces shall comply with current state and federal regulations.

I. Signage for the development of the tract shall be regulated by Article X

J. Design standards shall comply with Article XII

Section 4.

Section 108-6.18 is amended to read as follows:

§108-6.18 HD Highway Development District:

K. VC-2 Village Center Overlay

(3) Minimum Tract Size: 40~~75~~ acres.

(7) Permitted intensities of development

(d) Maximum impervious coverage for residential uses of 50~~40~~% shall be permitted.

(8) Bulk Standards

(b) Residential uses

[4] Maximum Building Height

Description	Requirement
Principal building, townhouse and multifamily	3~~2-1/2~~ stories 45~~35~~ feet
100 percent affordable multifamily	3 stories of occupied space 50 feet
Accessory building	1 story 25 feet

Section 5.

Section 108-16.1 is amended to read as follows:

§108-16.1. Application Checklists

I. Requirements for All Applications

2. ~~10~~One (1) original and three (3) copies of the application form applicable to the type of approval requested, completely filled in. If any item is not applicable to the Applicant, it should be so indicated on the application form(s).

5. ~~Fourteen~~ Four (4~~14~~) copies of any required plot plan, site plan or subdivision plan completed in conformance with the requirements of all applicable ordinances of Monroe Township and to be a maximum sheet size of twenty-four by thirty-six (24x36) inches.

6. If available prior to the hearing, ~~14~~ four (4) copies of any other supporting documentation which shall be presented to the Board in its consideration of the application.

7. An electronic copy of the entire application, including plans, specifications, and all supplemental reports be submitted to the Township on a ~~CD-ROM or~~ thumb drive, labeled for each report.

BE IT FURTHER ORDAINED, that any ordinance or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

SO, ORDAINED as aforesaid.

Councilman Van Dzura interjected that he would like to make a motion to amend the Ordinance to omit the 19-year-old age clause, as all other HOA's do not allow for those aged 19 years old and older to live in age-restricted communities.

UPON MOTION made by Councilman Van Dzura and seconded by Councilwoman Cohen, the **PUBLIC HEARING for Ordinance O-2-2026-003** was **opened**. All were in favor, none opposed.

Public Comments:

Lucille Panos, 1208C Lindera Plz. – Mrs. Panos urged for the Ordinance to be tabled because of the verbiage and stated that she wants the Township to "stop screwing with the Asian-Indian population" as we proclaimed March 1st as the 20th Anniversary of Indian Heritage Month and then go on to want to build a 30 unit affordable housing apartment complex which would primarily effect their neighborhood. Attorney Brown went on to further explain what credits and units mean and how the words are used in discussing the affordable housing obligations.

Zoltan Laczi, 310 Spotswood Gravel Hill Rd. – Mr. Laczi stated that he strongly opposes this Ordinance as he lives across the street and has moved into the Township and out of the city areas to get away from living around tall buildings and it will be horrendous to look at. Mr. Laczi stated that he supports age restricted and wheel chair bound occupants but strongly opposes ore children being brought into the school system.

Saiyed Mirza, 5 Corey Dr. – Mr. Mirzaa stated the he strongly opposes this Ordnance.

Himanshu Patel, 4 Corey Dr. – Mr. Patel stated that he strongly opposes this Ordinance due to the size of the structure, the inadequacy of the roadways and the invasion of privacy it will bring to his neighborhood.

Michelle Arminio, 9 Nathaniel St. – Mrs. Arminio commented that while she appreciates the Attorney explaining she feels there is no transparency in comparison to the upper echelons which is problematic. She went on to say that she objects to the language as it is not clear. Mrs. Arminio asked what section Councilman Van Dzura was referring to; Administrator McGowan explained.

UPON MOTION made by Councilman Dipierro and seconded by Councilwoman Cohen, the **PUBLIC HEARING for Ordinance O-2-2026-003** was **closed**. All were in favor, none opposed.

UPON MOTION made by Councilwoman Cohen and seconded by Councilman Van Dzura, **Ordinance O-2-2026-003** was passed on Second Reading and Final Adoption with amendments as noted:

ROLL CALL:	Councilwoman Miriam Cohen	Aye
	Councilman Charles Dipierro	Nay
	Councilman Terence Van Dzura	Aye
	Council Vice-President Michael Markel	Aye
	Council President Rupa P. Siegel	Aye

Copy of Ordinance Duly Filed.

O-2-2026-004 **ORDINANCE AMENDING CHAPTER 108, ARTICLE 6.18J(13), OF THE "H-D HIGHWAY DEVELOPMENT DISTRICT", AND ARTICLE 6.7K, OF THE "R-3A RESIDENTIAL-AGRICULTURAL DISTRICT".**

WHEREAS, the Monroe Township (hereinafter referred to as the "Township") wants to amend the Chapter 108, Articles 6.18J and 6.7K in order to allow for the development of the lots and blocks included in the aforementioned Articles.

WHEREAS, the Township wants to amend Chapter 108, Articles 6.18J(13), The title sentence of 6.7K, and 6.7K(12) in order to refine the language in the article and correct clerical errors.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey, being the governing body thereof, that Chapter 108, Articles 6.18J and 6.7K are hereby amended to read as follows:

All new language is depicted in **bold and underline**

All language deletions are depicted in ~~strikethrough~~

Language that remains unchanged is not highlighted in anyway

SECTION 1

§ 108-6.18(J)(13). H-D Highway Development District. Is hereby amended to read as follows.

(13) Inclusionary housing development.

a. The following residential dwellings shall be provided:

1. Market rate condominium flats and townhouses.
2. Affordable age restricted rental flats, which may be developed as family affordable units and/or over commercial and office uses that are on the first floor on the condition that separate entrances to the affordable housing dwelling units are provided.

b. The following number of market rate and affordable housing dwelling units permitted in this zone shall be:

Description	Number of Dwelling Units	~~Percentage (%)~~
Market Rate Units	618	~~82.5~~
Family Affordable Units	236	~~17.5~~
Total	854	~~100.00~~

c. Market rate and affordable housing dwelling units shall be developed on at least 25 acres of contiguous developable land exclusive of freshwater wetlands, one- hundred-year floodplains, steep slopes and other environmental constraints within the tract of land.

d. The low and moderate income split for affordable housing shall comply UHAC. **In both the senior and family affordable housing, 13 percent of affordable units in each bedroom distribution shall be very low income units.**

e. The construction phasing of market-priced and low and moderate-income units being developed on-site shall comply with N.J.A.C. 5:93-5.6(d), except that 65 family affordable units shall be phased in with the market rate units on Block 3, Lot 31 & 32, also referred to as the Disbrow parcel.

f. An open space organization shall be established pursuant to § 108-6.13F.

g. Sidewalks and walkways shall be provided pursuant to § 108-6.13H.

h. Buffers shall be provided pursuant to § 108-6.13I.

i. Landscaping, shade trees and tree preservation shall comply with § 108-6.13J.

j. (Reserved) [Deleted 9-3-14 by Ord. No. O-9-2014-020]

k. The low and moderate income split for affordable housing shall comply with § 108-6.13K(3).

l. The location and design of affordable housing shall comply with § 108-6.13K(6).

m. Affordable housing shall comply with § 108-6.13K(7), the Monroe Township Affordable Housing Ordinance and current ~~New Jersey Council on Affordable Housing rules.~~ **Uniform Housing Affordability Controls.**

n. Application procedures for inclusionary housing development shall comply with § 108-6.13L.

SECTION 2

Article VI. Zoning District Regulations

~~§ 108-6.18L~~ **§108 6.7K** VC-3 Village Center.

The official zoning map, as established by §108-6.2 is hereby amended to designate the following lot and blocks as VC-3 Village Center: Block 36 Lots 13, 14, 15 & 16.01 and Block 53 Lot 21.05.

THE OMITTED SECTIONS OF THIS ARTICLE ARE NOT AMENDED.

(12) Affordable Housing

a. Affordable housing shall comply with UHAC. **13 percent of affordable units in each bedroom distribution shall be very low income units.**

SECTION 4

§ 108-6.32(H)(4). POCD-AR-AH Planned Office Commercial Development-Age Restricted Affordable Housing District. Is hereby amended to read as follows.

4. The construction phasing of market-priced and low- and moderate-income units being developed on-site shall comply with following table in accordance with N.J.A.C. 5:93-5.6(d), except that 62 of the 164 age-restricted affordable units shall be phased in with the market rate units in the §108-6.18J (Block 6, Lots 12.05, 12.06, 13.02, 13.03, 15.01, 16.01, 17.02, 19.03, 19.04, 20.01, 21.05, 22.02, 23.01, 24.01, 25.01, 26.01, 27.01 28.01 and 29.02) **and 55 units shall be phased in with the affordable units in §108-6.7K**~~Block 6, Lots 12.05, 12.06, 13.02, 13.03, 15.01, 16.01, 17.02, 19.03, 19.04, 20.01, 21.05, 22.02, 23.01, 24.01, 25.01, 26.01, 27.01 28.01 and 29.02~~ (**Block 36 Lots 13, 14, 15 & 16.01 and Block 53 Lot 21.05)**:

Minimum Percentage of Low and Moderate Units Completed	**Percentage of Market-Housing Units Completed**
0	25
10	25, plus 1 unit
50	50
75	75
100	90

A unit is deemed complete when its certificate of occupancy has been issued. This schedule shall apply unless an accelerated schedule has been agreed to by the Township and developer.

BE IT FURTHER ORDAINED, that this ordinance shall take effect in a time and manner prescribed by law

SO, ORDAINED as aforesaid.

UPON MOTION made by Councilwoman Cohen and seconded by Councilman Van Dzura, the **PUBLIC HEARING for Ordinance O-2-2026-004** was **opened**. All were in favor, none opposed.

Public Comments:

Lucille Panos, 1208C Lindera Plz. – Mrs. Panos asked what is being changed in the Agricultural District; Administrator McGowan answered that Fair Share Housing asked for statutory language be added as it is mandatory. Attorney Brown gave further clarification on the Ordinance.

Michelle Arminio, 9 Nathaniel St. – Mrs. Arminio asked about percentages of low to moderate units completed and the percentages of market units completed. She went on to say that the Council has admitted in the past that there have been market rate units completed when the affordable housing units have not been completed and/or fulfilled and she feels like the entire purpose of all of this is to ensure housing is built for those in need. Mrs. Arminio suggested that the language be amended to say that the affordable housing units be occupied before market rate units are built. Engineer

Rasimowicz interjected saying that was not at all true and went on to explain the process as to how the units are built and when. Mrs. Arminio stated that she believes former Mayor Tamburro admitted that in regard to one project the market units were completed prior to the affordable units being built. Engineer Rasimowicz went on to explain further the accusations that Mrs. Arminio was making. Mrs. Arminio asked how many of our affordable housing units have been filled from prior units; Administrator McGowan answered that he cannot concretely state that all of the units from the prior round have been occupied because the Township does not manage those properties but it is believed they are.

UPON MOTION made by Councilwoman Cohen and seconded by Councilman Dipierro, the **PUBLIC HEARING for Ordinance O-2-2026-004** was **closed**. All were in favor, none opposed.

UPON MOTION made by Councilwoman Cohen and seconded by Councilman Van Dzura, **Ordinance O-2-2026-004** was passed on Second Reading and Final Adoption:

ROLL CALL:	Councilwoman Miriam Cohen	Aye
	Councilman Charles Dipierro	Aye
	Councilman Terence Van Dzura	Aye
	Council Vice-President Michael Markel	Aye
	Council President Rupa P. Siegel	Aye

Copy of Ordinance Duly Filed.

O-2-2026-005 **ORDINANCE TO REPEAL AND REPLACE §131 "AFFORDABLE HOUSING" AND §131A "AFFORDABLE HOUSING DEVELOPMENT FEES", WITH REVISED REGULATIONS IN CONFORMANCE WITH THE AMENDED FAIR HOUSING ACT.**

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

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

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

WHEREAS, in order to maintain compliance with said state regulations regarding affordable housing, the Township must amend certain sections of the Township Code; and

WHEREAS, Chapter 131 contains requirements for affordable housing provisions based on previous COAH regulations; and

WHEREAS, Chapter 131A contains regulations regarding affordable housing development fees; and

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey, that Chapter 131 and Chapter 131A, of the Township Code are hereby repealed and replaced as follows:

§131 AFFORDABLE HOUSING [to be replaced in its entirety with the following]

131-1. Introduction & Applicability

A. This section of the Code sets forth regulations regarding the very low-, low- and moderate-income housing units in Monroe Township consistent with the provisions outlined in P.L 2024, Chapter 2, including the amended Fair Housing Act ("FHA") at N.J.S.A. 52:27D-301 et seq., as well as the Department of Community Affairs, Division of Local Planning Services ("LPS") at N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing ("COAH") at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls ("UHAC") at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted municipal Fourth Round Housing Element and Fair Share Plan ("HEFSP").

B. This Ordinance is intended to ensure that very low-, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that very low-, low- and moderate-income households shall occupy these units pursuant to statutory requirements. This Ordinance shall apply to all inclusionary developments, individual affordable units, and 100% affordable housing developments except where inconsistent with applicable law. Low-Income Housing Tax Credit financed developments shall adhere to the provisions set forth below in item 5.c. below.

C. The Township of Monroe 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.

D. This Ordinance implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of P.L 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented.

E. Applicability

i. 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.

ii. 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.

iii. 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.

131-2. 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 that is affordable to very low-, low- or moderate-income households and is reserved for occupancy by a supportive housing household. A supportive housing unit is intended to provide long-term, community-based housing for individuals with intellectual or developmental disabilities, as defined at N.J.S.A. 30:6D-25(b). Such units must be leased subject to the affordability controls established herein; remain subject to Affirmative Marketing requirements, household certification, and administrative agent oversight; and may, with the approval of the municipal housing liaison and the administrative agent, be leased either by the bedroom or to a single household in the case of multi-bedroom configurations, provided such arrangement is consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968) and the project's Affirmative Marketing Program. A supportive housing unit may, with the approval of the administrative agent, be subject to a master lease by an approved supportive housing operator, provided that all subleases are to be certified supportive housing households and remain fully subject to the affordability controls of this subchapter. Rents for supportive housing units shall not exceed the rent standards established and published by the New Jersey Department of Human Services. Supportive housing units are also referred to as permanent supportive housing units.

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

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

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

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

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

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

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

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

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

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

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

131-3. Affordable Housing Board Established

A. Membership

i. There is hereby established a Monroe Township Affordable Housing Board, which shall be composed of five members and two alternate members appointed by the Mayor with the advice and consent of the Township Council. The five regular members shall consist of:

(a) One municipal employee;

(b) One member of the Township Council;

(c) Three citizens of the Township.

The two alternate members shall be citizens of the Township.

Members and alternates shall serve for two year terms, with (2) of the initial appointments, as determined by the Mayor, to be for one year.

B. The Mayor shall appoint the Chairperson of the Board from among its members. The Board shall organize and conduct its activities under the supervision of the Mayor.

C. The Municipal Housing Manager and Municipal Housing Liaison appointed pursuant to § 131-13 shall serve as staff to the Board.

131-4. Municipal Housing Manager

A. The Municipal Housing Manager shall be appointed by the Mayor.

131-5. Duties of the Affordable Housing Board

A. The Board shall be the primary administrative mechanism responsible for assuring that low- and moderate-income housing units developed or rehabilitated in the Township remain affordable to low- and moderate-income households, as required by N.J.A.C. 5:93-1, et seq.

B. The Board shall supervise the implementation of the Township's affirmative marketing program by the designated Administrative Agent for the purposes of marketing the designated low- and moderate-income units to eligible households in Housing Region 3, comprised of Middlesex, Somerset and Hunterdon Counties.

C. The Board shall assist the Administrative Agent in screening and qualifying prospective purchasers and tenants of designated low- and moderate-income housing.

D. The Board shall review and comment to the Planning Board on a developer's affordable housing plan submitted with an application for development in any of the Township zoning districts designated and promulgated for the creation of affordable housing.

E. The Board shall enforce controls on resales and rentals of designated low- and moderate-income housing units.

F. The Board shall provide an annual written report to the Mayor, Township Council and Planning Board on its activities and the progress and problems in providing affordable housing and assuring the continued affordability of this housing, and on the success of its affirmative marketing efforts. The Board shall also assist in satisfying any monitoring requirements within N.J.S.A. 52:27D-301 et. seq., including those specified at 131-7 below and any midpoint realistic opportunity review undertaken in association with N.J.S.A. 52:27D-313.

G. The Board shall meet quarterly and may meet more frequently as needed. The Chairperson of the Board may call special meetings of the Board.

H. The Board may adopt is own rules and guidelines.

131-6. Screening and Qualification of Prospective Purchasers and Tenants

A. The Township Affordable Housing Board shall screen and determine whether prospective purchasers and tenants qualify for the new designated low- and moderate-income units built within the Township. Qualification criteria shall include household income, place of residence and place of employment.

B. The Board shall maintain a registry of income-eligible applicants for purchase or rental of low- and moderate-income housing.

C. Residency and veteran's preference.

i. An occupancy preference shall be provided to low- and moderate-income households that reside or work in Housing Region 3, which includes Middlesex, Somerset and Hunterdon Counties, for new low- and moderate-housing units.

ii. An occupancy preference shall be provided to low and moderate households that reside within Monroe Township for low- and moderate-income units created as a result of the Township's rehabilitation program.

iii. An occupancy preference shall be provided to low- and moderate-income households headed by honorably discharged veterans for all units created under the Township's Affordable Housing Plan.

D. The Board shall recommend eligible prospective purchasers and tenants to the developer(s) of low- and moderate-income housing,

E. Occupancy standards. In referring certified households to specific restricted units, the Administrative Agent and/or Board shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

i. Provide an occupant for each bedroom;

ii. Provide children of different sexes with separate bedrooms;

iii. Provide separate bedrooms for parents and children; and

iv. Prevent more than two persons from occupying a single bedroom.

F. Municipally sponsored 100% affordable veterans housing. In accordance with the court-approved Housing Element and Fair Share Plan dated June 2016, Monroe Township will undertake a municipally sponsored 100% affordable housing development on Lot 14 in Block 41, consisting of 37 rental units exclusively for veterans and veterans' families, of which six units (15%) will be for very-low-income households.

131-7. Monitoring and Reporting Requirements

A. 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:

i. 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.

ii. 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.

iii. 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.

131-8. Mandatory Set-Aside

A. Any property in the Township of Monroe that is currently zoned for nonresidential uses and that is subsequently rezoned for residential purposes or receives a zoning change or a use variance to permit residential development, or receives a zoning change or a density variance to permit higher density residential development, and provided such residential development provides a sufficient compensatory benefit in terms of the density of development permitted, shall provide an affordable housing set-aside of 20% if the affordable units will be for rent and 20% if the affordable units will be for sale. The determination of a "sufficient compensatory benefit" shall be made by the reviewing authority based upon prevailing legislation and/or case law.

B. Any affordable units generated through such mandatory set-aside shall be subject to all other provisions of this ordinance.

C. All such affordable units shall be governed by this ordinance, the controls on affordability, including bedroom distribution, and affirmatively marketed to the housing region in conformance with UHAC at N.J.A.C. 5:80-26.1 et seq., any successor regulation, and all other applicable laws.

D. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement. Developers cannot, for example, subdivide a project into two lots and then make each of them a number of units just below the threshold.

E. The mandatory set-aside requirements of this section do not give any developer the right to any rezoning, variance or other relief, or establish any obligation on the part of the municipality to grant such rezoning, variance or other relief.

F. This mandatory set-aside requirement does not apply to any sites or specific zones otherwise identified in the HEFSP, for which density and set-aside requirements shall be governed by the specific standards as set forth therein.

G. In the event that the inclusionary set-aside of 20% of the total number of residential units does not result in a full integer, the developer shall choose one of two options for addressing the fractional unit:

i. The developer may round the set-aside upward to construct a whole additional affordable unit; or

ii. If the set-aside includes a fractional unit equal to 0.49 or less, the developer may round the set-aside downward and construct the lesser whole number of affordable units and shall also contribute the fractional subsidy payment ("fractional subsidy payment") to be made to the municipality and deposited in the municipal Affordable Housing Trust Fund. The fractional subsidy payment amount shall be calculated as the fractional unit multiplied by the base subsidy payment amount currently established by the municipality as the average subsidy reflected in financial pro formas for 100% affordable housing or subsidized developments in the municipality or region on file with the municipality. For example, if seven total units are developed at an inclusionary site, a 20% set-aside would require 1.4 affordable units. Per the requirements above:

The developer shall round up the 0.4 unit to one whole affordable unit so as to construct a total of two (2) affordable housing units; or The developer shall round the set-aside downward so as to construct only one affordable unit AND shall pay into the municipal affordable housing trust fund a fractional subsidy payment equal to the dollar amount established by the municipality multiplied by 0.4.

131-9. Affordable Housing Programs

A. Pursuant to amended UHAC regulations at N.J.A.C. 5:80-26.1 et seq. and, in addition, pursuant to P.L. 2024, c.2 and specifically to the amended FHA at N.J.S.A. 52:27D-311.m, "All parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to P.L. 2024, c.2, or binding court decisions."

All affordable housing programs and compliance mechanisms are noted in the Township's Housing Plan Element and Fair Share Plan, as adopted by the Planning Board.

131-10. New Construction Programs (per N.J.A.C. 5:93 as may be updated per various sections in N.J.A.C. 5:97 and N.J.S.A. 52:27D-301 et seq.).

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

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

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

C. Design. The following design requirements apply to affordable housing developments, excluding prior round units.

i. 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.

ii. 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.

iii. 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.

D. Utilities.

i. Affordable units shall utilize the same type of cooling and heating source as market-rate units within the affordable housing development.

ii. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance in accordance with N.J.AC 5:80-26.13(e).

E. Low/moderate split and bedroom distribution.

i. 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.

ii. In each affordable housing development, at least 50% of the restricted units within each bedroom distribution rounded up or rounded down to the nearest whole number shall be very low- or low-income units. The municipality has chosen to not allow rounding.

iii. 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.

iv. 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. A developer may seek a waiver of this requirement to authorize permission to round up upon demonstrating to the local approving authority that strict compliance would result in undue hardship or because of site feasibility.

iv. At least 30% of all low- and moderate-income units, rounded up, shall be two-bedroom units. The municipality has chosen to allow rounding. A developer may seek a waiver of this requirement to authorize permission to round down upon demonstrating to the local approving authority that strict compliance would result in undue hardship or because of site feasibility.

v. At least 20% of all low- and moderate-income units, rounded up shall be three-bedroom units. The municipality has chosen to allow rounding. A developer may seek a waiver of this requirement to authorize permission to round down upon demonstrating to the local approving authority that strict compliance would result in undue hardship or because of site feasibility.

vi. The remaining units may be allocated among two- and three- bedroom units at the discretion of the developer.

v. Affordable housing developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangements, shall be structured such that, at a minimum, the number of bedrooms shall equal the number of age-restricted or supportive housing low- and moderate-income units within the inclusionary development. Supportive housing units whose sponsoring program determines the unit arrangement shall comply with all requirements of the sponsoring program. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit. In affordable housing developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must comprise at least 5% of those restricted units.

F. Accessibility requirements.

i. 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.

ii. 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.

G. Market to Affordable program (per N.J.A.C. 5:97-6.9).

i. The market to affordable program permits the purchase or subsidization of unrestricted units through a mortgage write-down provided to an income-certified buyer or through a sale or rental as a low- or moderate-income unit to an income-eligible household. The market to affordable program may produce both low- and moderate-income units.

ii. At the time they are offered for sale or rental, eligible units may be new, pre-owned or vacant.

iii. The units shall be certified to be in sound condition as a result of an inspection performed by a licensed building inspector.

iv. A minimum subsidy of $25,000 per moderate-income unit and/or $30,000 per low-income unit shall be provided, with additional subsidy depending on the market prices or rents in a municipality.

v. The units shall comply with UHAC with the following exceptions:

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

  ii. Low/moderate income split (N.J.A.C. 5:80-26.4).

vi. Affordability average (N.J.A.C. 5:80-26.4); however:

  i. The maximum rent for a moderate-income unit shall be affordable to households earning no more than 60 percent of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income; and

ii. The maximum sales price for a moderate-income unit shall be affordable to households earning no more than 70 percent of median income and the maximum sales price for a low-income unit shall be affordable to households earning no more than 40 percent of median income.

H. 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)).

i. 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.

I. Assisted Living Residence (per N.J.A.C. 5:97-6.11).

i. An assisted living residence is a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to assure that assisted living services are available. All or a designated number of apartments in the facility shall be restricted to low- and moderate-income households.

ii. The unit of credit shall be the apartment. However, a two-bedroom apartment shall be eligible for two units of credit if it is restricted to two unrelated individuals.

iii. A recipient of a Medicaid waiver shall automatically qualify as a low- or moderate-income household.

iv. Assisted living units are considered age-restricted housing in a HEFSP and shall be included with the maximum number of units that may be age-restricted.

v. Low- and moderate-income residents cannot be charged any upfront fees.

vi. The units shall comply with UHAC with the following exceptions:

i. Affirmative marketing (N.J.A.C. 5:80-26.16); provided that the units are restricted to recipients of Medicaid waivers;

ii. The deed restriction may be on the facility, rather than individual apartments or rooms;

iii. Low/moderate income split and affordability average (N.J.A.C. 5:80-26.4); only if all of the affordable units are affordable to households at a maximum of 60 percent of median income; and

vii. Tenant income eligibility (N.J.A.C. 5:80-26.14); up to 80 percent of an applicant's gross income may be used for rent, food and services based on occupancy type and the affordable unit must receive the same basic services as required by the Agency's underwriting guidelines and financing policies. The cost of non-housing related services shall not exceed one and two-thirds times the rent established for each unit.

J. Supportive Housing and Group Homes (per N.J.A.C. 5:97-6.10).

i. The following provisions shall apply to group homes, residential health care facilities, and supportive shared living housing:

i. The unit of credit shall be the bedroom. However, the unit of credit shall be the unit if occupied by a single person or household.

ii. Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.

iii. Occupancy shall not be restricted to youth under 18 years of age.

iv. In affordable developments with 20 or more restricted units that are supportive housing, two-bedroom units must compose at least five percent of those restricted units.

v. The bedrooms and/or units shall comply with UHAC with the following exceptions:

(a) Affirmative marketing; however, group homes, residential health care facilities, permanent supportive housing and supportive shared living housing shall be affirmatively marketed to broadest possible population of qualified individuals with special needs in accordance with a plan approved by the sponsoring program;

(b) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).

vi. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with the Act. In the event that a supportive housing provider is unable to record or execute a long-term deed restriction, the units shall be subject to annual recertification by the Municipal Housing Liaison to confirm continued occupancy and compliance with this Section.

vii. Objective standards shall be applied in the selection of tenants for supportive housing units and shall be designed to ensure that individuals are not excluded in an arbitrary or capricious manner.

viii. The following documentation shall be submitted by the sponsor to the municipality prior to marketing the completed units or facility:

(a) An Affirmative Marketing Plan in accordance with 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.

ix. The sponsor/owner shall complete annual monitoring as directed by the MHL.

131-11. Regional Income Limits.

A. Administrative agents shall use the current regional income limits for the purpose of pricing affordable units and determining income eligibility of households.

B. Regional income limits are based on regional median income, which is established by a regional weighted average of the "median family incomes" published by HUD. The procedure for computing the regional median income is detailed in N.J.A.C. 5:80-26.3.

C. Updated regional income limits are effective as of the effective date of the regional Section 8 income limits for the year, as published by HUD, or 45 days after HUD publishes the regional Section 8 income limits for the year, whichever comes later. The new income limits may not be less than those of the previous year.

131-12. Maximum Initial Rents And Sales Prices.

A. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC N.J.A.C. 5:80-26.4.

B. The average rent for all restricted units within each affordable housing development shall be affordable to households earning no more than 52 percent of regional median income.

C. The maximum rent for restricted rental units within each affordable housing development shall be affordable to households earning no more than 60% of regional median income. The maximum rent may be increased to no more than 70 percent of regional median income for moderate-income units within affordable developments where very-low-income units compose at least 13 percent of the restricted units; however, the number of units with rent affordable to households earning 70 percent of regional median income may not exceed the number of very-low-income units in excess of 13 percent (rounded up) of the restricted units.

D. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, 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.

E. The maximum sales price of restricted ownership units within each affordable housing development shall be affordable to households earning no more than 70% of median income, and each affordable housing development must achieve an affordability average that does not exceed 55% for all restricted ownership units. In achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type when the number of low- and moderate-income units permits.

F. The master deeds and declarations of covenants and restrictions for affordable developments may not distinguish between restricted units and market-rate units in the calculation of any condominium or homeowner association fees and special assessments to be paid by low- and moderate-income purchasers and those to be paid by market-rate purchasers. Notwithstanding the foregoing sentence, condominium units subject to a municipal ordinance adopted before December 20, 2004, which ordinance provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection are governed by the ordinance.

G. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted family units, the following standards shall be met:

  i. A studio or efficiency unit shall be affordable to a one-person household;

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

  iii. A two-bedroom unit shall be affordable to a three-person household;

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

  v. A four-bedroom unit shall be affordable to a six-person household.

H. In determining the initial rents and sales prices for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted and special needs and supportive housing developments, the following standards shall be met:

  i. A studio or efficiency unit shall be affordable to a one-person household;

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

  iii. A two-bedroom unit shall be affordable to a two-person household or to two one-person households. Where pricing is based on two one-person households, the developer shall provide a list of units so priced to the Municipal Housing Liaison and the Administrative Agent.

I. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the 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.

J. The initial rent for a restricted rental unit shall be calculated so that the total monthly housing expense, including an allowance for tenant-paid utilities, does not exceed 30 percent of the gross monthly income of a household of the appropriate size whose income is targeted to the applicable percentage of median income for the unit, as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented. The rent shall also comply with the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented. 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.

K. 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.

131-13. Affirmative Marketing.

A. 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.

B. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, 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 4 and is required to be followed throughout the period of deed restriction.

C. The Affirmative Marketing Plan provides the following preferences, provided that units that remain unoccupied after these preferences are exhausted may be offered to households without regard to these preferences.

  i. Where the municipality has entered into an agreement with a developer or residential development owner to provide a preference for very-low-,low-, and moderate-income veterans who served in time of war or other emergency, pursuant to N.J.S.A. 52:27D-311.j, there shall be a preference for veterans for up to 50 percent of the restricted rental units in a particular project.

  ii. There shall be a regional preference for all households that live and/or work in Housing Region 3 comprising Middlesex, Somerset, and Hunterdon Counties.

iii. Subordinate to the regional preference, there shall be a preference for households that live and/or work in New Jersey.

iv. 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.

D. 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.

E. The Board shall supervise the implementation of the Township's Affirmative Marketing Program.

F. 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.

G. 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.

H. 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. Pursuant to the Township's Fourth Round Mediation Agreement with Fair Share Housing Center, the Administrative Agent shall also provide specific notice to Fair Share Housing Center; the Latino Action Network; the New Jersey State Conference of the NAACP, the Middlesex County NAACP; and the Supportive Housing Association.

I. 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.

J. The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.

K. The cost to affirmatively market the affordable units shall be the responsibility of the developer, sponsor or owner, with the exception of Affirmative Marketing for resales.

131-14. Selection of Occupants of Affordable Housing Units.

A. The Administrative Agent shall use a random selection process to select occupants of very low-, low- and moderate-income housing.

B. A pool of interested households will be maintained in accordance with the provisions of N.J.A.C. 5:80-26.16.

131-15. Occupancy Standards.

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

i. Ensure each bedroom is occupied by at least one person, except for age-restricted and supportive and special needs housing units;

ii. Provide a bedroom for every two adult occupants;

iii. 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

iv. Avoid placing a one-person household into a unit with more than one bedroom.

131-16. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80- 26.6, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years subject to the requirements of N.J.A.C. 5:80-26.6, as may be amended and supplemented.

B. Rehabilitated housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years (crediting towards present need only).

C. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit. The date of commencement shall be identified in the deed restriction.

D. If existing affordability controls are being extended, the extended control period for a restricted ownership unit commences on the effective date of the extension, which is the end of the original control period.

E. After the end of any control period, the restricted ownership unit remains subject to the affordability controls set forth in this subchapter until the owner gives notice of their intent to make an exit sale, at which point:

i. 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

ii. If the municipality does not exercise the right to extend the affordability controls on the unit, the affordability controls terminate following the exit sale.

F. Prior to the issuance of any building permit for the construction/rehabilitation of restricted ownership units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.

G. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.

H. At the time of the initial sale of the unit and upon each successive price-restricted sale, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obliging the purchaser, as well as the purchaser's heirs, successors, and assigns, to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

I. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to price-restricted ownership units.

131-17. Price Restrictions for Restricted Ownership Units and Resale Prices.

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

i. The initial purchase price and affordability percentage for a restricted ownership unit shall be set by the Administrative Agent.

ii. 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

iii. 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);

iv. No increase for capital improvements is permitted if the maximum resale price prior to adjusting for capital improvements already exceeds whatever initial purchase price the unit would have if it were being offered for purchase for the first time at the initial affordability percentage. All adjustments for capital improvements are subject to 10-year, straight-line depreciation.

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

131-18. Buyer Income Eligibility.

A. Buyer income eligibility for restricted ownership units shall be established pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented, such that very low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 30% of median income, low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for occupancy by households with a gross household income less than 80% of median income.

B. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the 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.

C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.

D. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 35 percent of the household's eligible monthly income; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

i. 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;

ii. 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

iii. The household is currently in substandard or overcrowded living conditions;

iv. The household documents the existence of assets, within the asset limitation otherwise applicable, with which the household proposes to supplement the rent payments

131-19. Limitations on Indebtedness Secured by Ownership Unit; Subordination.

A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.

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

131-20. Control Periods for Restricted Rental Units.

A. Control periods for units that meet the definition of prior round units shall be pursuant to the 2001 UHAC rules originally adopted October 1, 2001, 33 N.J.R. 3432 and shall remain subject to the requirements of this ordinance for a period of at least 30 years as applicable unless otherwise indicated.

B. Other than for prior round units, control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 40 years. Restricted rental units created as part of developments receiving 9% Low-Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period for a total of 45 years.

C. The affordability control period for a restricted rental unit shall commence on the first date that a unit is issued a certificate of occupancy following the execution of the deed restriction or, if affordability controls are being extended, on the effective date of the extension, which is the end of the original control period.

D. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years.

E. Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.

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

G. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:

i. Sublease or assignment of the lease of the unit;

ii. Sale or other voluntary transfer of the ownership of the unit;

iii. The entry and enforcement of any judgment of foreclosure on the property containing the unit; or

iv. 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.

131-21. Rent Restrictions for Rental Units; Leases and Fees.

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

B. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be retained on file by the Administrative Agent.

C. No additional fees, operating costs, or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.

i. Operating costs, for the purposes of this section, include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory utility submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household.

D. Any fee structure that would remove or limit affordable unit occupant access to any amenities or services that are required or included for market-rate unit occupants is prohibited. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

E. Fees for unit-specific, non-communal items that are charged to market-rate unit tenants on an optional basis, such as pet fees for tenants with pets, storage spaces, bicycle-share programs, or one-time rentals of party or media rooms, may also be charged to affordable unit tenants, if applicable.

F. Pet fees may not exceed $30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.

G. Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.

H. For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with 5:80-26.13(c)1, may continue until the occupant household's current lease term expires or that occupant household vacates the unit, whichever occurs later.

131-22. Tenant Income Eligibility.

A. Tenant income eligibility shall be determined pursuant to N.J.A.C. 5:80-26.14, as may be amended and supplemented, and shall be determined as follows:

i. 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.

ii. 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.

iii. Moderate-income rental units shall be reserved for households with a gross household income less than 80% of the regional median income by household size.

B. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income or moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

i. 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;

ii. 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;

iii. The household is currently in substandard or overcrowded living conditions;

iv. The household documents the existence of assets with which the household proposes to supplement the rent payments; or

v. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

C. The applicant shall file documentation sufficient to establish the existence of any of the circumstances in 2.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

131-23. Local housing rehabilitation program.

A. The Township Housing Rehabilitation Program shall be administered by the Monroe Township Affordable Housing Board as follows:

i. The Municipal Housing Officer shall be responsible for the Board's duties under the local housing rehabilitation program specified in the Township's adopted 1988 Housing Element and Fair Share Plan and subsequent revisions and amendments thereto.

ii. The Board shall identify homeowners and landlords willing to participate in a program of rehabilitating, up to code standard, existing housing affordable to low and moderate-income households.

iii. The Board shall provide funding for the program.

iv. The Board shall maintain affordability controls for rehabilitated units.

B. Under the direction of the Monroe Township Affordable Housing Board, the Municipal Housing Officer and staff members shall:

i. Screen the income eligibility of prospective participants in the local housing rehabilitation program.

ii. Estimate the cost of needed housing improvements.

iii. Obtain bids from contractors in a manner that provides choice to homeowners and landlords.

iv. Monitor the work of contractors.

v. Inspect and approve the completed rehabilitation work.

C. Low and moderate income split. To the best extent feasible, at least 50% of all rehabilitated units shall be for low-income households.

D. Lien requirement. A homeowner or investor-landlord participating in the local rehabilitation program shall execute a lien on the rehabilitated property in favor of the Township of Monroe in consideration for the funds granted for the cost of rehabilitation and for the period of controls on affordability. Prior to execution, the lien shall be reviewed as to form by the Township Attorney.

i. Rehabilitated owner-occupied single family housing units that are improved to code standards shall be subjected to affordability controls for at least 10 years.

ii. Rehabilitated renter-occupied housing units that are improved to code standard shall be subject to affordability controls for at least 10 years.

E. Fees.

i. All local construction fees, plan review fees and inspection fees shall be exempt from the Rehabilitation Program.

131-24. Municipal Housing Liaison.

A. The Municipal Housing Liaison shall be approved by municipal resolution.

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

C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program, including the following responsibilities, which may not be contracted out to the Administrative Agent:

i. 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.

ii. The oversight of the Affirmative Marketing Plan and affordability controls.

iii. When applicable, overseeing and monitoring any contracting Administrative Agent.

iv. Overseeing the monitoring of the status of all restricted units listed in the Fair Share Plan.

v. Verifying, certifying and providing annual information within AHMS at such time and in such form as required by the Division.

vi. Coordinating meetings with affordable housing providers and administrative agents, as needed.

vii. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division.

viii. 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.

ix. 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.

x. Listing on the municipal website contact information for the MHL and Administrative Agents.

131-25. Administrative Agent.

A. All municipalities that have created or will create affordable housing programs and/or affordable units shall designate or approve, for each project within its HEFSP, an administrative agent to administer the affordable housing program and/or affordable housing units in accordance with the requirements of the FHA, NJAC 5:99-1 et seq. and UHAC.

B. The fees for administrative agents shall be paid as follows:

i. Administrative agent fees related to rental units shall be paid by the developer/owner.

ii. Administrative agent fees related to initial sale of units shall be paid by the developer.

iii. Administrative agent fees related to resales shall be paid by the seller of the affordable home.

iv. Administrative agent fees related to ongoing administration and enforcement shall be paid by the municipality.

C. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s). The Operating Manual(s) shall be available for public inspection in the Office of the Clerk and in the office(s) of the Administrative Agent(s). Operating manuals shall be adopted by resolution of the Governing Body.

D. Subject to the role of the Administrative Agent(s), the duties and responsibilities as are set forth in N.J.A.C. 5:99-7and which are described in full detail in the Operating Manual, including those set forth in UHAC, include:

i. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;

ii. 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.

iii. 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 firm, 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.

iv. 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.

v. 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.

vi. 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.

vii. 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.

viii. 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.

ix. 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.

131-26. Responsibilities of The Owner of a development containing affordable units.

A. The owner of all developments containing affordable units subject to this subchapter or the assigned management company thereof shall provide to the administrative agent:

i. 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.

ii. The total number of units in the project and the number of affordable units.

iii. 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.

iv. Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.

v. A projected construction schedule.

vi. The location of any common areas and elevators.

vii. The name of the person who will be responsible for official contact with the administrative agent for the duration of the project, which must be updated if the contact changes.

B. In addition to A above, the owner of rental developments containing affordable rental units subject to this subchapter or the assigned management company thereof shall:

i. 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.

ii. Provide to the administrative agent a description of any applicable fees.

iii. Provide to the administrative agent a description of the types of utilities and which utilities will be included in the rent.

iv. 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.

v. Provide to the administrative agent a proposed form of lease for any rental units.

vi. Ensure that the tenant selection criteria for the applicants for affordable units not be more restrictive that the tenant selection criteria for applicants for non-restricted units.

vii. Strive to maintain the continued occupancy of the affordable units during the entire restricted period.

C. In addition to A, above, the owner of affordable for-sale developments containing affordable for-sale units subject to this subchapter or the assigned management company thereof shall provide the administrative agent:

i. Proposed pricing for all units, including any purchaser options and add-on items.

ii. Condominium or homeowner association fees and any other applicable fees.

iii. Estimated real property taxes.

iv. Sewer, water, trash disposal, and any other utility assessments.

v. Flood insurance requirement, if applicable.

vi. The State-approved planned real estate development public offering statement and/or master deed, where applicable, as well as the full build-out budget.

131-27. Enforcement of Affordable Housing Regulations

A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the 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.

B. After providing written notice of a violation to an owner, developer or tenant of an affordable unit and advising the owner, developer or tenant of the penalties for such violations, the 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:

i. 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 $500.00 per day 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.

C. 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.

D. 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.

i. 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.

ii. 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.

iii. 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.

iv. 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.

v. 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.

vi. The affordable unit owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.

E. It is the responsibility of the municipal housing liaison and the administrative agent(s) to ensure that affordable housing units are administered properly. All affordable units must be occupied within a reasonable amount of time and be re-leased within a reasonable amount of time upon the vacating of the unit by a tenant. If an administrative agent or municipal housing liaison becomes aware of or suspects that a developer, landlord, or property manager has not complied with these regulations, it shall report this activity to the Division. The Division must notify the developer, landlord, or property manager, in writing, of any violation of these regulations and provide a 30-day cure period. If, after the 30-day cure period, the developer, landlord, or property manager remains in violation of any terms of this subchapter, including by keeping a unit vacant, the developer, landlord, or property manager may be fined up to the amount required to construct a comparable affordable unit of the same size and the deed-restricted control period will be extended for the length of the time the unit was out of compliance, in addition to the remedies provided for in this section. For the purposes of this subsection, a reasonable amount of time shall presumptively be 60 days, unless a longer period of time is required due to demonstrable market conditions and/or failure of the municipal housing liaison or the administrative agent to refer a certified tenant.

F. Banks and other lending institutions are prohibited from issuing any loan secured by owner occupied real property subject to the affordability controls set forth in this subchapter if such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located. Any loan issued in violation of this subsection is void as against public policy.

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

H. Appeals

   i. 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.

§131A (Afforadable Housing Development Fees) [to be replaced in its entirety with the following]

A. Purpose

   1. 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.

B. Basic Requirements

   1. The municipality previously adopted a development fee ordinance, which established the Municipal Affordable Housing Trust Fund.

   2. The municipality shall not spend development fees until the court has approved a plan for spending such fees.

C. Residential Development Fees

   1. Imposed fees

      a. Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.0% 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.

      b. 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.

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

      a. 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.

      b. 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.

      c. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

      d. No development fee shall be collected for the demolition and replacement of a residential building resulting from a fire or natural disaster.

D. Non-Residential Development Fees

1. Imposition of fees

   a. 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.

   b. 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.

   c. 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.

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

   a. 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.

   b. 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.

3. 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.

4. 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.

5. 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.

6. The following classes of development shall be exempt from these provisions:

   a. Utility facilities.

   b. Educational, cultural and outdoor recreational facilities.

   c. Quasi-public uses, including clubs, lodges and similar uses.

   d. Public uses.

   e. Hospital uses.

E. Collection Procedures

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.
7. 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).
8. 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.

F. Appeal of development fees

1. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by 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.
2. 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.

G. Affordable Housing Trust Fund

1. 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.
2. 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:
   a. 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;
   b. Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
   c. Rental income from municipally operated units;
   d. Repayments from affordable housing program loans;
   e. Recapture funds;
   f. Proceeds from the sale of affordable units; and
   g. Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.
3. 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.
4. 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:
   a. Failure to meet deadlines for information required by the Division in its review of a development fee ordinance;
   b. 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;
   c. Failure to comply with the requirements of the Non-Residential Development Fee Act and N.J.A.C. 5:99-3;
   d. Failure to submit accurate monitoring reports pursuant to this subchapter within the time limits imposed by the Act, this chapter, and/or the Division;
   e. Expenditure of funds on activities not approved by the Superior Court or otherwise permitted by law;
   f. Revocation of compliance certification or a judgment of compliance and repose;

g. 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;

h. Other good cause demonstrating that municipal affordable housing funds are not being used for an approved purpose.

5. All interest accrued in the housing trust fund shall only be used on eligible affordable housing purposes approved by the Court.

H. Use of Funds

1. 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.

2. Funds shall not be expended to reimburse the municipality or activities that occurred prior to the authorization of a municipality to collect development fees.

3. 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.

a. 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.

b. 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.

4. Monroe Township has adopted the following specific affordability assistance programs:

a. Rent subsidies for low- and moderate- income households based upon size of household and number of bedrooms in apartment.

i. One-bedroom, low-income unit — $55.00 per month subsidy.

ii. One-bedroom, moderate-income unit — $100.00 per month subsidy.

iii. Two-bedroom, low-income unit — $100.00 per month subsidy.

iv. Two-bedroom, moderate-income unit — $200.00 per month subsidy.

v. Three-bedroom, low-income unit -- $150.00 per month subsidy.

vi. Three-bedroom, moderate-income units -- $250.00 per month subsidy.

b. The following additional assistance is offered to very low-income households:

i. Payment of "moving expenses" based upon verified receipts, in an amount not to exceed One Thousand Five Hundred and 00/100 Dollars ($1,500.00) per household.

ii. Rental security deposit — Deposits paid to landlord to be returned to the Township Affordable Housing Trust Fund upon termination of tenancy.

iii. Rent subsidies for very low-income households based upon number of bedrooms in apartment:

(a) One-bedroom — $75.00 per month subsidy.

(b) Two-bedroom — $125.00 per month subsidy.

(c) Three-bedroom -- $175.00 per month subsidy.

c. Buyer assistance. The Township may pay the following from the Affordable Housing Trust Fund to, or on behalf of, low- and moderate-income households to assist with the purchase of an affordable unit in which the buyer's household will reside:

i. Payment of closing costs: i.e., title work and policy, reasonable attorney's fees for closing of title, preparation of survey, homeowners insurance, recording fees, and other necessary closing expenses to third parties, not to exceed $1,500 per unit.

ii. Payment of lender fees: i.e., mortgage points, application fees, appraisal fees, bank attorney review fees, and necessary mortgage closing expenses, not to exceed $1,500 per unit.

iii. The total buyer assistance per unit shall not exceed $3,000 for the above referenced assistance grants.

iv. Down payment assistance in the form of a repayable loan, to be repaid to the Township of Monroe Affordable Housing Trust Fund upon the resale of the affordable housing unit (said assistance not to exceed 10% of the purchase price). Down payment assistance is subject to approval by the lender.

5. 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.

I. Monitoring

1. 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.

J. Ongoing Collection of Fees

1. 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.

2. 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).

K. 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.

Repealer

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

Severability

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

Effective Date

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

SO, ORDAINED as aforesaid.

UPON MOTION made by Councilwoman Cohen and seconded by Councilman Van Dzura, the **PUBLIC HEARING for Ordinance O-2-2026-005** was **opened**. All were in favor, none opposed.

Public Comments:

No Public Comment.

UPON MOTION made by Councilwoman Cohen and seconded by Councilman Dipierro, the **PUBLIC HEARING for Ordinance O-2-2026-005**was **closed**. All were in favor, none opposed.

UPON MOTION made by Councilwoman Cohen and seconded by Councilman Van Dzura, **Ordinance O-2-2026-005** was passed on Second Reading and Final Adoption:

ROLL CALL:	Councilwoman Miriam Cohen	Aye
	Councilman Charles Dipierro	Aye
	Councilman Terence Van Dzura	Aye
	Council Vice-President Michael Markel	Aye
	Council President Rupa P. Siegel	Aye

Copy of Ordinance Duly Filed.

UPON MOTION made by Councilwoman Cohen and seconded by Councilman Van Dzura, an Ordinance of which the following is the title was Introduced on First Reading for Final Passage:

O-3-2026-006 **BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF MONROE, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, APPROPRIATING $2,556,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $2,433,800 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.**

ROLL CALL:	Councilwoman Miriam Cohen	Aye
	Councilman Charles Dipierro	Aye
	Councilman Terence Van Dzura	Aye
	Council Vice-President Michael Markel	Aye
	Council President Rupa P. Siegel	Aye

Copy of Ordinance Duly Filed.

UPON MOTION made by Councilwoman Cohen and seconded by Council Vice-President Markel, the following Resolutions were moved for Adoption under the **CONSENT AGENDA:**
(R-3-2026-056– R-3-2026-074 except R-3-2026-057 and R-3-2026-069 which will be considered separately)

R-3-2026-056 **RESOLUTION PROVIDING FOR THE CANCELLATION OF CERTAIN CHARGES WHICH THE COLLECTOR OF REVENUE DEEMS UNCOLLECTIBLE.** ($218.09 - wrong fire district code listed)

WHEREAS, N.J.S.A. 54:4-91 provides for the cancellation of uncollected taxes for specific reasons: and

WHEREAS, the amounts listed below are deemed uncollectable by the Collector of Revenue: and

Charges Deemed Uncollectible					
Block	Lot / Qualifer	Year	Amount	Type of Charge	Reason
93	8	2025	218.09	Tax	Incorrect Fire District Code, F03, Listed on 2025 Tax Duplicate; Correct Code is F01

WHEREAS, N.J.S.A. 54:4-91.2 provides that the Township Council by resolution may cancel tax levies that have been certified uncollectible by the Collector of Revenue.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey that the charges listed above are hereby cancelled and that the Chief Finance Officer and the Collector of Revenue are hereby authorized to remove these from their records.

BE IT FURTHER RESOLVED, that the Township Clerk shall forward copies of this resolution to the following: Chief Finance Officer and the Collector of Revenue.

SO RESOLVED, as aforesaid.

RECORDED VOTE: R-3-2026-056						
COUNCIL	**MOTION**	**SECOND**	**AYE**	**NAY**	**ABSTAIN**	**ABSENT**
Councilwoman Cohen	X		X			
Councilman Dipierro				X		
Councilman VanDzura		X	X			
Council V. President Markel			X			
Council President Siegel			X			

R-3-2026-058 **RESOLUTION AUTHORIZING SUBMISSION OR MUNICIPAL RECYCLING TONNAGE GRANT APPLICATION FOR YEAR 2026.**

WHEREAS, the New Jersey Statewide Mandatory Source Separation and Recycling Act, N.J.S.A. 13:1E-99.11, et. seq. (the "Act"), has established a recycling fund, N.J.S.A. 13:1E-99.37, from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has established an application process implementing the tonnage grant provision of the Act; and

WHEREAS, a Resolution authorizing the Township of Monroe to apply for such tonnage grants will memorialize the Township's commitment to recycling and indicate the assent of the Township Council to the requirements contained in the application for a tonnage grant under this Act; and

WHEREAS, such a Resolution shall designate the individual authorized to ensure that the application is properly completed and timely filed;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, County of Middlesex and State of New Jersey that the Township of Monroe hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection, Bureau of Recycling and Planning; and

BE IT FURTHER RESOLVED that Greg Slavicek, Director of Recycling, Department of Public Works, 76 Gravel Hill-Spotswood Road, Monroe Twp., New Jersey 08831, shall be and is hereby designated as the individual to ensure that said Application is properly filed.

SO RESOLVED, as aforesaid.

RECORDED VOTE: R-3-2026-058						
COUNCIL	**MOTION**	**SECOND**	**AYE**	**NAY**	**ABSTAIN**	**ABSENT**
Councilwoman Cohen	X		X			
Councilman Dipierro				X		
Councilman VanDzura		X	X			
Council V. President Markel			X			
Council President Siegel			X			

R-3-2026-060 **RESOLUTION ENDORSING THE REVISED FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN, APPROVING A REVISED FOURTH ROUND SPENDING PLAN, AND AUTHORIZING THE SUBMISSION OF SAID PLAN TO THE AFFORDABLE HOUSING DISPUTE RESOLUTION PROGRAM.**

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amends the New Jersey Fair Housing Act, P.L. 1985, c.222, N.J.S.A. 52:27D-301, et seq. (the "**Amended FHA**"); and

WHEREAS, pursuant to the Amended FHA, municipalities were authorized to determine the Present Need obligation (Rehabilitation) and Prospective Need obligation of their fair share of the regional need for low- and moderate-income housing ("**Fourth Round Obligation**") for the ten (10) year period beginning on July 1, 2025 (the "**Fourth Round**"); and

WHEREAS, pursuant to the Amended FHA, should a municipality determine its Fourth Round Obligation and submit said determination to the Affordable Housing Dispute Resolution Program (the "**Program**") by January 31, 2025, the municipality's determination would be established by default and bear a presumption of validity beginning on March 1, 2025, unless challenged by an interested party on or before February 28, 2025; and

WHEREAS, the Township Council of the Township of Monroe (the "**Township Council**") adopted a Resolution on January 29, 2025, setting forth a determination of its Fourth Round Obligation; and

WHEREAS, in accordance with N.J.S.A. 52:27D-311(m) of the Amended FHA, the Township of Monroe (the "**Township**") retained all rights and privileges in the preparation of a Housing Element and Fair Share Plan, including, the development and implementation of a vacant land adjustment, or any other applicable adjustment to the Township's Prospective Need obligation; and

WHEREAS, pursuant to the Amended FHA, the Township filed its duly adopted Resolution with the Program on January 30, 2025; and

WHEREAS, the filing of said Resolution gave the Township automatic, continued immunity from all inclusionary lawsuits, including Builder's Remedy Lawsuits, which is still in full force and effect; and

WHEREAS, multiple challenges to the Township's determination were filed in compliance with the timelines set forth by the Amended FHA, contending that the Township should be assigned a higher Prospective Need obligation than calculated by the Township; and

WHEREAS, pursuant to Directive No. 14-24, which promulgated the Program's rules and procedures, multiple settlement conferences were conducted by the Program between the Township and challengers, and a settlement was reached to establish the Township's Fourth Round Obligation at a Present Need (Rehabilitation) of 76 units and Prospective Need of 460 units; and

WHEREAS, consistent with that settlement, the Court entered an Order on April 15, 2025, establishing the Township's Present Need (Rehabilitation) obligation at 76 units and Prospective Need obligation at 460 units; and

WHEREAS, in accordance with the Amended FHA, the Township's professionals prepared a Fourth Round Housing Element and Fair Share Plan (the "**HEFSP**"), which was adopted by the Township's Planning Board on June 26, 2025, and endorsed by the Township Council on June 30, 2025; and

WHEREAS, multiple challenges to the Township's HEFSP were filed in compliance with the timelines set forth by the Amended FHA, contending that the Township should commit to zoning for additional new construction of affordable units, and utilize fewer currently occupied affordable units toward the Township's Fourth Round obligation; and

WHEREAS, pursuant to Directive No. 14-24, which promulgated the Program's rules and procedures, multiple settlement conferences were conducted by the Program between the Township and challengers, and a settlement was reached on January 29, 2026; and

WHEREAS, in accordance with the Amended FHA, the Township's professionals prepared a Revised Fourth Round Housing Element and Fair Share Plan (the "**HEFSP**"), consistent with the January 29, 2026 settlement, which was adopted by the Township's Planning Board on February 26, 2026, and

WHEREAS, the Township Council wishes to endorse the Revised HEFSP and authorize the Mayor, Township Clerk, and Township Attorney to take all actions necessary to implement the mechanisms set forth in the HEFSP to fulfill the Township's Fourth Round Obligation; and

WHEREAS, the Township Council desires to approve the Revised Fourth Round Spending Plan incorporated in the Amended FHA and attached hereto as Exhibit A (the "Spending Plan"), with all rights reserved to amend the Spending Plan should revisions be required by the Program and/or Court, or to respond to affordable housing needs or opportunities that may emerge, or applicable law; and

WHEREAS, the Township Council desires to authorize the Township Attorney to file the Fourth Round HEFSP with the Affordable Housing Dispute Resolution Program is filed with the Program by March 15, 2026, in order for the Township to retain immunity from all inclusionary lawsuits, including Builder's Remedy Lawsuits.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe (the "Township Council") as follows:

1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.

2. The Township Council hereby endorses the Revised Fourth Round Housing Element and Fair Share Plan (the "**HEFSP**"), and authorizes the Mayor, Township Clerk, and Township Attorney to take all actions necessary to implement the mechanisms set forth in the HEFSP to fulfill the Township's Fourth Round Obligation.

3. The Township Council approves the Fourth Round Spending Plan incorporated in the HEFSP and attached hereto as Exhibit A, with all rights reserved to amend the Spending Plan should revisions be required by the Program and/or Court, or to respond to affordable housing needs or opportunities that may emerge, or applicable law.

4. The Township Council authorizes the Township Attorney to file the Fourth Round HEFSP with the Affordable Housing Dispute Resolution Program by June 30, 2025, in order for the Township to retain immunity from all inclusionary lawsuits, including Builder's Remedy Lawsuits.

5. This Resolution shall take effect immediately.

SO RESOLVED, as aforesaid.

RECORDED VOTE: R-3-2026-060						
COUNCIL	**MOTION**	**SECOND**	**AYE**	**NAY**	**ABSTAIN**	**ABSENT**
Councilwoman Cohen	**X**		**X**			
Councilman Dipierro				**X**		
Councilman VanDzura		**X**	**X**			
Council V. President Markel			**X**			
Council President Siegel			**X**			

R-3-2026-061 **RESOLUTION AUTHORIZING THE SUBMISSION OF THE 2026 RECYCLING ENHANCEMENT GRANT APPLICATION TO THE MIDDLESEX COUNTY DIVISION OF SOLID WASTE MANAGEMENT.**

WHEREAS, The County of Middlesex in continuing to recognize the importance of recycling and the role that the individual municipalities play in conjunction with the County towards achieving an exemplary recycling rate has proposed to provide grant monies to municipalities through the Recycling Enhancement Grant (REG) Program; and

WHEREAS, the intent of the REG Program is to provide funds to qualifying municipalities to be used for recycling compliance and enforcement to enhance a municipality's recycling program; and

WHEREAS, it appears to be in the best interest of the Township of Monroe and its citizens to apply for this grant; and

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, that the Public Works Director and Recycling Coordinator are hereby authorized to submit the attached application for consideration of a grant to the Middlesex County Division of Solid Waste Management.

SO RESOLVED, as aforesaid.

RECORDED VOTE: R-3-2026-061						
COUNCIL	**MOTION**	**SECOND**	**AYE**	**NAY**	**ABSTAIN**	**ABSENT**
Councilwoman Cohen	**X**		**X**			
Councilman Dipierro				**X**		
Councilman VanDzura		**X**	**X**			
Council V. President Markel			**X**			
Council President Siegel			**X**			

R-3-2026-062 **RESOLUTION ENDORSING THE 2026 PROJECT PROPOSALS AS RECOMMENDED BY THE HOUSING AND COMMUNITY DEVELOPMENT CITIZENS ADVISORY COMMITTEE.**
(Senior Center ADA Restroom Access Door Improvements and Demolition of Building at Meadow View Care Center)

WHEREAS, on February 18, 2026, the Housing and Community Development Citizens Advisory Committee ("the Committee") held a public hearing in the Municipal Complex, One Municipal Plaza for the purpose of providing information about the Community Development Block Grant Program ("CDBG"), solicit comments, ideas and recommendations, verbally or in writing and identify proposed municipal projects; and

WHEREAS, the Committee has submitted to the Township Council for its review, the 2026 Project Proposal Application for:

SENIOR CENTER ADA RESTROOM ACCESS DOOR IMPROVEMENTS
&
DEMOLITION OF BUILDING AT MEADOW VIEW CARE CENTER; and

WHEREAS, upon the Township Council's review of the 2026 Project Proposal Application, as recommended by the Committee, it hereby renders its endorsement of the attached 2026 Project Proposal for:

SENIOR CENTER ADA RESTROOM ACCESS DOOR IMPROVEMENTS
&
DEMOLITION OF BUILDING AT MEADOW VIEW CARE CENTER; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, County of Middlesex, that it hereby endorses the 2026 Project Proposal as recommended by the Committee: ***Senior Center ADA Restroom Access Door Improvements in the amount of $50,00.00*** and ***Demolition of Building at Meadow View Care Center in the amount of $250,000*** for a total of $300,000; and

BE IT FURTHER RESOLVED that three (3) copies of the 2026 Project Proposal Application with three (3) certified copies of the Resolution endorsing same be forwarded to Melissa Bellamy, Middlesex County Administration Building, Middlesex County Housing and Community Development Office, 75 Bayard Street, New Brunswick, NJ 08901.

SO RESOLVED, as aforesaid.

RECORDED VOTE: R-3-2026-061						
COUNCIL	**MOTION**	**SECOND**	**AYE**	**NAY**	**ABSTAIN**	**ABSENT**
Councilwoman Cohen	**X**		**X**			
Councilman Dipierro				**X**		
Councilman VanDzura		**X**	**X**			
Council V. President Markel			**X**			
Council President Siegel			**X**			

R-3-2026-063 **RESOLUTION AUTHORIZING AMENDMENT #1 TO CONTRACT NO. 535 "SODIUM CHLORIDE FOR WATER TREATMENT" WITH CHEMICAL EQUIPMENT LABS. OF DE., INC. EXTENDING THE TERMINATION DATE ONE YEAR TO APRIL 1, 2027 FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.").** ($144.96 per ton)

WHEREAS, the M.T.U.D. is currently under contract with Chemical Equipment Labs. of De., Inc. for the provision of Sodium Chloride; and

WHEREAS, the current contract term expires on April 1, 2026; and

WHEREAS, Section IV. "Contract Term and Extension Option" of the current contract Specifications, allows for (1) one final (1) one-year extension, with the consent of the vendor; and

WHEREAS the Township Purchasing Manager has notified the vendor of the Township's desire to extend said contract, via a letter dated November 6, 2025; and

WHEREAS, the vendor has indicated their acceptance of the amendment #1 and extension for the final one-year term by signing and returning the above referenced letter, a copy of which is attached hereto as Exhibit "B"; and

WHEREAS, the Township Purchasing Manager after consultation with the M.T.U.D., has determined that it is in the best interest of the Township to extend the current contract for the final (12) twelve-month term, with pricing set forth in the bid's Proposal Section (144.96/ton); and

WHEREAS, pursuant to N.J.A.C. 5:30-5.4, the M.T.U.D.'s Township Chief Financial Officer has certified availability of funds in Certificate No. M-240009 a copy of which is attached hereto as Exhibit "A"; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, that it hereby authorizes and approves extending its open-ended contract for Sodium Chloride with Chemical Equipment Labs. of De., Inc, based on the pricing set forth in the proposal section of the bid of $144.96 per ton, for the final (1) one-year extension term. The new termination date shall be April 1, 2027. The existing terms and conditions of the agreement shall remain unchanged.

SO RESOLVED, as aforesaid.

RECORDED VOTE: R-3-2026-063						
COUNCIL	**MOTION**	**SECOND**	**AYE**	**NAY**	**ABSTAIN**	**ABSENT**
Councilwoman Cohen	**X**		**X**			
Councilman Dipierro				**X**		
Councilman VanDzura		**X**	**X**			
Council V. President Markel			**X**			
Council President Siegel			**X**			

R-3-2026-064 **RESOLUTION AUTHORIZING CANCELLATION OF WATER-SEWER UTILITY CAPITAL FUND IMPROVEMENT AUTHORIZATION BALANCES.**

WHEREAS, certain Water-Sewer Utility Capital Fund Improvement Authorization balances remain dedicated to projects now completed; and

WHEREAS, it is necessary to formally cancel said balance so that the unexpended balance may be cancelled and credited to Fund Balance;

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Monroe that the following unexpended and dedicated balance of Water-Sewer Utility Capital Fund Improvement Authorizations be cancelled:

Ordinance Number	Ordinance Description	Amount Cancelled	Funded
2014-11	Various Water-Sewer Improvements	645,055.60	645,055.60
	Total	$ 645,055.60	$ 645,055.60

SO RESOLVED, as aforesaid.

RECORDED VOTE: R-3-2026-064						
COUNCIL	**MOTION**	**SECOND**	**AYE**	**NAY**	**ABSTAIN**	**ABSENT**
Councilwoman Cohen	X		X			
Councilman Dipierro				X		
Councilman VanDzura		X	X			
Council V. President Markel			X			
Council President Siegel			X			

R-3-2026-065 **RESOLUTION AUTHORIZING AWARD OF BID FOR CONTRACT U-2602 "WATER METERS" TO FERGUSON WATERWORKS FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.")** (per unit pricing)

WHEREAS, on February 18, 2026 at 10:45 AM, two (2) sealed bids were received, publicly opened, and read aloud, by the Qualified Purchasing Agent for Contract U-2602, "Water Meters", required by the M.T.U.D.; and

WHEREAS, Ferguson Waterworks has submitted their bid, and after review is considered the lowest responsible and responsive bid for Sections A & B; and

WHEREAS, the Qualified Purchasing Agent, by copy of a letter dated February 25, 2026, has recommended that, subject to a positive review from the township attorney, a contract be awarded to Ferguson Waterworks, 507 Oak Glen Rd. Howell, N.J. 07731 based on unit pricing and estimated quantities (estimated contract total $1,211,202.00), for sections A & B, a copy of which is attached as exhibit B; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.4, the Township Chief Finance Officer has certified availability of funds in Certificate No. M-260014, a copy of which is attached hereto as Exhibit "A"; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey that it has rendered its advice and hereby consents to the award of a contract for U-2602 "Water Meters" in accordance with the attached **unit pricing**, for a contract term beginning March 4, 2026 and expiring March 3, 2028, with the provision authorizing to renew for one (1) additional one (1) year period with the consent of both parties under the same terms, conditions and prices; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute a contract with **Ferguson Waterworks, 507 Oak Glen Rd. Howell, N.J. 07731**; and

BE IT FURTHER RESOLVED that the Township Finance Department is hereby authorized and directed to pay **Ferguson Waterworks.** in accordance with the contract entered into between the parties; and

BE IT FURTHER RESOLVED that the contract is awarded with the stipulation that **Ferguson Waterworks** shall comply with Affirmative Action Regulations, including revising their contracts as necessary to add mandatory affirmative action language, and submitting either a letter of federal approval or a certificate of employee information report, or a completed form AA302 at the time the signed contracts are returned to the Township of Monroe, or seven (7) days thereafter, or risk being declared non-responsive and forfeiting the award.

SO RESOLVED, as aforesaid.

RECORDED VOTE: R-3-2026-065						
COUNCIL	**MOTION**	**SECOND**	**AYE**	**NAY**	**ABSTAIN**	**ABSENT**
Councilwoman Cohen	**X**		**X**			
Councilman Dipierro				**X**		
Councilman VanDzura		**X**	**X**			
Council V. President Markel			**X**			
Council President Siegel			**X**			

R-3-2026-066 **RESOLUTION AUTHORIZING AWARD OF BID FOR CONTRACT U-2601 “BIOXIDE” TO EVOQUA WATER TECHNOLOGIES LLC. FOR THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”)** (per unit pricing)

WHEREAS, on February 18, 2026 at 10:30AM one (1) sealed bid was received, and publicly opened and read aloud, by the Qualified Purchasing Agent for Contract No. U-2601, “BIOXIDE”, required by the M.T.U.D for sewage treatment.

WHEREAS, the Qualified Purchasing Agent has recommended in a letter dated February 25, 2026, a one (1) year contract be awarded to the low bidder EVOQUA WATER TECHNOLOGIES, LLC based upon the unit pricing and estimated quantities contained within their bid documents with an estimated annual total cost of $401,700.00, a copy of which is attached hereto as Exhibit “B”,; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.4, the Township Chief Municipal Finance Officer has certified availability of funds in Certificate No. M-260015 a copy of which is attached hereto as Exhibit "A"; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey that it has rendered its advice and hereby consents to the award of a contract for U-2601 “Bioxide” to Evoqua Water Technologies LLC. in accordance with the attached **unit pricing**, for a contract term beginning March 4, 2026 and expiring March 3, 2027, with the provision authorizing to renew for two (2) additional one (1) year periods with the consent of both parties under the same terms, conditions and prices; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute a contract with **Evoqua Water Technologies LLC, 2650 Tallevast Rd. Sarasota, FL 34243**; and

BE IT FURTHER RESOLVED that the Township Finance Department is hereby authorized and directed to pay **Evoqua Water Technologies LLC** in accordance with the contract entered into between the parties; and

BE IT FURTHER RESOLVED that the contract is awarded with the stipulation that **Evoqua Water Technologies LLC** shall comply with Affirmative Action Regulations, including revising their contracts as necessary to add mandatory affirmative action language, and submitting either a letter of federal approval or a certificate of employee information report, or a completed form AA302 at the time the signed contracts are returned to the Township of Monroe, or seven (7) days thereafter, or risk being declared non-responsive and forfeiting the award.

SO RESOLVED, as aforesaid.

RECORDED VOTE: R-3-2026-066						
COUNCIL	**MOTION**	**SECOND**	**AYE**	**NAY**	**ABSTAIN**	**ABSENT**
Councilwoman Cohen	**X**		**X**			
Councilman Dipierro				**X**		
Councilman VanDzura		**X**	**X**			
Council V. President Markel			**X**			
Council President Siegel			**X**			

R-3-2026-067 **RESOLUTION AUTHORIZING RELEASE OF CASH MAINTENANCE GUARANTEE FOR W818M – GREENRBIAR AT STONEBRIDGE MODEL POSTED WITH THE MONROE TOWNSHIP UTILITY DEPARTMENT (“M.T.U.D.”).**

WHEREAS, US Home LLC. has posted a cash maintenance guarantee with the Monroe Township Utility Department (“MTUD”) for W818M Greenbriar at Stonebridge Model; and

WHEREAS, as defined in N.J.S.A. 40:55D-53 et seq., the M.T.U.D. has inspected the work performed and the work to be completed and has recommended the Monroe Township Council approve the request for release of the cash maintenance guarantee, as detailed in a letter dated February 18, 2026, a copy of which is attached hereto as Exhibit "A"; and

Cash Maintenance Guarantee in the amount of $17,371.83 to be returned in full to the developer.

WHEREAS, the Monroe Township Council has reviewed and hereby approves the recommendation of MTUD;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, in the County of Middlesex and State of New Jersey that Maintenance Guarantee posted for W818M Greenbriar at Stonebridge Model, be released as reflected above and within the letter annexed hereto. This approval for release of cash maintenance guarantee is conditioned upon the resolution of any outstanding balances attached to the project escrow accounts; and

BE IT FURTHER RESOLVED that the Monroe Township Utility Department is hereby authorized and directed to forward a certified copy of this Resolution to the developer, and to his attorney, if applicant has been represented by counsel in this matter.

SO RESOLVED, as aforesaid.

RECORDED VOTE: R-3-2026-067						
COUNCIL	**MOTION**	**SECOND**	**AYE**	**NAY**	**ABSTAIN**	**ABSENT**
Councilwoman Cohen	X		X			
Councilman Dipierro				X		
Councilman VanDzura		X	X			
Council V. President Markel			X			
Council President Siegel			X			

R-3-2026-068 **RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE GUARANTEES UPON THE POSTING OF A MAINTENANCE GUARANTEE FOR MONROE VETERANS URBAN RENEWAL LLC., W&S 1210R POSTED TO THE MONROE TOWNSHIP UTILITY DEPARTMENT ("M.T.U.D.").**

WHEREAS, Monroe Veterans Urban Renewal LLC., has posted Performance Guarantees for W&S 1210R; and

WHEREAS, Monroe Veterans Urban Renewal LLC., has requested a release of the Performance Guarantees upon posting and acceptance of Maintenance Guarantees; and

WHEREAS, defined in 40:55d-53 et seq., the Monroe Township Utility Department (MTUD) has inspected the work performed and the work to be completed and has recommended that the Township Council approve the release of the Performance Guarantees, as detailed in a letter dated February 18, 2026, a copy of which is attached hereto as Exhibit "A":

Standby Letter of Credit #SB2552160001 for water main in the amount of $74,195.52 to be released and replaced with a Maintenance Guarantee in the amount of $11,129.33 (15% of the original bond).

Standby Letter of Credit #SB2552170001 for sewer main in the amount of $22,926.24 to be released and replaced with a Maintenance Guarantee in the amount of $3,438.94 (15% of the original bond).

WHEREAS, the Township Council has reviewed and hereby approves the MTUD Director's recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, in the County of Middlesex and State of New Jersey that Performance Guarantees posted for W&S 1210R be released as reflected above and the MTUD letter annexed hereto. This approval to release Performance Guarantees is conditioned upon the provision of replacement Maintenance Guarantees and/or riders and the resolution of any outstanding balances attached to project escrow accounts.

BE IT FURTHER RESOLVED that the Monroe Township Utility Department is hereby authorized and directed to forward a certified copy of this Resolution to the developer, and to his attorney, if applicant has been represented by counsel in this matter.

SO RESOLVED, as aforesaid.

RECORDED VOTE: R-3-2026-068						
COUNCIL	**MOTION**	**SECOND**	**AYE**	**NAY**	**ABSTAIN**	**ABSENT**
Councilwoman Cohen	**X**		**X**			
Councilman Dipierro				**X**		
Councilman VanDzura		**X**	**X**			
Council V. President Markel			**X**			
Council President Siegel			**X**			

R-3-2026-069 **RESOLUTION AUTHORIZING THE RELEASE OF THE REHABILITATED AFFORDABLE HOUSING AGREEMENT AND LIEN ON BLOCK 160.07, LOT 33.**

WHEREAS, on October 21, 2015, Judy A. Fenton ("Fenton") entered into a Rehabilitated Affordable Housing Agreement with the Township of Monroe restricting Fenton from selling or conveying title to the property for a period of ten years pursuant to Monroe Ordinance 131-8 and N.J.S.A. 52:27D-301 et seq, said Agreement having been recorded with the Middlesex County Clerk on July 22, 2020, in Mortgage Book 17952 on Pages 1547 - 1559; and

WHEREAS, the Affordable Housing Lien states that "the terms, restrictions and covenants of this Agreement shall automatically expire ten (10) years from the date that the housing rehabilitation work was completed"; and

WHEREAS, the Monroe Township Affordable Housing Board advises of the successful completion of the Affordable Housing Lien and has consented to the termination of the Affordable Housing Lien annexed hereto as Exhibit "A"; and

NOW, THEREFORE, BE IT RESOLVED that the Affordable Housing Lien held by Fenton is hereby satisfied and the Mayor and Township Clerk are hereby authorized and directed to execute the Release of Rehabilitated Affordable Housing Agreement, annexed hereto as Exhibit "B".

SO RESOLVED, as aforesaid.

RECORDED VOTE: R-3-2026-069						
COUNCIL	**MOTION**	**SECOND**	**AYE**	**NAY**	**ABSTAIN**	**ABSENT**
Councilwoman Cohen	**X**		**X**			
Councilman Dipierro				**X**		
Councilman VanDzura		**X**	**X**			
Council V. President Markel			**X**			
Council President Siegel			**X**			

R-3-2026-070 **RESOLUTION AUTHORIZING THE RELEASE OF THE REHABILITATED AFFORDABLE HOUSING AGREEMENT AND LIEN ON BLOCK 107, LOT 2.03.**

WHEREAS, on October 21, 2015, Paul J. Varga Jr. & Joan Varga (deceased) ("Varga") entered into a Rehabilitated Affordable Housing Agreement with the Township of Monroe restricting Varga from selling or conveying title to the property for a period of ten years pursuant to Monroe Ordinance 131-8 and N.J.S.A. 52:27D-301 et seq, said Agreement having been recorded with the Middlesex County Clerk on July 22, 2020, in Mortgage Book 17952 on Pages 1521 - 1533; and

WHEREAS, the Affordable Housing Lien states that "the terms, restrictions and covenants of this Agreement shall automatically expire ten (10) years from the date that the housing rehabilitation work was completed"; and

WHEREAS, the Monroe Township Affordable Housing Board advises of the successful completion of the Affordable Housing Lien and has consented to the termination of the Affordable Housing Lien annexed hereto as Exhibit "A"; and

NOW, THEREFORE, BE IT RESOLVED that the Affordable Housing Lien held by Varga is hereby satisfied and the Mayor and Township Clerk are hereby authorized and directed to execute the Release of Rehabilitated Affordable Housing Agreement, annexed hereto as Exhibit "B".

SO RESOLVED, as aforesaid.

RECORDED VOTE: R-3-2026-070						
COUNCIL	**MOTION**	**SECOND**	**AYE**	**NAY**	**ABSTAIN**	**ABSENT**
Councilwoman Cohen	X		X			
Councilman Dipierro				X		
Councilman VanDzura		X	X			
Council V. President Markel			X			
Council President Siegel			X			

R-3-2026-071 **RESOLUTION AUTHORIZING EMERGENCY 2026 TEMPORARY BUDGET APPROPRIATIONS.**

WHEREAS, an emergent condition has arisen with respect to payment of normal operating expenses and no adequate provision has been made in the 2026 temporary appropriations for the aforesaid purpose, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned; and

WHEREAS, the total emergency temporary Resolutions adopted in Year 2026, pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20), including this Resolution, is **$30,678,394.00;**

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made for payment of the following entitled operating expenses:

ACCOUNT NAME	**TEMPORARY APPROPRIATION AMOUNT**
GENERAL GOVERNMENT:	
Mayor	
Salaries & Wages	$5,000.00
Other Expenses	$3,000.00
Council	
Salaries & Wages	$9,000.00
Other Expenses	$4,800.00
Township Clerk	
Salaries & Wages	$115,000.00
Other Expenses	$20,000.00
ADMINISTRATION AND FINANCE:	
Administration	
Salaries & Wages	$105,000.00
Human Resources	
Salaries & Wages	$79,000.00
Other Expenses	$20,000.00
Transportation	
Salaries & Wages	$200,000.00
Other Expenses	$37,000.00

<u>Data Processing</u>	
Salaries & Wages	$74,000.00
Other Expenses	$100,000.00
<u>Citizens Review Board</u>	
Salaries & Wages	$500.00
<u>Insurance</u>	
Group Health	$3,000,000.00
Group Health-Broker	$40,000.00
<u>Public Information and Public Advocate</u>	
Salaries & Wages	$40,000.00
Other Expenses	$15,000.00
<u>Recreation</u>	
Salaries & Wages	$240,000.00
Other Expenses	$75,000.00
<u>Human Relations</u>	
Salaries & Wages	$800.00
Other Expenses	$500.00
<u>Economic Development Commission</u>	
Salaries & Wages	$800.00
Other Expenses	$500.00
<u>Parks</u>	
Salaries & Wages	$100,000.00
Other Expenses	$75,000.00
<u>Finance</u>	
Salaries & Wages	$175,000.00
Other Expenses	$10,000.00
Special Accounting Services	$50,000.00
<u>Tax Collector</u>	
Salaries & Wages	$90,000.00
Other Expenses	$7,000.00
<u>Tax Assessor</u>	
Salaries & Wages	$100,000.00
Other Expenses	$10,000.00
<u>Ambulance Service</u>	
Salaries & Wages	$770,000.00
Other Expenses	$15,000.00

Police Department

Salaries & Wages	$3,100,000.00
Other Expenses	$250,000.00

Police Department-911

Salaries & Wages	$250,000.00

Emergency Mgt.

Salaries & Wages	$11,000.00
Other Expenses	$7,000.00

DEPARTMENT OF ENGINEERING:

Township Engineer

Other Expenses	$150,000.00

DEPARTMENT OF PUBLIC WORKS:

Streets and Roads

Salaries & Wages	$800,000.00
Other Expenses	$150,000.00

Vehicle Maintenance

Salaries & Wages	$95,000.00
Other Expenses	$200,000.00

Solid Waste and Recycling

Other Expenses	$12,000.00

Landfill

Other Expenses	$45,000.00

Building and Grounds

Salaries & Wages	$265,000.00
Other Expenses	$300,000.00

Community Services Act

Other Expenses	$200,000.00

DEPARTMENT OF LAW:

Department of Law:

Other Expenses	$250,000.00

Municipal Prosecutor

Salaries & Wages	$23,000.00
Other Expenses	$1,000.00

DEPARMENT OF HEALTH AND WELFARE:

Division of Health Contr.

Other Expenses	$25,000.00

Animal Control

Salaries & Wages	$59,000.00
Other Expenses	$40,000.00

OTHER TOWNSHIP AGENCIES:

Zoning Board

Salaries & Wages	$45,000.00
Other Expenses	$15,000.00

Planning Board

Salaries & Wages	$2,800.00
Other Expenses	$25,000.00

Division of Planning

Salaries & Wages	$70,000.00
Other Expenses	$12,000.00

Open Space and Farmland Preservation Commission

Salaries & Wages	$800.00
Other Expenses	$200.00

Shade Tree Commission

Salaries & Wages	$5,000.00
Other Expenses	$20,000.00

Environmental Commission

Salaries & Wages	$1,200.00
Other Expenses	$1,500.00

Cultural Arts Commission

Other Expenses	$20,000.00

Historic Pres. Commission

Salaries & Wages	$1,500.00
Other Expenses	$2,500.00

Health Advisory Board	
Salaries & Wages	$800.00
Other Expenses	$200.00
Senior Services	
Salaries & Wages	$177,000.00
Other Expenses	$50,000.00
Recreation Advisory Board	
Salaries & Wages	$1,000.00
Other Expenses	$2,500.00
Construction Official	
Salaries & Wages	$395,000.00
Other Expenses	$30,000.00
OTHER TOWNSHIP AGENCIES:	
Celeb. Pub. Event	$30,000.00
Utilities	$600,000.00
Central Mailing Equipment	$22,000.00
Defined Contribution Retirement Plan	$15,000.00
Social Security System	$750,000.00
Capital Improvement Fund	$23,000.00
Storm water Management	
Salaries & Wages	$65,000.00
Other Expenses	$75,000.00
Municipal Court	
Salaries & Wages	$130,000.00
Other Expenses	$5,000.00
Recycling Tax	$2,500.00
Public Defender	
Salaries & Wages	$9,000.00
Solid Waste and Recycling	$45,000.00
Shared Services - Recycling	$215,000.00
911	
Salaries & Wages	$50,000.00
Other Expenses	$12,000.00

PERS	$2,756,551.00
PFRS	$3,606,443.00
Library	$1,145,000.00
Ambulance Service	
Salaries & Wages	$500,000.00
Other Expenses	$200,000.00
Subtotal	**$22,955,394.00**
Water-Sewer Operations	
Salaries & Wages	$850,000.00
Other Expenses	$2,650,000.00
Social Security	$50,000.00
PERS	$553,000.00
Subtotal	**$4,103,000.00**
TOTAL BUDGET	**$27,058,394.00**

2. That said emergency temporary appropriations will be provided for in the 2026 Calendar Year Budget; and

3. That one (1) certified copy of this resolution be filed with the Director of the Division of Government Service

SO RESOLVED as aforesaid.

RECORDED VOTE: R-3-2026-071						
COUNCIL	**MOTION**	**SECOND**	**AYE**	**NAY**	**ABSTAIN**	**ABSENT**
Councilwoman Cohen	X		X			
Councilman Dipierro				X		
Councilman VanDzura		X	X			
Council V. Pres. Markel			X			
Council President Siegel			X			

R-3-2026-072 **RESOLUTION AUTHORIZING THE PURCHASE OF EARTH LIFT MOBILE COLUMN LIFTS FROM HOFFMAN SERVICES, INC. USING THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY (ESCNJ) COOPERATIVE PURCHASING PROGRAM FOR THE MONROE TOWNSHIP DEPARTMENT OF PUBLIC WORKS.** ($66,098.00)

WHEREAS, the Monroe Township Department of Public Works has the need to purchase Steril-Koni Earth Lift Mobile Column Lifts which are needed to enhance the ability for vehicle maintenance repairs done by their Vehicle Maintenance Division; and

WHEREAS, the State Approved Educational Services Commission of New Jersey (ESCNJ) Cooperative Purchasing Program (Cooperative 65MCESCCPS) has awarded a contract for grounds equipment under its contract number ESCNJ 24/25-14, from ***Hoffman Services, Inc., 55-57 East Bigelow Street, Newark, NJ 07114*** for the purchase as follows:

Steril-Koni ST1085-2FRA Earth Lift Mobile Column Lifts	-	**$63,198.00**
Custom Covers for Steril-Koni ST1085 Mobile Column Lifts	-	**$2,900.00**
TOTAL COST		**$66,098.00**; and

WHEREAS, it is required by law that any "state contract" purchase which exceeds the bid threshold of the Township ($40,000.00) in aggregate, be authorized by the governing body; and

WHEREAS, the total amount for this equipment exceeds the Township's bid threshold in aggregate; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.4, the Township Chief Financial Officer has determined that sufficient funds are available, as set forth in Certificate No. C-260042, a copy of which is attached hereto as Exhibit "A"; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey as follows:

(1) Authorizes the Department of Public Works to purchase said equipment from Hoffman Services, Inc. using the Educational Services Commission of New Jersey (ESCNJ) Cooperative Purchasing Program contract 24/25-14; and

(2) The Township Chief Financial Officer is hereby authorized and directed to pay invoices for said equipment delivered by Hoffman Services, Inc., respectively; and

(3) The contracts are awarded through the Educational Services Commission of New Jersey (ESCNJ) Cooperative Purchasing Program (Cooperative 65MCESCCPS) are considered fair and open contract in accordance with the Local Public Contracts Law, as well as being exempt from public bidding by the Township.

SO RESOLVED, as aforesaid.

RECORDED VOTE: R-3-2026-072						
COUNCIL	**MOTION**	**SECOND**	**AYE**	**NAY**	**ABSTAIN**	**ABSENT**
Councilwoman Cohen	X		X			
Councilman Dipierro				X		
Councilman VanDzura		X	X			
Council V. President Markel			X			
Council President Siegel			X			

R-3-2026-073 **RESOLUTION OF THE MONROE TOWNSHIP COUNCIL AUTHORIZING THE PURCHASE OF UPGRADED SECURITY SURVEILLANCE VIDEO EQUIPMENT FROM SHI INTERNATIONAL CORP. USING THE BERGEN COUNTY (NJCPA) STATE APPROVED COOPERATIVE PURCHASING PROGRAM #CK04 FOR THE TOWNSHIP OF MONROE UTILITY DEPARTMENT ("M.T.U.D.").** ($57,201.70)

WHEREAS, Monroe Township Utility Department has the need to purchase security surveillance video equipment including licensing and hardware; and

WHEREAS, the state approved NJCPA has awarded Contract #BC-BID-24-38 – "Security Surveillance" to SHI International Corp.; and

WHEREAS, the Township of Monroe has been a member of the NJCPA since April of 2022; and

WHEREAS, SHI International Corp. has submitted a proposal based on contract pricing dated December 25, 2025 in the amount of $57,201.70, a copy of which is attached hereto as Exhibit B; and

WHEREAS, it is required by law that any like commodity purchase which exceeds the bid threshold of the Township ($53,000.00) in aggregate, be authorized by the governing body; and

WHEREAS, pursuant to N.J.A.C. 5:30-5.4, the Township Chief Municipal Finance Officer has certified availability of funds in Certificate No. M-260016 copy of which is attached hereto as Exhibit "A"; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey as follows:

(1) Authorizes the Township to enter into a contract for the required purchase of Upgraded security surveillance video equipment with SHI International Corp. based on the proposal provided, using the state approved Bergen County (NJCPA) Cooperative Purchasing Program #CK04, Subcontract #24-38; and

(2) The Township Chief Municipal Finance Officer is hereby authorized and directed to pay invoices for said services provided by SHI International Corp.; and

(3) The contract is awarded through this Cooperative Purchasing Program is considered fair and open contract in accordance with the Local Public Contracts Law, as well as being exempt from public bidding by the Township.

(4) The award is subject to SHI International Corp. providing a valid certificate of insurance naming the Township of Monroe additionally insured for this project.

SO RESOLVED, as aforesaid.

RECORDED VOTE: R-3-2026-073						
COUNCIL	**MOTION**	**SECOND**	**AYE**	**NAY**	**ABSTAIN**	**ABSENT**
Councilwoman Cohen	X		X			
Councilman Dipierro				X		
Councilman VanDzura		X	X			
Council V. President Markel			X			
Council President Siegel			X			

R-3-2026-074 **RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH THE WATERSHED INSTITUTE FOR THE CREATION OF A REGIONAL WATERSHED MANAGEMENT PLAN.** (not to exceed $48,980)

WHEREAS, all municipalities within the State, including the Township of Monroe, Middlesex County, are required by the 2023 Municipal Separate Storm Sewer System (MS4) permit to develop a Watershed Improvement Plan (WIP) to reduce flooding, reduce water pollution, meet the pollution reduction goals in Total Maximum Daily Loads and achieve designated uses for waterways within each municipality; and

WHEREAS, the Department of Environmental Protection encourages municipalities to coordinate with their neighboring municipalities and to develop the Watershed Improvement plans on a regional basis; and

WHEREAS, the proposed watershed management plan would study the current status of water quality in the Upper Millstone River Watershed and its tributaries; develop a matrix of best management practices (stormwater management systems) to address the water pollution impairments and flooding; and identify potential locations, projects and costs within the watershed to reduce water pollution and reduce flooding; and

WHEREAS, the proposed agreement would allow the Township of Monroe to work collaboratively with the other municipalities of the Upper Millstone River Watershed, and help the municipality meet many of the obligations of the MS4 permit to develop the WIP; and

WHEREAS, it is anticipated that a regional approach for the Upper Millstone River Watershed will reduce costs in development and implementation of the Watershed Improvement Plan by using a watershed based approach, rather than each municipality performing independent studies and project development; and

WHEREAS, Monroe Township, through its professionals, has been engaging with the Upper Millstone River Watershed work group organized by The Watershed Institute beginning in June 2025 to discuss stormwater management, flooding and water pollution issues; and

WHEREAS, The Watershed Institute secured proposals from two consultants to develop the watershed management plan for the Upper Millstone River for a total cost ranging between $227,186.09 (without water quality monitoring) and $313,186.09 (with water quality monitoring); and

WHEREAS, The cost of the plan is anticipated to be divided proportionally amongst eleven participating municipalities based upon the amount of impervious cover each municipalities have within the watershed. The allocation of cost would be adjusted as a result of the number of municipalities participating in the plan.

WHEREAS, the Township has a need to acquire the services to be provided hereunder as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5; and

WHEREAS, The Watershed Institute has or will provide a Business Entity Registration, Insurance Certificate and other required documents, including a Business Entity Disclosure Certification, which certifies that TWI and its employees, principals and agents have not made any reportable contributions to a political or candidate committee in the Township within the previous one (1) year and that the contract will prohibit TWI from making any reportable contributions through the term of the contract; and

WHEREAS, it has been determined that the value of these services over the course of the contract is anticipated to not exceed $48,980.00 (which includes a 20% contingency); and

WHEREAS, The New Jersey Local Public Contracts Law N.J.S.A. 40A:11-1 et seq authorizes the award of a contract as "professional services" without competitive bidding; and

WHEREAS, funds have previously been budgeted for this Watershed Management Plan, and the Township Chief Financial Officer has determined that sufficient funds are available, as set forth in Certificate No. C-2600043, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the term of this contract shall be for twelve (12) months.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Monroe, as follows:

1. The Mayor and Township Clerk are hereby authorized and directed to execute an Agreement with The Watershed Institute to prepare the Upper Millstone River Watershed Management Plan for a total amount not to exceed $48,980.00 which is the Township of Monroe's portion, without further approval from the Township Council.

2. A copy of this Resolution, the proposal, Pay-to-Play Forms, the agreement between municipalities, and contract will be kept on file in the Office of the Township Clerk.

3. A notice of this action shall be published as required by law.

SO RESOLVED, as aforesaid.

RECORDED VOTE: R-3-2026-074						
COUNCIL	**MOTION**	**SECOND**	**AYE**	**NAY**	**ABSTAIN**	**ABSENT**
Councilwoman Cohen	**X**		**X**			
Councilman Dipierro				**X**		
Councilman VanDzura		**X**	**X**			
Council V. President Markel			**X**			
Council President Siegel			**X**			

R-3-2026-075 **RESOLUTION AUTHORIZING BUDGET APPROPRIATION RESERVE TRANSFERS.**

WHEREAS, there are certain 2025 budget appropriation reserves of the Township of Monroe which may be insufficient to meet the requirements of the Township's affairs; and

WHEREAS, there are certain other budget appropriation reserves where there are unexpended balances which will not be used for such purposes; and

WHEREAS, Revised Statutes 40A:4-59 provides for the transfer from such accounts that have unexpended balances to those accounts which have deficiencies;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe that the transfers itemized below are hereby authorized among the following 2025 accounts:

CURRENT FUND TRANSFER FROM	**TRANSFER AMOUNT**
Division of Assessments S&W	$ 20,000.00
Division of Planning S&W	$10,000.00
Police S&W	$40,000.00
Senior Services OE	$30,000.00
TOTAL CURRENT FUND:	**$ 100,000.00**
TRANSFER TO:	**AMOUNT:**
Streets and Roads OE	$ 100,000.00
TOTAL CURRENT FUND:	**$100,000.00**

RECORDED VOTE: R-3-2026-075						
COUNCIL	**MOTION**	**SECOND**	**AYE**	**NAY**	**ABSTAIN**	**ABSENT**
Councilwoman Cohen	X		X			
Councilman Dipierro				X		
Councilman VanDzura		X	X			
Council V. President Markel			X			
Council President Siegel			X			

UPON MOTION made by Councilwoman Cohen and seconded by Councilman Van Dzura, the following Resolutions were removed from **CONSENT AGENDA** to be considered separately:

R-3-2026-057 **RESOLUTION AUTHORIZING THE AWARD OF CONTRACT TO POWER SAWS OF AMERICA (t/a RKD TREE SERVICES) FOR MONROE TOWNSHIP SHADE TREE SERVICES.** (per unit pricing)

WHEREAS, on February 12, 2026 two (2) sealed bids were received by Monroe Township for Shade Tree Services; and

WHEREAS, the Monroe Township Qualified Purchasing Agent (QPA) recommends, by copy of letter dated February 17, 2026, a copy of which is attached hereto, that the Shade Tree Services contract be awarded to **Power Saws of America (t/a RKD Tree Services)** 32 Forman Road Millstone Twp., N.J. 08535 at the unit pricing as provided by the bidder, and as shown on the attached schedule of rates; and

WHEREAS, the Township Council has reviewed the recommendation made by the Business Administrator regarding said bid and finds same to be reasonable; and

WHEREAS, the Certified Municipal Finance Officer has determined that sufficient funds are available, as set forth in Certificate No. C-2600041, a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, no contract that is subject to the requirements of the Affirmative Action Regulations pursuant to N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27 et seq. shall be awarded by the Township of Monroe, nor shall any monies be paid there under, to any contractor, subcontractor of business firm that has not agreed and guaranteed to comply with Affirmative Action Regulations and to afford equal opportunity in the performance of the contract in accordance with the affirmative action plan approved under the terms established in the above cited regulations;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey that it has rendered its advice and hereby consents to the award of a one (1) year contract effective March 3, 2026, for Monroe Township Shade Tree Services at the unit pricing provided by the bidder, said contract expiring March 2, 2027, with the provision authorizing the QPA to extend for two (2) additional one (1) year periods with the consent of the bidder; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute a contract with **Power Saws of America (t/a RKD Tree Services) per unit pricing;** and

BE IT FURTHER RESOLVED that the Certified Municipal Finance Officer is hereby authorized and directed to pay **Power Saws of America (t/a RKD Tree Services**) in accordance with the contract entered into between the parties; and

BE IT FURTHER RESOLVED that the contract is awarded with the stipulation that **Power Saws of America (t/a RKD Tree Services)** shall comply with Affirmative Action Regulations, including revising their contracts as necessary to add mandatory affirmative action language, and submitting either a letter of federal approval or a certificate of employee information report, or a completed form AA302 at the time the signed contracts are returned to the Township of Monroe, or seven (7) days thereafter, or risk being declared non-responsive and forfeiting the award.

SO RESOLVED, as aforesaid.

RECORDED VOTE: R-3-2026-057						
COUNCIL	**MOTION**	**SECOND**	**AYE**	**NAY**	**ABSTAIN**	**ABSENT**
Councilwoman Cohen	X		X			
Councilman Dipierro					X	
Councilman VanDzura		X	X			
Council V. President Markel			X			
Council President Siegel			X			

R-3-2026-059 RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENTS.

WHEREAS, the Tax Collector for the Township of Monroe has recommended refunds for tax overpayments in the amount of Seventeen Thousand Four Hundred Seventy-Six Dollars and Thirty-One Cents ($17,476.31) as described on Schedule A attached hereto; and

WHEREAS, good cause has been shown.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Township Council of the Township of Monroe in the County of Middlesex and State of New Jersey that the Township's Municipal Tax Collector is hereby authorized to cancel the applicable taxes and the Municipal Finance Officer is hereby directed to draw a check from the General Account refunding the Tax overpayments described above to be distributed as set forth on the attached Schedule A.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to the Tax Assessor, Tax Collector and Chief Financial Officer; and

SO RESOLVED, as aforesaid.

RECORDED VOTE: R-3-2026-059						
COUNCIL	**MOTION**	**SECOND**	**AYE**	**NAY**	**ABSTAIN**	**ABSENT**
Councilwoman Cohen	**X**		**X**			
Councilman Dipierro				**X**		
Councilman VanDzura		**X**	**X**			
Council V. President Markel			**X**			
Council President Siegel			**X**			

Administrator's Report – Administrator McGowan thanked Council for their support regarding the Housing Element Fair Share Plan noting that Mayor Dalina's efforts were constitutional in minimizing the Township's impact.

Engineer's Report – Engineer Rasimowicz reported that work has moved indoors at James Monroe Park due to the weather.

Reported that the work on the pickleball courts at the Senior Center is delayed because of the weather.

Council's Reports –

<u>Councilman Dipierro</u> –

- Shared that softball and baseball signups are ongoing for those who may be interested in signing up.
- Thanked all for their efforts in taking care of the Township during the snowstorms.
- Inquired as to the status of the water tank painting on 522; Administrator McGowan answered that the scaffolding has gone up and the prep work has begun.
- Inquired as to when the trench work would be completed; Administrator McGowan answered that it should be done by the end of the month.
- Inquired as to when and if there was a schedule yet set for the budget workshops; Administrator McGowan answered that there will be a full budget presentation at the April meeting with the adoption at the May meeting.

<u>Councilman Van Dzura</u> –

- Thanked all for their efforts in taking care of the Township during the snowstorms.

<u>Councilwoman Cohen</u> –

- Thanked all for their efforts in taking care of the Township during the snowstorms.
- Invited to attend Read Across America week in Mill Lake School.

<u>Council Vice-President Markel</u> –

- Thanked all for their efforts in taking care of the Township during the snowstorms.
- Shared that earlier in the week he presented Township resident Bernice Miller a Mayoral Proclamation for her 103rd birthday.
- Participating in Read Across America at Applegarth School.
- Asked for all to keep our troops in our hearts and pray for their safe return.

<u>Council President Siegel</u> –

- Thanked all for their efforts in taking care of the Township during the snowstorms.

Township Clerk Christine Robbins shared that effective after March 1, 2026, the complete text of each legal notice for the Township of Monroe may be obtained or viewed by the public on the official internet website www.monroetwp.com. In addition, a hyperlink will be provided no later than March 1, 2026 by the Secretary of State to the legal notice webpage for each public entity in the State of New Jersey. The aforementioned is in accordance with P.L. 2025, c.72.

The rabies clinic will be held on March 7th from 9:00am to 2:00pm at the Recreation Center for those interested in attending.

Mayor's Report – Mayor Dalina read aloud a letter thanking all for their hard work and efforts during the snowstorms.

Announced the Rabies Clinic will be held on March 7th from 9:00am – 2:00pm at the Recreation Center.

Makersfest will be held on Saturday, March 21st from 11:00am – 4:00pm at the Library.

The Annual Easter Egg Hunt will be held on March 28th beginning at 10:00am at the Recreation Center.

Reported that World War II Veteran and Township resident Sy Lippur has passed away just shy of his 100th birthday.

UPON MOTION made by Council Vice-President Markel and seconded by Councilwoman Cohen, the **PUBLIC COMMENTS** portion of the Meeting was opened. All were in favor, none opposed.

Public Comments -

<u>Michelle Kohler, 27 Pine Valley Ln.</u> – Ms. Kohler shared that she was attending tonight's meeting representing approximately 20 residents who once utilized the bus service going to Jersey City but since Covid the bus service has stopped, and they would like to see it restarted. Administrator McGowan commented that he had reached out to NJ Transit, and they confirmed that the bus service was cancelled that runs to Jersey City, but he can ask for a reevaluation to see if they will consider bringing it back. Ms. Kohler asked how long that would take to which Administrator McGowan responded that he would relay the residents concerns and push to try and get a timely response.

<u>Sangeetha Goli, 14 Continental Ct.</u> – Ms. Goli shared the need for a bus service to Jersey City; Administrator McGowan responded that the Township will be happy to advocate for the residents but unfortunately has no say in whether or not it happens.

<u>Gyaneshwar Sadamastula, 283 Morning Glory Dr.</u> – Mr. Sadamastula thanked the Council for having the JCP&L representatives at the last meeting and went on to say that he did some research of his own regarding the cost of replacing the fixtures.

Mr. Sadamastula stated that he attended the Board of Education meeting last month asking them about the Superintendent investigation that has been ongoing and he has not received a public response but instead a private response via email that does not address any of the concerns or questions he has. He suggested the Mayor and Council speak with the Board of Education to have them move the investigation along more quickly.

Mr. Sadamastula commented pressure the Township is facing to comply with the affordable housing regulations required by the State and suggested that the Township put that same amount of pressure on the State in regards to education aid needed.

Lastly, Mr. Sadamastula mentioned that at the last meeting he shared his concern with a road bump near the area of Butcher Road and Jessica Drive making it a hazardous roadway to travel; Engineer Rasimowicz responded that he will follow up with the County.

<u>Julia Munsinger, 23 Ingram Dr.</u> – Ms. Munsinger shared her desire to see the bus service to Jersey City reinstated. Ms. Munsinger noted that she did call NJ Transit and Coach as well and they did convey there was no plan to reinstate that bus stop but she asked if the Township could pass along the concerns shared by the residents this evening to them in hopes they will change their minds and reinstate the service.

George Gunkelman, 5 Kelly Ct. – Mr. Gunkelman inquired about work being done by a developer prior to having inspections done; Attorney Brown responded that at the time the work was being done the developer was informed that they were doing it at their own risk. Mr. Gunkelman commented that it does not sit right with him, noting that the only way to tell if it was done correctly is to dig it up and he knows realistically that will not happen. He went on to say that the work being done is not supervised by the Township and then becomes a Township liability and a bigger effort needs to be done to ensure that the work is being done correctly.

JoLynn Moloughney, Municipal Policy Specialist for the Watershed Institute – Ms. Moloughney thanked the Township for their commitment to the Watershed Institute.

Michelle Arminio, 9 Nathaniel St. – Mrs. Arminio thanked the Council for R-3-2026-067 regarding the Watershed as this is a very positive thing we have done.

Mrs. Arminio asked for an explanation on R-3-2026-064; Administrator McGowan answered that this $645,000 was fully funded by an Ordinance which was meant for a water main project to be done at the 613 tank which was then cancelled and the money reallocated.

Mrs. Arminio asked if bioxide was being used for sewer or potable water; Administrator McGowan explained that this is for odor and corrosion control.

Lastly, Mrs. Arminio asked for an explanation on R-3-2026-071 regarding the temporary budget appropriations, specifically noting the landfill tipping fees; CFO Lori Olah explained that landfill tipping fees are what we pay when we drop at the dump and has nothing to do with the BFI landfill. Mrs. Arminio asked for an explanation on what ‘temporary appropriation’ means, to which CFO Lori Olah explained that when we do the temporary budget it is 35% of what our total budget is and anything additional is considered an emergency which is then added to the temporary until the official budget is adopted. She went on to explain that this temporary emergency appropriation is standard and allows us to get through until we formally adopt our budget in May.

UPON MOTION made by Councilman Dipierro and seconded by Council Vice-President Markel, the **PUBLIC COMMENTS** portion of the Meeting was closed. All were in favor, none opposed.

UPON MOTION made by Councilwoman Cohen and seconded by Councilman Dipierro, the Regular Meeting was Adjourned at 8:28pm.

ROLL CALL:	Councilwoman Miriam Cohen	Aye
	Councilman Charles Dipierro	Aye
	Councilman Terence Van Dzura	Aye
	Council Vice-President Michael Markel	Aye
	Council President Rupa P. Siegel	Aye

Christine Robbins
CHRISTINE ROBBINS, Township Clerk

Rupa P. Siegel
RUPA P. SIEGEL, Council President

Minutes were adopted on April 6, 2026.