MONTGOMERY TOWNSHIP COMMITTEE
REGULAR MEETING MINUTES
THURSDAY, MARCH 5, 2026
7:00 P.M.

The Regular Meeting of the Township Committee of the Township of Montgomery was called to order by Mayor Singh at 7:01 p.m.

ROLL CALL: The following were present: Mayor, Neena Singh; Deputy Mayor, Vince Barragan; Committee Member, Patricia Taylor Todd, Esq.; Committee Member, Dennis Ahn; Committee Member, Mike Martin

ABSENT: None

Also present were: Township Administrator, Lori Savron; Township Clerk, Lisa Fania; Township Attorney, Wendy Rubinstein Quiroga

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MEETING NOTICE: Mayor Singh noted that adequate notice of the meeting was provided on January 12, 2026 to the Courier News and the Star Ledger, posted on the municipal bulletin board, and filed with the Township Clerk.

SALUTE TO THE FLAG: Mayor Singh led the Pledge of Allegiance.

PRESENTATION –- Pedestrian and Road Projects Update

Lauren Wasilauski, Township Open Space and Stewardship Director and **Mark Herrmann**, Township Engineer provided a power point presentation on the status of Pedestrian and Road Projects that included the following:

- Master Planning Pedestrian Connectivity
  *2024 completion of the portion of the pathway extending from Otto Kaufman Community Center to Route 601
  *First segment, 2-mile pathway (Skillman & Burnt Hill Road) completed in 2021 (outer loop to Skillman Park)
  *2023 completion of segment in front of the municipal building, connects Orchard Road across Route 206 to Bridgepoint Road
- Pedestrian/Road Project Process (involved steps)
- Route 206 Connection progress update
  *Sidewalk connection Orchard Road to Village Drive
  *Approximately ¾ mile
  *West side of 206
  *Connection for southern neighborhoods to walk to municipal center and library
  *Connection for Orchard Road/Bridgepoint Road residents to walk to retail destinations
  *Project Status – finalizing concept; meeting with NJDOT to discuss concept, permitting, stormwater management
  *Funding: $3M 2024 infrastructure improvement grant; other grant opportunities
- Orchard Road – Pedestrian, Bicycle and Roadway Project Progress Update
  *Connects municipal center to Burnt Hill Road
  *Expands on previous pedestrian connectivity – Orchard Road (Phase 1, 2023); Skillman Road (Phases 1 and 2, 2021 and 2024)
  *Sidewalk proposed on south side of Orchard Road with pedestrian safety enhancements at crosswalks
  *Proposed road reconstruction and widening
  *Project Status – feasibility study complete
  *Next Steps – land survey of project areas; public information session

*Funding: 2026-2028 Engineering Department capital budget requests; NJDOT Municipal Aid 2026 grant award: $537,522; 2027 and 2028 to be determined
*Connectivity – Orchard to Opossum; Opossum to Lilac; Lilac to Burnt Hill

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PRESENTATION –- Solar Panels by Talva Energy

Adam Taylor, President, Talva Energy gave a power point presentation on Montgomery Township Solar Energy Strategy for Remote Net Metering ("RNM") Ground and Carport that included the following:

- Talva Solar Experience
- Goals for Montgomery Township
- RNM Ground and Carport at Municipal Offices
- Explanation of RNM and benefits
- Financial Structure and Impact
- End-of-Term Options
- PSE&G Distribution Circuit Overview and Proposed Solar Array
- Timeline & Next Steps
- Conclusion

Following the presentation, the following members of the public spoke:

Greg Kaganowicz, a long-time Montgomery resident and member of the committee that designed the municipal building, expressed disappointment for the presentation provided regarding the size and scope of the huge array of ground mounted solar panels that could be potentially located in open space.

It was the consensus of the Committee that an updated presentation be provided with more comprehensive options.

UPDATE - Department of Corrections State Lands

Lauren Wasilauski, Township Open Space and Stewardship Director provided an update on the status of the potential acquisition of property owned by the State of New Jersey, the largest acquisition of property by the Township, that included the following:

- Acquisition Process
- Where we are in the acquisition process –
  - Review by Open Space Committee, Township Committee
  - Due diligence (pre-appraisal checklist, information gathering)
- Map depicting overview of history of the Department of Corrections Lands (395 acres)
  - Part of former North Princeton Developmental Center ("NPDC")
  - Former Brook View Dairy (ceased operations in 2009)
- Aerial Map of the property
- Department of Corrections Lands – 2 parcels –
  - Route 601 Property – 188 acres; wraps around Montgomery High School; Rock Brook flows along south border
  - Burnt Hill/Orchard Road Property – 207 acres; confluence of Rock Brook and Bedens Brook; Skillman Village wastewater treatment plan; NPDC "hilltop" cemetery

- Funding Process - Partner: Green Acres
- Potential Exception Areas
- Burnt Hill Road Property
- Pre-appraisal checklist map
- Next steps
    - Submit pre-appraisal checklist to Green Acres
    - Green Acres issues "appraisal authorization"
    - Township can contract with appraisers from Green Acres-approved list
    - State Historic Preservation Office has requested more information on buildings

Following the presentation, the following members of the public spoke:

Clem Fiori, member of the Open Space Committee, shared that the Open Space Committee has concerns about the advanced stage of a conceptual commitment for uses other than open space. C. Fiori spoke on the importance of linkages specifically with regard to the Rock Brook stream corridor, a very special part of master planning for open space. C. Fiori explained that the Open Space Committee considers an additional criteria when exploring potential open space, a statewide plan known as "Change," which is a plan devoted to linking habitat corridors throughout the state and that the most endangered part of this plan and linkages is "here in the Piedmont area of the Sourlands Mountains Preserve." C. Fiori commented on the impact of the placement of a YMCA and/or Public Works in terms of the potential interruption of connectivity of preserved open space and corridors and traffic. C. Fiori asked that the Open Space Committee be offered "a little more input into the discussion" going forward.

At this time, Committee Member Ahn commented on the arduous efforts of Township staff and officials for a very long time in the acquisition of this property and extended sincere gratitude.

Reed Chapman, a resident of Montgomery Township, spoke on the history of preservation throughout the years; commented on the importance of the preservation of the Rock Brook greenway, an essential connection between the Township's parks and animal habitats in one acquisition; voiced support for the acquisition but expressed concern for the proposed uses; commented on the importance of generating public support through transparency and community engagement; and commented on other properties throughout the municipality.

Devra Keenan, a resident of Montgomery, commented that the current property is owned by the state, protected by legislation; and that the state has not paid any property taxes. D. Keenan continued that since the property is protected by legislation the Township should take into consideration taking its time and request that the property be donated to the Township. D. Keenan added that if the state wants to sell land, the law requires it to be put up for auction. D. Keenan commented that the YMCA is a religious organization and that the Township "would be taking private lands and giving it to a religious organization" if located here. D. Keenan also commented that previous discussions considered locating the DPW at the former municipal building site.

At this time, Mayor Singh responded that the Township is exploring acquisition options including a land donation.

Attorney Rubinstein Quiroga added that this is the first step in a very layered acquisition process.

PRESENTATION –- Finance Update

Michael Pitts, Township Chief Financial Officer, gave a power point presentation that included the following:

- 1st Quarter Property Tax Bills
  Due: 2/1/2026 – grace period ending 2/10/2026

- 2nd Quarter Property Tax Bills
  Due 5/1/2026 – grade period ending 5/11/2026

  Taxes considered received when they arrive at the tax office; not postmarked dates
  Tax Collector is statutorily not permitted to waive interest

- State & Federal Income Tax Assistance
  Somerset County Office of Volunteer Services partnering with AARP to offer free tax counseling services for older adults, residents with disabilities and lower-income residents; appointments available at Otto Kaufmann Community Center; to register: 908-541-5710
  Senior Freeze/Anchor/Stay NJ – new in 2025, single combined application, deadline 10/31/2025; website: www.nj.gov/treasury/taxation/relief.shtml
  Senior Freeze information: 1-800-882-6597
  Finance Department does not administer the Senior Freeze or other State tax relief programs

- Property Tax Collection Year-to-date through February 28

- Condensed Revenue Report Year-to-date through February 28
  Taxes
  Interest on Investments
  Fees & Permits
  Burglar Alarm Fees
  Municipal Court Fines
  Cable Franchise Fee
  Interest & Cost of Taxes
  Construction Code Fees/Permits
  Cell Tower Leases
  Delinquent Taxes
  Shared Services
  Miscellaneous Revenues

- Grants – January 1, 2026 to February 28, 2026

- Budget Transfers
  Funds can be transferred between prior year appropriations in the first three months of the fiscal year
  Transfers are allowed from unexpended, unencumbered reserves from the previous year
  Transfers are not allowed from certain appropriations (e.g., contingencies, capital improvements, debt service

- Annual Debt Statement
  Ensures transparency regarding a local government's debt levels and assists in determining its capacity to incur additional debt

- Appropriation Ordinance
  2.5% appropriation cap
    Inside the cap: salary and wages; operating expenses
    Outside the cap: debt service, capital expenditures, reserve for uncollected, emergency appropriations; grant appropriations, library funding, shared service expenses, judgments
    2.5% cap relates only to "inside the cap"

  3.5% Appropriations cap
    Does not indicate the tax rate will increase by 3.5%
    Only means that if truly needed, the Township would be able to increase the inside the cap appropriations to 3.5% of the prior year's inside the cap appropriations
    If 3.5% cap ordinance is adopted and the inside cap appropriations are not increased by 3.5%, the state allows the Township to carry over or bank for up to two years, the difference between the final appropriation subject to the cap and 3.5%

- Budget Process
  Budget Refresher
  Budget Requests
  Department Meetings
  Assessor Valuation
  Budget & Finance Committee Meetings
  Budget Introduction
  Advertisement
  Budget Hearing
  Budget Adoption

- Budget Outlook
  Health Insurance 18% increase
  Liability Insurance 6% increase
  Police Pensions 10.2% increase
  Electricity 15% increase
  Debt 3% increase

CONSENT AGENDA

Mayor Singh asked for a motion to adopt the Consent Agenda, Resolutions #26-3-90 to Resolution #26-3-94.
Motion by Deputy Mayor Barragan seconded by Taylor Todd
ROLL CALL
AYES: Martin, Ahn, Taylor Todd, Deputy Mayor Barragan, Mayor Singh
NOES: None
ABSTAIN: None
ABSENT: None

RESOLUTION #26-3-90

AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE FOR STREET OPENING PERMIT 25-R-22 – 121 SAXON WAY (BLOCK 16012, LOT 1.04)

WHEREAS, the Township Engineer, has recommended the release of a cash performance guarantee to Stephen Schepel because all work has been satisfactorily completed with respect to a street opening permit at Block 16012, Lot 1.04.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey that the cash performance guarantee in the amount of $665.00 be released to Stephen Schepel, 121 Saxon Way, Skillman, Block 16012, Lot 1.04.

RESOLUTION #26-3-91

AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE (BLOCK 37003, LOT 2.04)

WHEREAS, the Township received payment for the redemption of Tax Sale Certificate #25-00021 in the amount of $3,055.21.

BE IT RESOLVED that a refund in the amount of $3,055.21 be given to Pro Cap 8, LLC, Pro Cap 8 FBO Firstrust Bank, P.O. Box 774, Fort Washington, PA 19034-0774 for the Redemption of Tax Sale Certificate #25-00021 for Block 37003, Lot 2.04.

Tax Lien Redemption

Certificate Amount	$1,084.70
Redemption Penalty	$ 21.69
Subsequent Charges	$ 843.51
Interest	$ 38.31
Recording Fees	$ 55.00
Search Fees	$ 12.00
PREMIUM	$1,000.00
TOTAL	$3,055.21

RESOLUTION #26-3-92

AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE (BLOCK 37002, LOT 5.101)

WHEREAS, the Township received payment for the redemption of Tax Sale Certificate #25-00017 in the amount of $7,462.55.

BE IT RESOLVED that a refund in the amount of $7,462.55 be given to Ram Tax Lien Fund II LP, RTLF-NJ II, LLC, 4450 Cedar Glen Ct, Moorpark, CA 93021 for the redemption of Tax Sale Certificate #25-00017 on Block 37002 Lot 5.101.

Tax Lien Redemption

Certificate Amount	$2,675.79
Redemption Penalty	$ 53.52
Subsequent Charges	$2,400.60
Interest	$ 165.64
Recording Fee	$ 55.00
Search Fee	$ 12.00
PREMIUM	$2,100.00
TOTAL	$7,462.55

RESOLUTION #26-3-93

AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE (BLOCK 37002, LOT 38)

WHEREAS, the Township received payment for the redemption of Tax Sale Certificate #25-00018 in the amount of $2,277.63.

BE IT RESOLVED that a refund in the amount of $2,277.63 be given to Pro Cap 8, LLC, Pro Cap 8 FBO Firstrust Bank, P.O. Box 774, Fort Washington, PA 19034-0774 for the Redemption of Tax Sale Certificate #25-00018 for Block 37002, Lot 38.

Tax Lien Redemption

Certificate Amount	$1,186.89
Redemption Penalty	$ 23.74
Recording Fees	$ 55.00
Search Fees	$ 12.00
PREMIUM	$1,000.00
TOTAL	$2,277.63

RESOLUTION #26-3-94

AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE (BLOCK 37001, LOT 4.05)

WHEREAS the Township received payment for the redemption of Tax Sale Certificate #25-00014 in the amount of $3,298.08.

BE IT RESOLVED that a refund in the amount of $3,298.08 be given to Pro Cap 8, LLC, Pro Cap 8 FBO Firstrust Bank, P.O. Box 774, Fort Washington, PA 19034-0774 for the Redemption of Tax Sale Certificate #25-00014 for Block 37001, Lot 4.05.

Tax Lien Redemption

Certificate Amount	$1,152.82
Redemption Penalty	$ 23.06
Subsequent Charges	$1,004.48
Interest	$ 50.72
Recording Fees	$ 55.00
Search Fees	$ 12.00

PREMIUM	$1,000.00
TOTAL	$3,298.08

APPROVAL OF MINUTES

Deputy Mayor Barragan moved to approve the Regular Meeting Minutes of February 19, 2026, seconded by Taylor Todd and carried unanimously.

Deputy Mayor Barragan moved to approve the Executive Session Meeting Minutes of February 19, 2026 seconded by Taylor Todd and carried unanimously.

Resolution #26-3-95. Read by title.
Mayor Singh asked for a motion to adopt Resolution #26-3-95.
Motion by Deputy Mayor Barragan, seconded by Taylor Todd
ROLL CALL
AYES: Martin, Ahn, Taylor Todd, Deputy Mayor Barragan, Mayor Singh
NOES: None
ABSTAIN: None
ABSENT: None

RESOLUTION #26-3-95

PAYMENT OF BILLS

WHEREAS, the Township Committee of the Township of Montgomery has received bills to be paid as listed; and

WHEREAS, the Chief Financial Officer and the Township Administrator have reviewed these bills and have certified that these bills represent goods and/or services received by the Township, that these are authorized and budgeted expenditures and that sufficient funds are available to pay these bills.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset as follows:

1. That these bills are hereby authorized for payment; and
2. That checks in the proper amounts are prepared and that necessary bookkeeping entries are made; and
3. That the proper Township Officials are authorized to sign the checks.

TOWNSHIP COMMITTEE REPORTS

Committee Member Martin extended congratulations to the Montgomery High School boys basketball team as they head to the final championship this Friday against Hillsborough. Committee Member Martin reported that the Rev250 Committee is working on ideas and more information to follow and also reported on a meeting of the Environmental Commission announcing the Spring Clean Up event April 18 from 9:00 a.m. to 11:00 a.m. at Mill Pond Park and the Earth Day Recycling Event May 3 from 11:00 a.m. to 2:00 p.m. also at Mill Pond Park. Committee Member Martin continued that he will be participating in Read Across America tomorrow reading to Orchard Hill Elementary first graders.

Committee Member Ahn voiced support for the Montgomery High School boys basketball team and encouraged attendance Friday at Hillsborough. Committee Member Ahn reported that the new Chair of the Economic Development Committee is Vaishali Patel, a soon-to-be local business owner in Montgomery Promenade and that the new Zoning Officer/Business Advocate will be starting shortly. Committee Member Ahn also shared that the Montgomery Food Pantry and Somerset County Food Bank Network recently held a successful ribbon cutting event.

Committee Member Taylor Todd reported no updates for her committees but that the Health Department is displaying a giant inflatable colon this evening in the lobby in recognition of March being Colorectal Cancer Awareness Month.

Deputy Mayor Barragan spoke on the importance of colon cancer screening even for young adults. Deputy Mayor Barragan reported on a meeting of the Veterans Memorial Committee advising that discussion is underway for the planning of the annual Memorial Day ceremony; that the Landmarks Commission did not meet; and that budget discussions are in process with the Budget and Finance Committee weekly.

Mayor Singh reported that the February 23rd Planning Board meeting was cancelled due to the snow storm and rescheduled for March. Mayor Singh extended gratitude to staff at the Public Works, Recreation and Sewer departments for all of their assistance with cleanup ensuring our community remains safe. Mayor Singh continued that there are no updates from her committees but that she and Lori also participated in Read Across America at Orchard Hill Elementary reading to first graders. Mayor Singh reported on attending meetings at the High School and Upper and Lower Middle Schools on the "Hope Squad," a collaborative initiative with the schools and the Health Department made possible through a $10,000 Mayor's Wellness Campaign grant. Mayor Singh explained that the program consists of peer-to-peer engagement where student advisors help to create a culture of kindness, inclusivity and hope. Mayor Singh also extended wishes for all those who celebrate Holi.

ADMINISTRATOR'S REPORT

Administrator Savron briefly recapped the history behind the regional watershed management plan with municipalities of the Lower Millstone River Watershed and spoke of permit approval delays at NJDEP causing significant detrimental impact to the plan. Administrator Savron continued that while attending the recent Watershed Conference, Township Engineer, Mark Herrmann spoke to an NJDEP representative about the issues and the disconnect between the department regulating mandates and the department regulating funding. Administrator Savron added that M. Herrmann has requested a meeting within the next two weeks with DEP officials to meet with the Township. Administrator Savron further commented, "…very proud that he is yet again showing how he is a champion and a leader in his municipal engineering field."

Administrator Savron reported on a meeting of the Rev250 Committee advising on discussion of the possibility of hosting the parade as part of the Township's Fourth of July Fireworks event, Thursday, June 25 with a march beginning at 7:00 p.m. in front of the mobile stage area with spectator viewing from the grass field.

STATEMENT – AFFORDABLE HOUSING

Township Attorney, Wendy Rubinstein Quiroga, reiterated that the public hearing on the Township's Housing Element and Fair Share Plan was rescheduled for the March 9 Planning Board meeting. Attorney Rubinstein Quiroga informed Committee Members that the Program Judge, Judge Miller, issued his recommendation to the County-level Mount Laurel Judge, Judge Mennen, indicating that there was not a consensus reached to the different objections and that the next step is to go through a fairness hearing on the new housing plan before issuing an order.

PUBLIC COMMENT

The following members of the public spoke during public comment:

Devra Keenan, a resident of Montgomery, asked for clarification on the actual date of the parade and when the parade budget will be shared with the public.

During Public Comment, Administrator Savron explained that the date for the parade is moving in the direction of the date of the fireworks and at this time is for informational purposes for the Township Committee. Deputy Mayor Barragan explained that there were initial assessments on costs for two events and thus the reason for consolidation. Deputy Mayor Barragan commented that the budget should be able to be provided at the next meeting.

ORDINANCES – INTRODUCTION/FIRST READING

Mayor Singh read by title Ordinance #26-1774.

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY, SOMERSET COUNTY, NEW JERSEY TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS PROVIDING FOR A 3.5% "CAP" FOR THE 2026 BUDGET AND TO ESTABLISH A CAP BANK PURSUANT TO *N.J.S.A* 40A:4-45.14

Mayor Singh asked for a motion to introduce Ordinance #26-1774 on first consideration.
Motion by Deputy Mayor Barragan, seconded by Taylor Todd
ROLL CALL
AYES: Martin, Ahn, Taylor Todd, Deputy Mayor Barragan, Mayor Singh
NOES: None
ABSTAIN: None
ABSENT: None

First reading and public hearing date March 19, 2026.

ORDINANCES – PUBLIC HEARING/FINAL ADOPTION

Mayor Singh read by title Ordinance #26-1771.

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY REPEALING AND REPLACING CHAPTER 15, "AFFORDABLE HOUSING"

Mayor Singh asked for a motion to open the public hearing.
Motion by Deputy Mayor Barragan, seconded by Taylor Todd
Motion carried unanimously

There was no public comment.

Mayor Singh asked for a motion to close the public hearing and adopt the ordinance #26-1771 on final consideration same to be published according to law.

ROLL CALL
AYES: Martin, Ahn, Taylor Todd, Deputy Mayor Barragan, Mayor Singh
NOES: None
ABSTAIN: None
ABSENT: **None**
ORDINANCE ADOPTED

Ordinance advertised February 25, 2026 in the Courier News. Posted on Municipal bulletin board as required by law.

ORDINANCE #26-1771

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY REPEALING AND REPLACING CHAPTER 15, "AFFORDABLE HOUSING"

WHEREAS, the New Jersey Supreme Court and New Jersey Legislature have recognized and mandated in So. Burl. Co. NAACP v. Mount Laurel, 92 N.J. 158 (1983) ("Mount Laurel II") and the Fair Housing Act, N.J.S.A. 52:27D-301, et seq. ("FHA") that every municipality in New Jersey has an affirmative obligation to facilitate the provision of low-and moderate-income housing; and

WHEREAS, the Township Committee of the Township of Montgomery is desirous of ensuring the proper implementation of the Fair Housing Act and associated rules through the adoption of affordable housing regulations; and

WHEREAS, the Township of Montgomery seeks to implement laws and policies established by the New Jersey Supreme Court in consistent with the provisions of P.L 2024, c. 2, the amended Fair Housing Act, at N.J.S.A. 52:27D-301 et seq., as well as the New Jersey Department of Community Affairs, Division of Local Planning Services at N.J.A.C. 5:99, et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing at N.J.A.C. 5:93-1 and N.J.A.C 5:97-1, the Uniform Housing Affordability Controls 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; and

WHEREAS, the Mayor and Township Committee recognize the need to adopt provisions for affordable housing within the Township Municipal Code of the Township of Montgomery to implement the Fourth Round Housing Element and Fair Share Plan; and

WHEREAS, the Township Committee formally refers this Ordinance to the Planning Board for examination, discussion, and recommendations in accordance with N.J.S.A. 40:55D-26 for consistency with the adopted Master Plan; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Montgomery, in the County of Somerset and the State of New Jersey, as follows:

SECTION 1. Chapter 15, "Affordable Housing", of the Township Code is hereby repealed in its entirety and replaced with the following:

Section 15-1 Short Title

This chapter of the Code of the Township of Montgomery shall be known as the "Affordable Housing Ordinance of the Township of Montgomery."

Section 15-2 Introduction & Applicability

1. This chapter of the Township Code sets forth regulations regarding the very low-, low- and moderate-income housing units in the Township of Montgomery consistent with the provisions outlined in P.L 2024, Chapter 2, including the amended Fair Housing Act ("FHA") at N.J.S.A. 52:27D-301 et seq., as well as the Department of Community Affairs, Division of Local Planning Services ("LPS") at N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing ("COAH") at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls ("UHAC") at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted municipal Fourth Round Housing Element and Fair Share Plan ("HEFSP").
2. This chapter 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 chapter shall apply to all inclusionary developments, individual affordable units, and 100% affordable housing developments except where inconsistent with applicable law. Low-Income Housing Tax Credit financed developments shall adhere to the provisions set forth below in item 5.c. below.
3. The Township of Montgomery Planning Board has adopted an HPE/FSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan describes the ways the municipality shall address its fair share of very low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element.
4. This chapter implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of P.L 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented.
5. Applicability
    a. The provisions of this chapter shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created pursuant to the municipality's most recently adopted HEFSP.
    b. This chapter shall apply to all developments that contain very low-, low- and moderate-income housing units included in the Municipal HEFSP, including any unanticipated future developments that will provide very low-, low- and moderate-income housing units.
    c. Projects receiving federal Low Income Housing Tax Credit financing and are proposed for credit shall comply with the low/moderate split and bedroom distribution requirements, maximum initial rents and sales prices requirements, affirmative fair marketing requirements of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year compliance period plus a 15-year extended-use period, for a total of not less than 45 years.

Section 15-3 Definitions
As used herein the following terms shall have the following meanings:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“FHA” means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.
“Green Building Strategies” means the strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

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

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

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

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

“Inclusionary development” means a residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of low- and moderate- income households.
“Judgment of compliance” or “judgment for repose” means a determination issued by the Superior Court approving a municipality’s fair share plan to satisfy its affordable housing obligation for a particular 10-year-round.

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

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

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

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

“Moderate-income household” means a household with a household income in excess of 50 percent but less than 80 percent of the regional median income.
“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

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

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

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

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

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

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

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

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

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

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

“Non-residential development” means:

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

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

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

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

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

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

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

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

“Person with a disability” means a person with a physical disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, aging, or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, the inability to speak or a speech impairment, or physical reliance on a service animal, wheelchair, or other remedial appliance or device.
“Price differential” means the difference between the controlled sale price of a restricted unit and the contract price at the exit sale of the unit, determined as of the date of a proposed contract of sale for the unit. If there is no proposed contract of sale, the price differential is the difference between the controlled sale price of a restricted unit and the appraised value of the unit as if it were not subject to UHAC, determined as of the date of the appraisal. If the controlled sale price exceeds the contract price or, in the absence of a contract price, the appraised value, the price differential is zero dollars.

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

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

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

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

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

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

“Reconstruction” means any project where the extent and nature of the work is such that the work area cannot be occupied while the work is in progress and where a new certificate of occupancy is required before the work area can be reoccupied, pursuant to the Rehabilitation Subcode of the uniform Construction Code, N.J.A.C. 5:23-6. Reconstruction shall not include projects comprised only of floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy of the work area is not permitted.
“Recreational facilities and community centers” means any indoor or outdoor buildings, spaces, structures, or improvements intended for active or passive recreation, including, but not limited to, ballfields, meeting halls, and classrooms, accommodating either organized or informal activity.

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

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

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

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

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

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

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

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

“Supportive housing household” means a very low-, low- or moderate-income household certified as income eligible by an administrative agent in accordance with N.J.A.C. 5:80-26.14, in which at least one member is an individual who requires supportive services to maintain housing stability and independent living and who is part of a population identified by federal or state statute, regulation, or program guidance as eligible for supportive or special needs housing. Such populations include, but are not limited to: persons with intellectual or developmental disabilities, persons with serious mental illness, person with head injuries (as defined in Section 2 of P.L. 1977), persons with physical disabilities or chronic health conditions, persons who are homeless as defined by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 578, survivors of domestic violence, youth aging out of foster care, and other special needs populations recognized under programs administered by the U.S. Department of Housing and Urban Development, the Low-Income Housing Tax Credit Program, the McKinney–Vento Act, or the New Jersey Department of Human Services. A supportive housing household may include family members, unrelated individuals, or live-in aides, provided that the household meets the income eligibility requirements of this subchapter, except that in the case of unrelated individuals not operating as a family unit, income eligibility shall be tested on an individual basis rather than in the aggregate; the unit is leased or sold subject to the affordability controls established herein; and the supportive services available to the household are designed to promote housing stability, independent living, and community integration. The determination of whether unrelated individuals are operating as a family unit shall be made based on the applicant’s self-identification of household members on the affordable housing application.

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

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

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

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

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

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

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

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

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

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

"Veteran" means a veteran as defined at N.J.S.A. 54:4-8.10.
"Veterans' preference" means the agreement between a municipality and a developer or residential development owner that allows for low- to moderate-income veterans to be given preference for up to 50 percent of rental units in relevant projects, as provided for at N.J.S.A. 52:27D-311.j.

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

Section 15-4 Monitoring and Reporting Requirements

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

Section 15-5 New Construction (per N.J.A.C. 5:93 as may be updated per various sections in N.J.A.C. 5:97 and N.J.S.A. 52:27D-301 et seq.). Per the definition of "New Construction," this section governs the creation of new affordable housing units regardless of the means by which the units are created. Newly constructed units may include new residences constructed or created through other means.

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

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

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

    a. Design of 100 percent affordable developments:
        i. Restricted units must meet the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
        ii. Each bedroom in each restricted unit must have at least one window.
        iii. Restricted units must include adequate air conditioning and heating.
    b. Design of developments comprising market-rate rental units and restricted rental units. The following does not apply to prior round units, unless stated otherwise.
        i. Restricted units must use the same building materials and architectural design elements (for example, plumbing, insulation, or siding) as market-rate units of the same unit type (for example, flat or townhome) within the same development, except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
        ii. Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations.
        iii. Restricted units may not be physically clustered so as to segregate restricted and market-rate units within the same development or within the same building, but must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services. Prior round affordable units shall be integrated with market rate units to the extent feasible.
        iv. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.

v. Restricted units must include adequate air conditioning and heating and must use the same type of cooling and heating sources as market-rate units of the same unit type. This shall apply to prior round units.
vi. Each bedroom in each restricted unit must have at least one window.
vii. Restricted units must be of the same unit type as market-rate units within the same building.
viii. Restricted units and bedrooms must be no less than 90 percent of the minimum size prescribed by the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.

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

4. Utilities.

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

5. Low/moderate split and bedroom distribution.

a. Affordable units shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
b. In each affordable housing development, at least 50% of the restricted units within each bedroom distribution rounded up to the nearest whole number shall be very low- or low-income units.

c. Within rental developments, of the total number of affordable rental units, at least 13%, rounded up to the nearest whole number, shall be affordable to very low-income households. The very low-income units shall be distributed across all bedroom counts as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count, and counted as part of the required number of low-income units within the development.
d. Affordable housing developments that are not age-restricted or supportive housing shall be structured such that:
   i. At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;
   ii. Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;
   iii. The combined number of efficiency and one-bedroom units shall be no greater than 20%, rounded down, of the total number of low- and moderate-income units.
   iv. At least 30% of all low- and moderate-income units, rounded up shall be two-bedroom units.
   v. At least 20% of all low- and moderate-income units, rounded up shall be three-bedroom units.
   vi. The remaining units may be allocated among two- and three- bedroom units at the discretion of the developer.
e. Affordable housing developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangements, shall be structured such that, at a minimum, the number of bedrooms shall equal the number of age-restricted or supportive housing low- and moderate-income units within the inclusionary development. Supportive housing units whose sponsoring program determines the unit arrangement shall comply with all requirements of the sponsoring program. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit. In affordable housing developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must comprise at least 5% of those restricted units.

6. Accessibility requirements.
   a. Any new construction shall be adaptable; however, elevators shall not be required in any building or within any dwelling unit for the purpose of compliance with this section. In buildings without elevator service, only ground floor dwelling units shall be required to be constructed to conform with the technical design standards of the barrier free subcode. "Ground floor" means the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.
   b. Notwithstanding the exemption for townhouse dwelling units in the barrier free subcode, the first floor of all townhouse dwelling units and of all other multifloor dwelling units that are attached to at least one other dwelling unit shall be subject to the technical design standards of the barrier free subcode and shall include the following features:
      i. An adaptable toilet and bathing facility on the first floor;
      ii. An adaptable kitchen on the first floor;
      iii. An interior accessible route of travel however an interior accessible route of travel shall not be required between stories;
      iv. An adaptable room that can be used as a bedroom, with a door, or the casing for the installation of a door that is compliant with the Barrier Free Subcode, on the first floor;
      v. If not all of the foregoing requirements in b.i. through b.iv. can be satisfied, then an interior accessible route of travel shall be provided between stories within an individual unit; and
      vi. An accessible entranceway as set forth in P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the municipality has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:

(a) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
(b) To this end, the builder of restricted units shall deposit funds within the Township of Montgomery's 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 Township's 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.

Section 15-6 Affordable Housing Programs

1. Pursuant to amended UHAC regulations at N.J.A.C. 5:80-26.1 et seq. and, in addition, pursuant to P.L. 2024, c.2 and specifically to the amended FHA at N.J.S.A. 52:27D-311.m, "All parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to P.L. 2024, c.2, or binding court decisions." The following are many of the main provisions of the COAH regulations at either N.J.A.C. 5:93 or 5:97 that have been upheld by the NJ Supreme Court. Municipalities should consult the cited full COAH regulations when preparing the HEFSP for required documentation, etc. Additional compliance details may also be included in the specific municipal program manual.

2. Rehabilitation Programs (per N.J.A.C. 5:93-5.2 with updated provisions herein per N.J.A.C. 5:97-6.2 related to credit towards a municipal present need obligation).

   a. The rehabilitation program shall be designed to renovate deficient housing units occupied or intended to be occupied by very low-, low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28-1.1 et seq or the Rehabilitation Subcode, N.J.A.C. 5:23-6 to the extent applicable.
   b. Both ownership and rental units shall be eligible for rehabilitation funds.
   c. All rehabilitated units shall remain affordable to very low-, low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units, the control period shall be enforced with a mortgage and note and for renter-occupied units the control period will be enforced with a deed restriction.
   d. The municipality shall dedicate a minimum average hard cost of $10,000 for each unit to be rehabilitated through this program and in addition shall dedicate associated rehabilitation program soft costs such as case management, inspection fees and work write-ups.
   e. The municipality shall designate, subject to the approval of the Department, one or more Administrative Agents to administer the rehabilitation program in accordance with P.L 2024, Chapter 2. The Administrative Agent(s) shall provide rehabilitation manuals for ownership and rental rehabilitation programs. Manuals shall be adopted by resolution of the governing body. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and on the municipal affordable housing web page.

f. Households determined to be very low-, low-, or moderate-income may participate in a rehabilitation program. Rehabilitated units shall be exempt from the very low-income requirements, low/mod split, and bedroom distribution requirements of UHAC, but shall be administered in accordance with the following:
   i. If a unit is vacant at the time of rehabilitation, or if a rehabilitated unit becomes vacant and is re-rented before the expiration of the affordability controls, the deed restriction shall require that the unit be rented to a low- or moderate-income household at an affordable rent.
   ii. If a rental unit is occupied by a tenant at the time rehabilitation is completed, the rent charged after rehabilitation shall not exceed the lesser of the tenant's current rent or the maximum rent permitted under UHAC.
   iii. Rents in rehabilitated units may increase annually based on the standards in UHAC.
   iv. At the time of application, applicant households and/or tenant households shall be subject to income eligibility determinations in accordance with UHAC.

3. Extension of Controls Program (for ownership units per N.J.A.C. 5:97-6.14 and UHAC at N.J.A.C. 5:80-26.6(h) through (k) and (m); and for rental units per N.J.A.C. 5:97-6.14 and N.J.A.C. 5:80-26.12(h) through (k)).
   a. An extension of affordability controls program is established to maintain and extend the affordability of deed restricted units scheduled to come out of their affordability control period, subject to N.J.A.C. 5:97-6.14 and UHAC, including the following:
      i. The affordable unit meets the criteria for prior cycle (April 1, 1980 - December 15, 1986) or post December 15, 1986 credits set forth in N.J.A.C. 5:97.
      ii. The affordability controls for the unit are scheduled to expire in the current round; or in the next round of housing obligations if the municipal election to extend controls is made no earlier than one year before the end of the current round;
      iii. The municipality shall obtain a continuing certificate of occupancy or a certified statement from the municipal building inspector stating that the restricted unit meets all code standards.
      iv. If a unit requires repair and/or rehabilitation work in order to receive a continuing certificate of occupancy or certified statement from the municipal building inspector, the municipality shall fund and complete the work.
      v. The municipality shall adhere to the process for extending controls pursuant to UHAC for extending ownership units and rental units, either inclusionary or 100% affordable developments.
      vi. The deed restriction for the extended control period shall be filed with the County Clerk.

4. Assisted Living Residence (per N.J.A.C. 5:97-6.11).
   a. An assisted living residence is a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to assure that assisted living services are available. All or a designated number of apartments in the facility shall be restricted to low- and moderate-income households.
   b. The unit of credit shall be the apartment. However, a two-bedroom apartment shall be eligible for two units of credit if it is restricted to two unrelated individuals.
   c. A recipient of a Medicaid waiver shall automatically qualify as a low- or moderate-income household.
   d. Assisted living units are considered age-restricted housing in a HEFSP and shall be included with the maximum number of units that may be age-restricted.
   e. Low- and moderate-income residents cannot be charged any upfront fees.
   f. The units shall comply with UHAC with the following exceptions:
      i. Affirmative marketing (N.J.A.C. 5:80-26.16); provided that the units are restricted to recipients of Medicaid waivers;
      ii. The deed restriction may be on the facility, rather than individual apartments or rooms;

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

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

5. Supportive Housing and Group Homes (per N.J.A.C. 5:97-6.10).
   a. The following provisions shall apply to group homes, residential health care facilities, and supportive shared living housing:
      i. Units are subject to Affirmative Marketing requirements, household certification, and administrative agent oversight; and may, with the approval of the municipal housing liaison and the administrative agent, be leased either by the bedroom or to a single household in the case of multi-bedroom configurations, provided such arrangement is consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968).
      ii. Units may, with the approval of the administrative agent, be subject to a master lease by an approved supportive housing operator, provided that all subleases are to be certified supportive housing households and remain fully subject to the affordability controls of this subchapter. Rents for supportive housing units shall not exceed the rent standards established and published by the New Jersey Department of Human Services.
      iii. The unit of credit shall be the bedroom. However, the unit of credit shall be the unit if occupied by a single person or household.
      iv. Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.
      v. Occupancy shall not be restricted to youth under 18 years of age.
      vi. In affordable developments with 20 or more restricted units that are supportive housing, two-bedroom units must compose at least five percent of those restricted units.
      vii. The bedrooms and/or units shall comply with UHAC with the following exceptions:
         (a) Affirmative marketing; however, group homes, residential health care facilities, permanent supportive housing, and supportive shared living housing shall be affirmatively marketed to broadest possible population of qualified individuals with special needs in accordance with a plan approved by the sponsoring program;
         (b) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).
      viii. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with the Act. In the event that a supportive housing provider is unable to record or execute a long-term deed restriction, the units shall be subject to annual recertification by the Municipal Housing Liaison to confirm continued occupancy and compliance with this Section.
      ix. Objective standards shall be applied in the selection of tenants for supportive housing units and shall be designed to ensure that individuals are not excluded in an arbitrary or capricious manner.
      x. The following documentation shall be submitted by the sponsor to the municipality prior to marketing the completed units or facility:
         (a) An Affirmative Marketing Plan in accordance with a.1. above; and

(b) If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency in accordance with the requirements of this section, which includes validation of the number of bedrooms or units in which low- or moderate-income occupants reside.

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

Section 15-7 Regional Income Limits.

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

Section 15-8 Maximum Initial Rents and Sales Prices.

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

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

    a. A studio or efficiency unit shall be affordable to a one-person household;
    b. A one-bedroom unit shall be affordable to a one and one-half person household;
    c. A two-bedroom unit shall be affordable to a three-person household;
    d. A three-bedroom unit shall be affordable to a four and one-half person household; and
    e. A four-bedroom unit shall be affordable to a six-person household.

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

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

9. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the FreddieMac 30-Year Fixed Rate-Mortgage rate of interest), property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 30 percent of the eligible monthly income of the appropriate size household as determined pursuant to N.J.A.C. 5:80-26.7, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.
10. The initial rent for a restricted rental unit shall be calculated so that the total monthly housing expense, including an allowance for tenant-paid utilities, does not exceed 30 percent of the gross monthly income of a household of the appropriate size whose income is targeted to the applicable percentage of median income for the unit, as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented. The rent shall also comply with the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented. The initial rent for a restricted rental unit shall be calculated so the eligible monthly housing expenses/income, including an allowance for tenant-paid utilities does not exceed 30 percent of gross income of and the appropriate household size as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented.
11. At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, following proper notice provided to the occupant household pursuant to N.J.S.A. 2A:18-61.1.f, the rent may be increased to an amount commensurate with the annual percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), specifically U.S. Bureau of Labor Statistics Series CUUR0100SAH, titled "Housing in Northeast urban, all urban consumers, not seasonally adjusted." Rent increases for units constructed pursuant to Low-Income Housing Tax Credit regulations shall be indexed pursuant to the regulations governing Low-Income Housing Tax Credits.

Section 15-9 Affirmative Marketing.

1. The municipality shall adopt, by resolution, an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
2. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all

marketing activities toward Housing Region 3 and is required to be followed throughout the period of deed restriction.

3. The Affirmative Marketing Plan provides the following preferences, provided that units that remain unoccupied after these preferences are exhausted may be offered to households without regard to these preferences.
    a. Where the municipality has entered into an agreement with a developer or residential development owner to provide a preference for very-low-,low-, and moderate-income veterans who served in time of war or other emergency, pursuant to N.J.S.A. 52:27D-311.j, there shall be a preference for veterans for up to 50 percent of the restricted rental units in a particular project.
    b. There shall be a regional preference for all households that live and/or work in Housing Region 3 comprising Hunterdon, Somerset, and Middlesex Counties.
    c. Subordinate to the regional preference, there shall be a preference for households that live and/or work in New Jersey.
    d. With respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or to restricted units newly created to replace existing restricted units undergoing demolition, a preference for the very-low-, low-, and moderate-income households that are displaced by the rehabilitation or demolition and replacement.
4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Process, including the marketing of initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the municipality shall implement the Affirmative Marketing Process to ensure the Affirmative Marketing of all affordable units, with the exception of affordable programs that are exempt from Affirmative Marketing as noted herein.
5. The Affirmative Marketing Process shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Process, the Administrative Agent shall consider the use of language translations where appropriate.
6. Applications for affordable housing or notices thereof, if offered online, shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and municipal library in the municipality in which the units are located; and the developer's rental or sales office. The developer shall mail applications to prospective applicants upon request and shall make applications available through a secure online website address.
7. In addition to other Affirmative Marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units on the New Jersey Housing Resource Center website. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph. The Administrative Agent shall provide specific notice of the availability of affordable housing units in Montgomery Township, and copies of the application forms, to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, and the New Brunswick, Plainfield Area, Perth Amboy, and Metuchen/Edison branches of the NAACP.
8. In implementing the Affirmative Marketing Process, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
9. The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
10. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Township of Montgomery.

Section 15-10 Selection of Occupants of Affordable Housing Units.

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

Section 15-11 Occupancy Standards.

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

Section 15-12 Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80- 26.6, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years subject to the requirements of N.J.A.C. 5:80-26.6, as may be amended and supplemented.
2. Rehabilitated housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years (crediting towards present need only).
3. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit. The date of commencement shall be identified in the deed restriction.
4. If existing affordability controls are being extended, the extended control period for a restricted ownership unit commences on the effective date of the extension, which is the end of the original control period.
5. After the end of any control period, the restricted ownership unit remains subject to the affordability controls set forth in this subchapter until the owner gives notice of their intent to make an exit sale, at which point:
   a. If the municipality exercises the right to extend the affordability controls on the unit, no exit sale occurs and a new control period commences; or
   b. If the municipality does not exercise the right to extend the affordability controls on the unit, the affordability controls terminate following the exit sale.
6. Prior to the issuance of any building permit for the construction/rehabilitation of restricted ownership units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
7. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
8. At the time of the initial sale of the unit and upon each successive price-restricted sale, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obliging the purchaser, as well as the purchaser's heirs, successors, and assigns, to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this chapter, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

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

Section 15-13 Price Restrictions for Restricted Ownership Units and Resale Prices.

1. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.7, as may be amended and supplemented, including:
   a. The initial purchase price and affordability percentage for a restricted ownership unit shall be set by the Administrative Agent.
   b. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the standards set forth in N.J.A.C 5:80-26.7.
      i. If the resale occurs prior to the one-year anniversary of the date on which title to the unit was transferred to a certified household, the maximum resale price for a is the most recent non-exempt purchase price.
      ii. If the resale occurs on or after such anniversary date, the maximum resale price is the most recent non-exempt purchase price increased to reflect the cumulative annual percentage increases to the regional median income, effective as of the same date as the regional median income calculated pursuant to N.J.A.C. 5:80-26.3
   c. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be:
      i. those that render the unit suitable for a larger household or the addition of a bathroom.
      ii. The maximum resale price may be further increased by an amount up to the cumulative dollar value of approved capital improvements made after the last non-exempt sale for improvements and/or upgrades to the unit, excluding capital improvements paid for by the entity favored on the recapture note and recapture lien described at N.J.A.C. 5:80-26.6(d);
   d. No increase for capital improvements is permitted if the maximum resale price prior to adjusting for capital improvements already exceeds whatever initial purchase price the unit would have if it were being offered for purchase for the first time at the initial affordability percentage. All adjustments for capital improvements are subject to 10-year, straight-line depreciation.

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

Section 15-14 Buyer Income Eligibility.

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

2. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the municipality, and subject to the Division's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit. Similarly, the administrative agent may permit low-income purchasers to buy very-low-income units in housing markets where, as determined by the Division, units are reserved for very-low-income purchasers, but there is an insufficient number of very-low-income purchasers to permit prompt occupancy of the units. In such instances, the purchased unit must be maintained as a very-low-income unit and sold at a very-low-income price point such that on the next resale the unit will still be affordable to very-low-income households and able to be purchased by a very-low-income household. A very-low-income unit that is seeking bonus credit pursuant to N.J.S.A. 52:27D-311.k(9) must first be advertised exclusively as a very-low-income unit according to the Affirmative Marketing requirements at N.J.A.C. 5:80-26.16, then advertised as a very-low-income or low-income unit for at least 30 additional days prior to referring any low-income household to the unit.
3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
4. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 35 percent of the household's eligible monthly income; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
    a. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for housing expenses, and the proposed housing expenses will reduce its housing costs;
    b. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for housing expenses in the past and has proven its ability to pay; or
    c. The household is currently in substandard or overcrowded living conditions;
    d. The household documents the existence of assets, within the asset limitation otherwise applicable, with which the household proposes to supplement the rent payments

Section 15-15 Limitations on Indebtedness Secured by Ownership Unit; Subordination.

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

Section 15-16 Control Periods for Restricted Rental Units.

1. Control periods for units that meet the definition of prior round units shall be pursuant to the 2001 UHAC rules originally adopted October 1, 2001, 33 N.J.R. 3432, and amended December 20, 2004, 36 N.J.R. 5713 and shall remain subject to the requirements of this ordinance for a period of at least 30 years as applicable unless otherwise indicated.
2. Other than for prior round units, control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 40 years. Restricted rental units created as part of developments receiving 9% Low-Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period for a total of 45 years.
3. The affordability control period for a restricted rental unit shall commence on the first date that a unit is issued a certificate of occupancy following the execution of the deed restriction or, if affordability controls are being extended, on the effective date of the extension, which is the end of the original control period.
4. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years.
5. Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
6. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property. The deed restriction shall be recorded by the developer with the county records office, and provided as filed and recorded, to the Administrative Agent within 30 days of the receipt of a certificate of occupancy.
7. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
    a. Sublease or assignment of the lease of the unit;
    b. Sale or other voluntary transfer of the ownership of the unit;
    c. The entry and enforcement of any judgment of foreclosure on the property containing the unit; or
    d. The end of the control period, until the occupant household vacates the unit, or is certified as over-income and the controls are released in accordance with UHAC.

Section 15-17 Rent Restrictions for Rental Units; Leases and Fees.

1. The initial rent for a restricted rental unit shall be set by the Administrative Agent.
2. A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be retained on file by the Administrative Agent.
3. No additional fees, operating costs, or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
    a. Operating costs, for the purposes of this section, include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory utility submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household.
4. Any fee structure that would remove or limit affordable unit occupant access to any amenities or services that are required or included for market-rate unit occupants is prohibited. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

5. Fees for unit-specific, non-communal items that are charged to market-rate unit tenants on an optional basis, such as pet fees for tenants with pets, storage spaces, bicycle-share programs, or one-time rentals of party or media rooms, may also be charged to affordable unit tenants, if applicable.
6. Pet fees may not exceed $30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.
7. Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.
8. For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with 5:80-26.13(c)1, may continue until the occupant household's current lease term expires or that occupant household vacates the unit, whichever occurs later.

Section 15-18 Tenant Income Eligibility.

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

Section 15-19 Municipal Housing Liaison.

1. The Municipal Housing Liaison shall be approved by municipal resolution.
2. The Municipal Housing Liaison shall be approved by the Division, or is in the process of getting approval, and fully or conditionally meets the requirements for qualifications, including initial and periodic training as set forth in in N.J.A.C. 5:99-1 et seq.
3. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program, including the following responsibilities, which may not be contracted out to the Administrative Agent:
   a. Serving as the primary point of contact for all inquiries from the Affordable Housing Dispute Resolution Program, the State, affordable housing providers, administrative agents and interested households.

b. The oversight of the Affirmative Marketing Plan and affordability controls.
c. When applicable, overseeing and monitoring any contracting Administrative Agent.
d. Overseeing the monitoring of the status of all restricted units listed in the Fair Share Plan.
e. Verifying, certifying and providing annual information within AHMS at such time and in such form as required by the Division.
f. Coordinating meetings with affordable housing providers and administrative agents, as needed.
g. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division.
h. Overseeing the recording of a preliminary instrument in the form set forth at N.J.A.C. 5:80-26.1 for each affordable housing development.
i. Coordinating with the Administrative Agent, municipal attorney and municipal Construction Code Official to ensure that permits are not issued unless the document required in 3.h. above has been duly recorded.
j. Listing on the municipal website contact information for the MHL and Administrative Agents.

Section 15-20 Administrative Agent.

4. 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.
5. The fees for administrative agents shall be paid as follows:
   a. Administrative agent fees related to rental units shall be paid by the developer/owner.
   b. Administrative agent fees related to initial sale of units shall be paid by the developer.
   c. Administrative agent fees related to resales shall be paid by the seller of the affordable home.
   d. Administrative agent fees related to ongoing administration and enforcement shall be paid by the municipality.
6. 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.
7. 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:
   a. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;
   b. Affirmative marketing:
      i. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the municipality and the provisions of N.J.A.C. 5:80-26.16.
      ii. Providing counseling, or contracting to provide counseling services, to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements; and landlord/tenant law.
   c. Household certification.
      i. Soliciting, scheduling, conducting and following up on interviews with interested households.
      ii. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
      iii. Providing written notification to each applicant as to the determination of eligibility or non-eligibility within 5 days of the determination thereof.
      iv. Requiring that all certified applicants for restricted units execute a certificate substantially in the 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.

d. Affordability controls.
i. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for the recording at the time of conveyance of title of each restricted unit.
ii. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and filed properly with the County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit in accordance with UHAC.
iii. Communicating with lenders and the Municipal Housing Liaison regarding foreclosures.
iv. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.

e. Records retention.
i. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded recapture mortgage, and note, as appropriate.
ii. Records received, retained, retrieved, or transmitted in furtherance of crediting affordable units of a municipality constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality.

f. Resales and re-rentals.
i. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental.
ii. Instituting and maintaining an effective means of communicating information to very low-, low-, or moderate-income households regarding the availability of restricted units for resale or re-rental.

g. Processing requests from unit owners.
i. Reviewing and approving requests from owners of restricted units who wish to refinance or take out home equity loans during the term of their ownership to determine that the amount of indebtedness to be incurred will not violate the terms of this ordinance.
ii. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems.
iii. Notifying the municipality of an owner's intent to sell a restricted unit.
iv. Making determinations on requests by owners of restricted units for hardship waivers.

h. Enforcement.
i. Securing annually from the municipality a list of all affordable ownership units for which property tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
ii. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
iii. Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;
iv. Establishing a program for diverting unlawful rent payments to the municipal Affordable Housing Trust Fund; and
v. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent setting forth procedures for administering the affordability controls.

i. The Administrative Agent(s) shall, as delegated by the municipality, have the authority to take all actions necessary and appropriate to carry out its/their responsibilities, herein.

Section 15-21 Responsibilities of The Owner of a development containing affordable units.

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

Section 15-22 Enforcement of Affordable Housing Regulations

1. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
2. After providing written notice of a violation to an owner, developer or tenant of an affordable unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
    a. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
        i. A fine of not more than $500 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.
3. The municipality shall have the authority to levy fines against the owner of the development for instances of noncompliance with NJHRC advertising requirements (N.J.S.A. 52:27D-321.6.e.(2)), following written notice to the owner. The fine for the first offense of noncompliance shall be $5,000, the fine for the second offense of noncompliance shall be $10,000, and the fine for each subsequent offense of noncompliance shall be $15,000.
4. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.
    a. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the affordable unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality , including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
    b. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- or moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for

such. Failure of the owner to claim such balance within the two year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.

c. Foreclosure due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as they apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

d. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the affordable unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the affordable unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess that would have been realized from an actual sale as previously described.

e. Failure of the low- or moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser that may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- or moderate-income unit as permitted by the regulations governing affordable housing units.

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

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

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

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

8. Appeals
    a. Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must be filed, in writing, with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's decision is a final administrative action.

Section 15-23 Development Fees.

1. Purpose
    a. This section establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with the amended Fair Housing Act (P.L.2024, c.2), N.J.A.C. 5:99, and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan.
2. Basic Requirements
    a. The municipality previously adopted a development fee ordinance, which established the Municipal Affordable Housing Trust Fund.
    b. The municipality shall not spend development fees until the court has approved a plan for spending such fees.
3. Residential Development Fees
    a. Imposed fees
        i. Within all Zoning Districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
        ii. When an increase in residential density is permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a "bonus" development fee of 6.0% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.
        Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units; and the specified higher percentage of 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.
    b. Eligible exactions, ineligible exactions and exemptions for residential development
        i. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made an eligible payment in lieu of on-site construction of affordable units, if permitted by ordinance, or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2, shall be exempt from development fees.
        ii. Developments that have received preliminary or final site plan approval prior to the adoption of this ordinance and any preceding ordinance permitting the collection of development fees shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where a site plan approval does not apply, the issuance of a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee

percentage shall be determined based upon the development fee ordinance in effect on the date that the construction permit is issued.

iii. In addition to the construction of new principal and/or accessory buildings, development fees shall be imposed and collected for the construction of additions or expansions to existing buildings, for the change or conversion of an existing building to accommodate a more-intense use, and/or for the demolition and replacement of an existing building, provided that:
   (a) The development fee shall be calculated on the increase in the equalized assessed value of the improved building.
   (b) No development fee shall be collected for a demolition and replacement of a residential building resulting from a natural disaster.
   (c) No development fee shall be collected for the construction of an "accessory structure" which is not a "building" as these terms are defined in the Montgomery Township Land Development Ordinance.

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

5. Collection Procedures
    a. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
    b. For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Non-Residential Development Certification/Exemption," to be completed by the developer as per the instructions provided in the Form N-RDF. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided on Form N-RDF. The tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
    c. The construction official responsible for the issuance of a building permit shall notify the tax assessor of the issuance of the first construction permit for a development that is subject to a development fee.
    d. Within 90 days of receipt of that notice, the tax assessor shall provide an estimate, based on the plans filed, of the equalized assessed value of the development.
    e. The construction official responsible for the issuance of a final certificate of occupancy shall notify the tax assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.
    f. Within 10 business days of a request for the scheduling of a final inspection, the tax assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
    g. Should the municipality fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).
    h. Fifty percent (50%) of the development fee shall be collected at the time of issuance of the construction permit. The remaining portion shall be collected at the time of issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the construction permit and that determined at the time of issuance of certificate of occupancy.
6. Appeal of development fees
    a. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by that board, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
    b. A developer may challenge non-residential development fees imposed by filing a challenge with the director of the Division of Taxation. Pending a review and determination by the director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the municipality. Appeals from a determination of the director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
7. Affordable Housing Trust Fund
    a. A separate, interest-bearing Municipal Affordable Housing Trust Fund shall be maintained by the chief financial officer of the municipality for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.

b. The following additional funds shall be deposited in the Municipal Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
   i. Payments in lieu of on-site construction of an affordable unit, where previously permitted by ordinance or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2;
   ii. Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
   iii. Rental income from municipally operated units;
   iv. Repayments from affordable housing program loans;
   v. Recapture funds;
   vi. Proceeds from the sale of affordable units; and
   vii. Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.

c. The municipality shall provide the Division with written authorization, in the form of a tri-party escrow agreement(s) between the municipality, the Division and the financial institution in which the municipal affordable housing trust fund has been established to permit the Division to direct the disbursement of the funds as provided for in N.J.A.C. 5:99-2.1 et seq.

d. Occurrence of any of the following deficiencies may result in the Division requiring the forfeiture of all or a portion of the funds in the municipal Affordable Housing Trust Fund:
   i. Failure to meet deadlines for information required by the Division in its review of a development fee ordinance;
   ii. Failure to commit or expend development fees within four years of the date of collection in accordance with N.J.A.C. 5:99-5.5;
   iii. Failure to comply with the requirements of the Non-Residential Development Fee Act and N.J.A.C. 5:99-3;
   iv. Failure to submit accurate monitoring reports pursuant to this subchapter within the time limits imposed by the Act, this chapter, and/or the Division;
   v. Expenditure of funds on activities not approved by the Superior Court or otherwise permitted by law;
   vi. Revocation of compliance certification or a judgment of compliance and repose;
   vii. Failure of a municipal housing liaison or administrative agent to comply with the requirements set forth at N.J.A.C. 5:99-6, 7, and 8;
   viii. Other good cause demonstrating that municipal affordable housing funds are not being used for an approved purpose.

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

8. Use of Funds
   a. The expenditure of all funds shall conform to a Spending Plan approved by Superior Court. Funds deposited in the municipal Affordable Housing Trust Fund may be used for any activity approved by the Court to address the fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; a market-to-affordable program; conversion of existing non-residential buildings to create new affordable units; green building strategies designed to be cost-saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan; and/or any other activity permitted by Superior Court and specified in the approved Spending Plan.
   b. Funds shall not be expended to reimburse the municipality or activities that occurred prior to the authorization of a municipality to collect development fees.

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

9. Monitoring
    a. On or before February 15 of each year, the municipality shall provide annual electronic data reporting of trust fund activity for the previous year from January 1st to December 31st through the AHMS Reporting System. This reporting shall include an accounting of all Municipal Affordable Housing Trust Fund activity, including the sources and amounts of all funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, previously eligible payments in lieu of constructing affordable units on site (if permitted by ordinance or by agreement with the municipality prior to the March 20, 2024 statutory elimination per P.L. 2024, c.4), funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income from municipally-owned affordable housing units, repayments from affordable housing program loans, interest and any other funds collected in connection with municipal housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.
10. Ongoing Collection of Fees
    a. The ability to impose, collect and expend development fees shall continue so long as the municipality retains authorization from the Court in the form of Compliance Certification or the good faith effort to obtain it.
    b. If the municipality fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to section 20 of P.L.1985, c.222 (C. 52:27D-320).
11. Emergent Affordable Housing Opportunities. Requests to expend affordable housing trust funds on emergent affordable housing opportunities not included in the municipal fair share plan shall be made to the Division and shall be in the form of a governing body resolution. Any request shall be consistent with N.J.A.C. 5:99-4.1.

SECTION 2. Repealer. All ordinances or Code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. Severability. If any section, subsection, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 4. Effective Date. This ordinance shall take effect upon its passage and publication, as required by law.

Mayor Singh read by title Ordinance #26-1772.

AN ORDINANCE ESTABLISHING A COMPREHENSIVE SALARY AND WAGE PLAN FOR THE TOWNSHIP OF MONTGOMERY, SOMERSET COUNTY, AND TO PROVIDE FOR ITS ADMINISTRATION IN 2026

Mayor Singh asked for a motion to open the public hearing.
Motion by Deputy Mayor Barragan, seconded by Taylor Todd
Motion carried unanimously

The following members of the public spoke during public comment:

Devra Keena, a Montgomery resident, asked why the large salary increases (53%-Mayor; 63%-Township Committee member; 84%-Deputy Mayor) for the elected officials in light of the budget constraints presented early in the meeting by CFO Pitts. D. Keenan also asked the Township Committee Member that has a property tax exemption to consider not taking a salary.

Mayor Singh responded that the Township reviewed salaries of elected officials of other similar municipalities and clarified that the annual salaries for the Montgomery Township Committee are $10,000, $9,000, and $8,000 respectfully. Mayor Singh also encouraged residents to run for office or volunteer and serve the community, as public service is an honor. Deputy Mayor Barragan commented that he has a 100% disability and an exemption from New Jersey and serves the municipality as the others. Township Attorney Rubinstein Quiroga clarified that the disability is based on determination by the Department of Veterans Affairs.

Mayor Singh asked for a motion to close the public hearing and adopt the ordinance #26-1772 on final consideration same to be published according to law.

ROLL CALL
AYES: Martin, Ahn, Taylor Todd, Deputy Mayor Barragan, Mayor Singh
NOES: None
ABSTAIN: None
ABSENT: None
ORDINANCE ADOPTED

Ordinance advertised February 25, 2026 in the Courier News. Posted on Municipal bulletin board as required by law.

ORDINANCE #26-1772

AN ORDINANCE ESTABLISHING A COMPREHENSIVE SALARY AND WAGE PLAN FOR THE TOWNSHIP OF MONTGOMERY, SOMERSET COUNTY, AND TO PROVIDE FOR ITS ADMINISTRATION IN 2026

BE IT ORDAINED, by the Township of Montgomery in the County of Somerset and the State of New Jersey, as follows:

SECTION I. For 2026, the salary and wage plan for employees not otherwise represented by a bargaining unit and certain officials of the Township of Montgomery shall be in accordance with the provisions of this ordinance as hereafter shown.

SECTION 2. The administration of the salary and wage plan as set forth in this ordinance shall be the responsibility of the Township Administrator and shall be in accordance with such rules and regulations as may be adopted from time to time by resolution of the Township Committee of the Township of Montgomery.

SECTION 3. Salaried employees not otherwise represented by a bargaining unit and officials shall receive annual rates of pay in accordance with the following schedule:

	Minimum	**Maximum**
Mayor		$ 10,000.00
Deputy Mayor		9,000.00
Township Committee Member		8,000.00
Township Prosecutor*		*in accordance
Municipal Judge*		with a shared
Public Defender*		service
Court Administrator*		agreement
Township Administrator / Planning Director	$162,181.00	231,000.00
Township Administrator	155,898.00	216,000.00
Police Chief	146,554.00	221,000.00
Chief Financial Officer / Tax Collector / QPA	152,165.00	203,000.00
Police Director	146,554.00	195,350.00
Chief Financial Officer / Tax Collector	140,944.00	188,616.00
Captain	131,693.00	174,364.00
Construction Official	101,919.00	150,000.00
Township Clerk	101,919.00	145,000.00
Chief Financial Officer	101,919.00	145,000.00
Township Engineer	101,919.00	145,000.00
Planning Director	101,919.00	145,000.00
Public Works Director	101,919.00	145,000.00
Parks and Recreation Director	101,919.00	145,000.00
Recreation Director	101,919.00	145,000.00
Director of Wastewater Operations	101,919.00	145,000.00
IT Director	101,919.00	145,000.00
Fire Marshal/Fire Official	101,919.00	145,000.00
Health Officer	101,919.00	145,000.00
Assistant Township Administrator	80,788.00	128,049.00
Assistant Township Engineer	80,788.00	128,049.00
Assistant Public Works Director	80,788.00	128,049.00
Assistant Chief Financial Officer / Deputy Tax Collector	80,788.00	128,049.00
Assistant Planning Director	80,788.00	128,049.00
Open Space & Stewardship Director	80,788.00	128,049.00
Tax Assessor	76,033.00	119,917.00

	Minimum	Maximum
Assistant Chief Financial Officer	71,834.00	118,512.00
Assistant Recreation Director	71,834.00	118,512.00
Assistant Tax Assessor	71,834.00	118,512.00
Building Maintenance Foreman	71,834.00	118,512.00
Chief Sewer Plant Operator	71,834.00	118,512.00
Parks Foreman	71,834.00	118,512.00
Roads Foreman	71,834.00	118,512.00
Payroll Manager / Pension Coordinator	71,834.00	118,512.00
Personnel Coordinator	71,834.00	118,512.00
IT Specialist	59,071.00	116,502.00
Conservation Stewardship Technician	59,071.00	97,108.00
Deputy Township Clerk	59,071.00	97,108.00
Recreation Program Coordinator	53,214.00	84,355.00

SECTION 4. Hourly employees not otherwise represented by a bargaining unit shall receive hourly rates of pay in accordance with the following schedule:

	Minimum	Maximum
Public Health Nurse	38.96	49.97
Graduate Public Health Nurse	36.99	47.62
Executive Assistant	34.54	54.26
Community Information Officer	29.04	49.80
Administrative Assistant	29.04	46.06
Executive Secretary	25.41	41.51
Secretary I	19.88	31.38
Aquatics:		
Aquatics Director	26.72	32.87
Assistant Aquatics Director	23.69	26.33
Lifeguard Supervisor	22.18	24.61
Certified Instructor	20.66	24.02
Non-Certified Instructor	17.63	23.41
Lifeguard	15.92	18.56
Summer Camp:		
Camp Director	20.26	27.69
Site Supervisor	17.63	25.13
Arts & Crafts Specialist	17.63	25.13
Trip Coordinator	17.63	25.13
Assistant Site Supervisor	16.87	24.22
Group Leader	16.12	23.31
Counselor	15.92	22.58

SECTION 5: Hourly Employees shall be compensated at appropriate overtime rates of pay for the time worked in excess of 40 hours per week.
SECTION 6: Compensatory time off for overtime worked will not be allowed.
SECTION 7: Under extraordinary circumstances, and subject to policy guidance by the Township Committee, the Township Administrator may approve compensation of employees at rates of pay outside the ranges set forth in Section 3, 4 and 5 above.
SECTION 8: Rates of pay for temporary, seasonal, occupational and other employees for whom no other method of compensation is set forth herein, shall be fixed by the Township Administrator provided that said rates of pay not exceed $65.00 per hour.

SECTION 9: Compensation for employees in collective bargaining units shall be governed by the specific provisions of agreements between said units and the Township, or in the absence of an agreement, practices in effect at the time of adoption of this ordinance.
SECTION 10: Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with the law.

Mayor Singh read by title Ordinance #26-1773.

AN ORDINANCE AMENDING SCHEDULE XXI, TRAFFIC REGULATIONS ON PRIVATE PROPERTY, OF CHAPTER VIIA, TRAFFIC SCHEDULES, SECTION 10.2 OF CHAPTER III, POLICE REGULATIONS, AND SECTION 11.3 OF CHAPTER III, POLICE REGULATIONS OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO ADD THE PRIVATE PROPERTY OF MONTGOMERY PLACE (FORMERLY KNOWN AS PIKE RUN PLAZA)

Mayor Singh asked for a motion to open the public hearing.
Motion by Deputy Mayor Barragan, seconded by Taylor Todd
Motion carried unanimously

There was no public comment.

Mayor Singh asked for a motion to close the public hearing and adopt the ordinance #26-1772 on final consideration same to be published according to law.
ROLL CALL
AYES: Martin, Taylor Todd, Deputy Mayor Barragan, Mayor Singh
NOES: None
ABSTAIN: Ahn
ABSENT: None
ORDINANCE ADOPTED

Ordinance advertised February 25, 2026 in the Courier News. Posted on Municipal bulletin board as required by law.

ORDINANCE #26-1773

AN ORDINANCE AMENDING SCHEDULE XXI, TRAFFIC REGULATIONS ON PRIVATE PROPERTY, OF CHAPTER VIIA, TRAFFIC SCHEDULES, SECTION 10.2 OF CHAPTER III, POLICE REGULATIONS, AND SECTION 11.3 OF CHAPTER III, POLICE REGULATIONS OF THE CODE OF THE TOWNSHIP OF MONTGOMERY (1984) TO ADD THE PRIVATE PROPERTY OF MONTGOMERY PLACE (FORMERLY KNOWN AS PIKE RUN PLAZA)

BE IT ORDAINED by the Township Committee of the Township of Montgomery in Somerset County, New Jersey as follows:

Section 1. Schedule XXI, Traffic Regulations on Private Property, Amended. Schedule XXI, Traffic Regulations on Private Property, of Chapter VII, Traffic, of the Code of the Township of Montgomery (1984), is amended to add the following new paragraph pertaining to Montgomery Place located at 2311 US Highway 206 (formerly known as Pike Run Plaza under the Belle Mead Planned Unit Development).

o. Property: Montgomery Place, Block 5023, Lot 2.01 (2311 US Highway 206, Belle Mead, NJ)

1. Plan. The site plan entitled "Signage and Striping Plan" for "Belle Mead PUD, Area 2, Pike Run Plaza, Block 5023, Lot 2.01, formerly Block 5016, Lots 1 & 3, Block 5023, Lots 2 & 3), Montgomery Township, Somerset County, New Jersey", prepared by Paulus, Sokolowski, and Sartor, LLC, dated 04/19/2022, with most recent revisions dated January 9, 2026, shall be maintained on file in the Office of the Township Clerk.
2. Road Descriptions. As it pertains to this Section, the following describes the unnamed driveways shown on the Plan:

Road Name	**Location Description**
Driveway 1	between County Route 630 (Belle Mead Griggstown Road) and Driveway 12
Driveway 2	between US Route 206 and Aisle 2
Driveway 3	between Delmarvia Drive and Driveway 1
Driveway 4	between Driveway 1 and Aisle 19

3. Parking

(a) General Parking: All vehicles must park in designated areas between the lines provided.
(b) Fire Zones. Fire zones are as established in Subsection **3-11.3**.
(c) Accessible Parking. Restricted parking for use by persons who have been issued special vehicle identification cards by the New Jersey Motor Vehicle Commission pursuant to the provisions of P.L. 1949, c. 280, and Section 1 of P.L. 1977, c. 202, are as established in Subsection **3-10.2**.
(d) Tow-Away Zones. Any vehicle parked or standing as to obstruct or impede a normal flow of traffic, block entrances or exit ways, no parking zones, electric car charging areas (except while charging), short term parking zones in excess of the posted timeframes, loading zones, emergency access lanes, fire lanes, fire hydrants or within 10 feet therefrom, community mailboxes, driveways, pedestrian walkways, crosswalks or within 25 feet therefrom, within 50 feet of a stop sign (excluding general parking areas), or present in any way a safety or traffic hazard may be removed by towing the vehicle at the owner's or operator's expense.

4. No Parking. No person shall park a vehicle at any time upon any of the following described streets or parts of streets.

Name of Street	**Sides**	**Location**
Driveway 1	Both	Entire Length
Driveway 2	Both	Entire Length
Driveway 3	Both	Entire Length
Driveway 4	Both	Entire Length
Drive Through	Both	Entire Length

5. Parking Time Limited. No person shall park a vehicle for longer than the time limit shown on any of the following described streets or parts of streets.

Name of Street	**Time Limit**	**Hours**	**Location**
Aisle 14	15 minutes	6:00 am – 9:00 am 4:00 pm – 6:00 pm unless otherwise posted	Where posted

6. One-way streets. The following described streets or parts of streets are hereby designated as one-way streets in the direction indicated.

Name of Street	**Direction**	**Limits**
Service Road	North	Driveway 1 to Building 2 loading dock (excludes two-way portion from loading dock to Delmarvia Drive)
Service Road	North	Maintenance Building pull off area only
Service Road	West	Delmarvia Drive to Driveway 2
Driveway 4	West	Entire Length
Drive Through	South/East	Aisle 15 to Driveway 1

7. Stop Intersections. The following intersections are hereby designated as stop intersections.

Intersection	**Location of Stop Sign**
Driveway 1 and Driveway 2	Driveway 1
Driveway 1 and County Route 630 (Belle Mead Griggstown Road)	Driveway 1
Driveway 1 and Aisle 1	Aisle 1
Driveway 1 and Aisle 2	Aisle 2
Driveway 1 and Aisle 3	Aisle 3
Driveway 1 and Aisle 4	Aisle 4
Driveway 1 and Aisle 5	Aisle 5
Driveway 1 and Aisle 6	Aisle 6
Driveway 1 and Aisle 7	Aisle 7
Driveway 1 and Aisle 8	Aisle 8
Driveway 1 and Aisle 9	Aisle 9
Driveway 1 and Aisle 10	Aisle 10
Driveway 1 and Aisle 11	Aisle 11
Driveway 1 and Aisle 15	Aisle 15
Driveway 1 and Aisle 16	Aisle 16
Driveway 1 and Aisle 17	Aisle 17
Driveway 1 and Aisle 18	Aisle 18
Driveway 2 and Route 206	Driveway 2
Driveway 2 and Service Road	Service Road
Driveway 2 and Aisle 19	Aisle 19
Driveway 2 and Aisle 13	Aisle 13
Driveway 2 and Aisle 14	Aisle 14
Driveway 3 and Service Road	1. Driveway 3, and 2. easterly approach of Service Road
Driveway 3 and Aisle 1	Aisle 1
Driveway 3 and Aisle 2	Aisle 2
Driveway 3 and Aisle 3	Aisle 3
Driveway 3 and Aisle 4	Aisle 4
Driveway 3 and Aisle 5	Aisle 5
Driveway 3 and Aisle 6	Aisle 6
Driveway 3 and Aisle 7	Aisle 7
Driveway 3 and Aisle 8	Aisle 8

Driveway 3 and Aisle 9	Aisle 9
Driveway 3 and Aisle 10	Aisle 10
Driveway 3 and Aisle 11	Aisle 11
Driveway 4 and Aisle 19	Driveway 4
Drive Through and Driveway 1	Drive Through
Service Road at Maintenance Building	Service Road (northbound approach at Maintenance Building pull off area only)
Aisle 11 and Aisle 12	Aisle 12
Aisle 11 and Aisle 13	Aisle 13
Aisle 11 and Aisle 14	Aisle 14
Aisle 15 and Aisle 19	Aisle 19
Aisle 16 and Aisle 19	Aisle 16
Aisle 17 and Aisle 19	Aisle 17
Aisle 18 and Aisle 19	Aisle 18

8. No Left Turn. No person shall make a left turn at any of the following locations.

Intersection	**Turn Prohibited**	**Times**	**Movement Prohibited**
Driveway 2 and Route 206	Left	All Times	Driveway 2 southbound onto Route 206 southbound

9. Speed Limits. The following speed limits shall be established on the following streets or parts of streets.

Name of Street	**Direction**	**Speed**	**Location**
Driveway 1	Both	15 mph	Entire Length
Driveway 2	Both	15 mph	Entire Length
Driveway 3	Both	15 mph	Entire Length

10. Mid-Block Crosswalks. The following described locations are designated as Mid-Block Crosswalks.

Road Name	**Location**
Driveway 3	Between Aisle 3 and Aisle 4
Driveway 3	Between Aisle 7 and Aisle 8
Driveway 3	Between Aisle 10 and Aisle 11

11. No-idle zone. The following described streets or parts of streets are hereby designated as no-idle zones where:

Intersection	**Location**
Driveway 1	Entire Length
Driveway 2	Entire Length
Driveway 3	Entire Length
Service Road	Entire Length

Section 2. Chapter III, Section 10.2 Provisions for Parking for Handicapped Persons Amended.

Chapter III, Section 10.2 Provisions for Parking for Handicapped Persons, shall be amended as follows (additions in **bold** and deletions in ~~strikethrough~~):

Chapter III, Section 10.2 Provisions for **Accessible** Parking ~~for Handicapped Persons~~

~~There is hereby established parking spaces reserved for use by handicapped persons only at the following locations:~~

Accessible Parking. Restricted parking for use by persons who have been issued special vehicle identification cards by the New Jersey Motor Vehicle Commission pursuant to the provisions of P.L. 1949, c. 280, and Section 1 of P.L. 1977, c. 202, are established at the following locations:

Add the following Subsection f after Subsection e:

f. Montgomery Place (formerly Pike Run Plaza) – fifteen (15) accessible parking spaces as shown on the site plan entitled "Signage and Striping Plan" for "Belle Mead PUD, Area 2, Pike Run Plaza, Block 5023, Lot 2.01, formerly Block 5016, Lots 1 & 3, Block 5023, Lots 2 & 3), Montgomery Township, Somerset County, New Jersey", prepared by Paulus, Sokolowski, and Sartor, LLC, dated 04/19/2022, with most recent revisions dated January 9, 2026, on file in the Office of the Township Clerk.

Section 3. Chapter III, Section 11.3 Fire Zones Established, Amended.

Chapter III, Section 11.3 Fire Zones Established, shall be amended as follows (additions in **bold** and deletions in ~~strikethrough~~):

Add the following Subsection l after subsection k:

l. Montgomery Place (formerly Pike Run Plaza) – fifteen (15) accessible parking spaces as shown on the site plan entitled "Signage and Striping Plan" for "Belle Mead PUD, Area 2, Pike Run Plaza, Block 5023, Lot 2.01, formerly Block 5016, Lots 1 & 3, Block 5023, Lots 2 & 3), Montgomery Township, Somerset County, New Jersey", prepared by Paulus, Sokolowski, and Sartor, LLC, dated 04/19/2022, with most recent revisions dated January 9, 2026, on file in the Office of the Township Clerk.

Section 4. Severability. If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudges and remainder of this ordinance shall be deemed valid or enforceable.

Section 5. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

Section 6. Effective Date. This ordinance shall take effect upon its passage and publication in accordance with law.

Resolution #26-3-96. Read by title.
Mayor Singh asked for a motion to adopt Resolution #26-2-96.
Motion by Deputy Mayor Barragan, seconded by Taylor Todd
ROLL CALL
AYES: Martin**,** Ahn, Taylor Todd, Deputy Mayor Barragan, Mayor Singh
NOES: None
ABSTAIN: None
ABSENT: None

RESOLUTION #26-3-96

DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING $17,000,000 BONDS OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY INFRASTRUCTURE BANK AND THE STATE OF NEW JERSEY AND FURTHER AUTHORIZING THE EXECUTION OF VARIOUS AGREEMENTS, ALL PURSUANT TO THE NEW JERSEY WATER BANK

WHEREAS, the Township of Montgomery, in the County of Somerset, New Jersey (the "Local Unit"), has determined that there exists a need within the Local Unit to provide flood protection of the existing wastewater treatment plant, thereby significantly improving its resiliency, and will replace various plant components that have reached the end of their service lives, thereby enabling continued reliable performance and water quality protection, and including all work and materials necessary therefor and incidental thereto (identified as Project S340130-03, the "Project"), as defined in each of that certain Loan Agreement (the "I-Bank Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Infrastructure Bank (the "I-Bank") and that certain Loan Agreement (the "Fund Loan Agreement"; and together with the I-Bank Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the New Jersey Water Bank Environmental Infrastructure Financing Program (the "Program"); and

WHEREAS, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the I-Bank (the "I-Bank Loan") and the State (the "Fund Loan"; and together with the I-Bank Loan, the "Loans") pursuant to the I-Bank Loan Agreement and the Fund Loan Agreement, respectively; and

WHEREAS, to evidence the Loans, each of the I-Bank and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's Bonds to the I-Bank (the "I-Bank Loan Bond") and to the State (the "Fund Loan Bond"; and together with the I-Bank Loan Bond, the "Local Unit Bonds"), said Local Unit Bonds to be issued in an aggregate principal amount not to exceed $17,000,000 pursuant to the terms of the Local Bond Law of the State, constituting Chapter 2 of Title 40A of the Revised Statutes of the State (the "Local Bond Law"), other applicable law and the Loan Agreements; and

WHEREAS, N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law allows for the sale of the I-Bank Loan Bond and the Fund Loan Bond to the I-Bank and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the I-Bank Loan Bond to the I-Bank without any public offering, all under the terms and conditions set forth herein; and

WHEREAS, the I-Bank and the State have expressed their desire to close in escrow the making of the Loans, the issuance of the Local Unit Bonds and the execution and delivery of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the "Escrow Agreement") to be entered into by and among the I-Bank, the State, the Local Unit and the escrow agent named therein.

NOW, THEREFORE, BE IT RESOLVED by a 2/3 vote of the full membership of the governing body of the Local Unit as follows:

Section 1. The I-Bank Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the "Financing Documents") are hereby authorized to be executed and delivered on behalf of the Local Unit by either the Mayor or the Chief Financial Officer in substantially the forms on file with the Local Unit Clerk, with such changes as the Mayor or the Chief Financial Officer (each an "Authorized Officer"), in their respective sole discretion, after consultation with counsel and any advisors to the Local Unit (collectively, the "Local Unit Consultants") and after further consultation with the I-Bank, the State and their representatives, agents, counsel and advisors (collectively, the "Program Consultants"; and together with the Local Unit Consultants, the "Consultants"), shall determine, such determination to be

conclusively evidenced by the execution of such Financing Documents by an Authorized Officer as determined hereunder. The Local Unit Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Officer of the Local Unit as determined hereunder and to affix the corporate seal of the Local Unit to such Financing Documents.

Section 2. The Authorized Officers of the Local Unit are hereby further severally authorized to (i) execute and deliver, and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to, any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officers or the Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 3. In accordance with N.J.S.A. 40A:2-27(a)(2) of the Local Bond Law and N.J.S.A. 58:11B-9(a), the Local Unit hereby sells and awards its I-Bank Loan Bond to the I-Bank and its Fund Loan Bond to the State, in a total aggregate principal amount not to exceed $710,000, all in accordance with the provisions hereof. The Local Unit Bonds have been referred to and are described in Bond Ordinance #22-1684 of the Borrower finally adopted July 7, 2022 and entitled, "BOND ORDINANCE AMENDING IN ITS ENTIRETY BOND ORDINANCE #21-1661 FINALLY ADOPTED JUNE 17, 2021 OF THE TOWNSHIP OF MONTGOMERY, IN THE COUNTY OF SOMERSET, NEW JERSEY." The aforementioned bond ordinance was finally adopted by the Local Unit at a meeting duly called as set forth above, at which time a quorum was present and acted throughout, all pursuant to the terms of the Local Bond Law and other applicable law.

Section 4. The Chief Financial Officer of the Local Unit is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the I-Bank and the State under the Loan Agreements and the terms and conditions hereof, the following items with respect to the I-Bank Loan Bond and the Fund Loan Bond:

(a) The aggregate principal amounts of the I-Bank Loan Bond and the Fund Loan Bond to be issued;
(b) The maturity and annual principal installments of the Local Unit Bonds, which maturity shall not exceed 40 years;
(c) The date of the Local Unit Bonds;
(d) The interest rates of the Local Unit Bonds;
(e) The purchase price for the Local Unit Bonds; and
(f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities.

Section 5. Any determination made by the Chief Financial Officer pursuant to the terms hereof shall be conclusively evidenced by the execution and attestation of the Local Unit Bonds by the parties authorized under Section 6(c) hereof.

Section 6. The Local Unit hereby determines that certain terms of the Local Unit Bonds shall be as follows:

(a) The I-Bank Loan Bond shall be issued in a single denomination and shall be numbered R-1. The Fund Loan Bond shall be issued in a single denomination and shall be numbered R-2; and

(b) The Local Unit Bonds shall be issued in fully registered form and shall be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America; and

(c) The Local Unit Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk.

Section 7. The I-Bank Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the I-Bank Loan Agreement and the Fund Loan Agreement, respectively.

Section 8. The law firm of McManimon, Scotland & Baumann, LLC is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank and the State for the Program, to arrange for same. The Local Unit auditor is hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, the Chief Financial Officer and the Local Unit Clerk are hereby authorized to execute any certificates necessary or desirable in connection with the financial and other information.

Section 9. The Mayor and the Chief Financial Officer are hereby severally authorized to execute any certificates or documents necessary or desirable in connection with the sale of the Local Unit Bonds, and are further authorized to deliver same to the I-Bank and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 10. This resolution shall take effect immediately.

Section 11. Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to McManimon, Scotland & Baumann, LLC, bond counsel to the Local Unit**,** and Richard T. Nolan, Esq., McCarter & English, LLP**,** bond counsel to the I-Bank.

Resolution #26-3-97. Read by title.
Mayor Singh asked for a motion to adopt Resolution #26-3-97.
Motion by Deputy Mayor Barragan, seconded by Taylor Todd.
ROLL CALL
AYES: Martin, Ahn, Taylor Todd, Deputy Mayor Barragan, Mayor Singh
NOES: None
ABSTAIN: None
ABSENT: None

RESOLUTION #26-3-97

AUTHORIZING THE AWARD OF A TWO-YEAR CONTRACT TO WEINGART LANDSCAPING FOR MUNICIPAL CENTER LANDSCAPING AND GROUNDS MAINTENANCE SERVICES (2026 AND 2027)

WHEREAS, the Township of Montgomery has a continuing need to provide landscaping and grounds maintenance services at the Municipal Center located at 100 Community Park Drive, Skillman, New Jersey; and

WHEREAS, the Department solicited written quotations for landscaping services for the 2026 and 2027 seasons; and

WHEREAS, Weingart Landscaping, 113 Millstone River Road, Belle Mead, New Jersey 08502, submitted a quotation dated February 4, 2026 in the amount of $15,400 per season, for a total two-year contract amount of

$30,800, for services including weekly mowing, trimming, edging, spring and fall clean-ups, shrub and small tree pruning, and related grounds monitoring; and

WHEREAS, Perone Landscaping, Inc. submitted a quotation dated January 12, 2026 in the total amount of $15,960 per season, for a total two-year contract amount of $31,920 for services including weekly mowing, trimming, edging, spring and fall clean-ups, shrub and small tree pruning, and related grounds monitoring; and

WHEREAS, Joseph's Landscaping & Lawn Care, Inc. was contacted on multiple occasions and declined to submit a quotation; and

WHEREAS, the Township has determined that Weingart Landscaping submitted the lowest responsible quotation for the required services; and

WHEREAS, the total contract amount of $30,800 for the two-year term is below the public bidding threshold established pursuant to the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and may be awarded by resolution; and

WHEREAS, funds are available in Account No. 01-201-26-295-226, subject to annual appropriation in the 2026 and 2027 municipal budgets; and

WHEREAS, the Chief Financial Officer has certified the availability of funds or will certify same upon adoption of the 2026 and 2027 budgets.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey, as follows:

1. The Township Committee hereby authorizes the award of a two-year contract to Weingart Landscaping, 113 Millstone River Road, Belle Mead, NJ 08502, for Municipal Center landscaping and grounds maintenance services for the 2026 and 2027 seasons, for a total amount not to exceed $30,800.

2. The Mayor and Township Administrator are hereby authorized to execute a contract agreement with Weingart Landscaping consistent with the submitted quotation and Township requirements.

3. This contract is awarded pursuant to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and is contingent upon the availability and appropriation of funds in the 2026 and 2027 municipal budgets.

4. A copy of this Resolution and the supporting quotation documents shall be placed on file in the Office of the Township Clerk.

Resolution #26-3-98. Read by title.

At this time, Township Clerk, Lisa Fania, explained that the application requesting the 2026 dates was brought before Committee Members at the prior Township Committee meeting. L. Fania continued that there were no objections from the Police or Health Departments but the Construction Department has not received the required documentation for the erection of the tents. L. Fania further explained that the Township's Building Subcode Official has expressed a major life safety concern for spectators, show staff and the horses based on past catastrophic tent collapses due to weather events. L. Fania informed Committee Members that they have thirty days from the date the application was submitted for consideration, February 19, to approve or deny the application for the outdoor assembly event. L. Fania also reminded Committee Members of Administrator Savron's explanation of the due diligence the Construction Department was undertaking with the Secretary of Agriculture and Department of Community Affairs regarding the tent installation.

Administrator Savron explained the opportunity for the applicant to have a plan certified by a licensed professional engineer certifying the safety of the installation.

It was the consensus of the Township Committee to carry consideration to the March 19 meeting.

Resolution #26-3-99. Read by title.
Mayor Singh asked for a motion to adopt Resolution #26-3-99.
Motion by Deputy Mayor Barragan, seconded by Taylor Todd
ROLL CALL
AYES: Martin, Ahn, Taylor Todd, Deputy Mayor Barragan, Mayor Singh
NOES: None
ABSTAIN: None
ABSENT: None

RESOLUTION #26-3-99

AUTHORIZING PURCHASE OF A FORD F550 4X4 MASON DUMP TRUCK FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, exemptions from competitive bidding are allowed for items/services purchased through the New Jersey State Contract per N.J.S.A. 40A:11-12; and

WHEREAS, the Township has a need to replace Truck #525, a 2013 Ford F550 Dump Truck, of the Department of Public Works' fleet which was deemed a total loss due to a fire; and

WHEREAS, the purchase of a 2026 Ford F550 4x4 Mason Dump Truck will be from Ciocca Ford of Flemington, 215 US Highway 202, Flemington, NJ 08822 for the Department of Public Works through the MCCPC (Morris County Cooperative Pricing Council) Contract #15-C, Item #19 in the amount of $87,966.75; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are available using account #04-215-55-901-1753D; and #01-201-26-315-256 (which will be reimbursed in the amount of $41,853.20 from insurance).

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Montgomery, County of Somerset, New Jersey hereby authorizes the purchase of a 2026 Ford F550 4x4 Mason Dump Truck for the Department of Public Works, through MCCPC Contract #15, Item #19, in the amount of $87,966.75.

Resolution #26-3-100. Read by title.
Mayor Singh asked for a motion to adopt Resolution #26-3-100.
Motion by Deputy Mayor Barragan, seconded by Taylor Todd
ROLL CALL
AYES: Martin, Ahn, Taylor Todd, Deputy Mayor Barragan, Mayor Singh
NOES: None
ABSTAIN: None
ABSENT: None

RESOLUTION #26-3-100

ADOPTING AN AMENDED FOURTH ROUND SPENDING PLAN

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

WHEREAS, the Amended FHA sets forth that the Fourth Round period of affordable housing obligations shall run from July 1, 2025 through June 30, 2035 ("Fourth Round" or "Round Four"); and

WHEREAS, A municipality may not spend or commit to spend any affordable housing development fees, without first obtaining the approval of the expenditure as part of its compliance certification or by the New Jersey Department of Community Affairs (DCA); and

WHEREAS, the Governing Body of the Township of Montgomery, County of Somerset, State of New Jersey, adopted a development fee ordinance on November 25, 2008; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units, and/or any other funds collected for affordable housing purposes; and

WHEREAS, the Township has prepared an Amended Fourth Round Spending Plan, dated February 11, 2026.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Montgomery, Somerset County, New Jersey, that the Township of Montgomery hereby adopts the Township of Montgomery Amended Fourth Round Spending Plan, dated February 11, 2026, prepared by Clarke Caton Hintz, which is attached hereto and incorporated herein.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

Resolution #26-3-101. Read by title.
Mayor Singh asked for a motion to adopt Resolution #26-3-101.
Motion by Deputy Mayor Barragan, seconded by Taylor Todd
ROLL CALL
AYES: Martin, Ahn, Taylor Todd, Deputy Mayor Barragan, Mayor Singh
NOES: None
ABSTAIN: None
ABSENT: None

RESOLUTION #26-3-101

DESIGNATING CGP&H AS THE TOWNSHIP'S ADMINISTRATIVE AGENT FOR ITS AFFORDABLE HOUSING REHABILITATION PROGRAM

WHEREAS, the Township of Montgomery, County of Somerset, State of New Jersey (hereinafter the "Township") requires the services of an experienced Affordable Housing Administrative Agent to administer and implement the Township's affordable housing rehabilitation program for the year 2026; and

WHEREAS, the Township currently retains Community Grants Planning & Housing ("CGP&H") as its experienced Administrative Agent; and

WHEREAS, the Township Committee has found that CGP&H has satisfactorily provided Administrative Agent services; and

WHEREAS, the Township Committee recommends that CGP&H be awarded a professional services agreement for affordable housing rehabilitation administrative services for the year 2026.

NOW THEREFORE BE IT RESOLVED on this 5th day of March, 2026, by the Township Committee of the Township of Montgomery, Somerset County, New Jersey as follows:

1. CGP&H, 1249 South River Road, Suite 301, Cranbury, NJ 08512, is hereby appointed Administrative Agent for the Township' affordable housing rehabilitation program pursuant to the provisions of N.J.S.A. 19:44A-20.5 (non-fair and open) effective January 1, 2026 to December 31, 2026 for an amount not to exceed $20,000.
2. The contractual agreement and proposal summarizing the services to be performed and the fees to be charged (various fees and costs) are hereby approved.
3. The Mayor and the Township Clerk are hereby authorized to sign a contract, which contract shall be filed with the Township Clerk and made available for public inspection.
4. The Business Entity Disclosure Certification, Political Contribution Disclosure and Determination of Value Form shall be placed on file with this resolution.
5. The Township Clerk is hereby directed to publish a "Notice of Award" of said contract in the official newspaper in accordance with the Local Public Contracts Law.
6. This resolution shall take effect immediately, according to law.

Resolution #26-3-102. Read by title.
Mayor Singh asked for a motion to adopt Resolution #26-3-102.
Motion by Deputy Mayor Barragan, seconded by Taylor Todd
ROLL CALL
AYES: Martin, Ahn, Taylor Todd, Deputy Mayor Barragan, Mayor Singh
NOES: None
ABSTAIN: None
ABSENT: None

RESOLUTION #26-3-102

ADOPTING AN AFFORDABLE HOUSING AFFIRMATIVE MARKETING PLAN FOR THE TOWNSHIP OF MONTGOMERY

WHEREAS, in accordance with P.L. 2024, Chapter 2 and the New Jersey Uniform Housing Affordability Controls ("UHAC")(N.J.A.C. 5:80-26.1 *et seq*.), the Township of Montgomery, County of Somerset, State of New Jersey (hereinafter the "Township") is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created are affirmatively marketed to very low-, low- and moderate-income households, particularly those living and/or working within Housing Region 3, the Housing Region encompassing the Township of Montgomery.

NOW, THEREFORE, BE IT RESOLVED on this 5th day of March, 2026, that the Township Committee of the Township of Montgomery, County of Somerset, State of New Jersey, does hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

A. 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, English-speaking ability, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children, source of lawful income, or any other characteristic described in the New Jersey Law Against Discrimination, to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Township of Montgomery is located in Housing Region 3, consisting of Somerset, Hunterdon, and Middlesex Counties.

B. The Township of Montgomery has a plan to address both its Prior Round Obligation (1987-2025) and its Fourth Round Obligation (2025-2035). This Affirmative Marketing Plan shall apply to all developments that contain or will contain very low-, low- and moderate-income units, including those that are part of the municipality's Housing Element and Fair Share Plan, and those that may be constructed in future developments not yet anticipated by the Housing Element and Fair Share Plan.

C. The Affirmative Marketing Plan shall be implemented by the Administrative Agent under contract to the Township of Montgomery, or the Administrative Agent of any specific developer approved by the municipality.

D. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of affordable unit(s), and all such advertising and affirmative marketing shall be subject to approval and oversight by the designated Administrative Agent.

E. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days prior to expected occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very low-, low- and moderate-income housing units are initially occupied and for as long as the affordable units remain deed restricted such that qualifying new tenants and/or purchasers continues to be necessary.

F. The Affirmative Marketing Plan is a continuing program that shall be followed throughout the entire period of affordability restrictions. In implementing the Affirmative Marketing Plan, the Administrative Agent, whether acting on behalf of the Township of Montgomery or on behalf of a specific developer, shall meet the following requirements at a minimum:

1. The primary marketing and advertising must be employed at the start of the marketing program and continue until all units are leased or sold or until the number of applications received is at least three times the number of units. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of all publications to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.
2. The advertisements shall, at a minimum, include:
    a. The name and location of the housing project;
    b. An address sufficient to find directions to the housing units;
    c. A range of prices or rents for the affordable housing units;
    d. The sizes, as measured in number of bedrooms of the affordable housing units;

e. The types (that is, family, age-restricted, or supportive) and number of affordable units available;
f. The number of units available to very low-, low-, and moderate-income households;
g. The accessibility features, if any, of the affordable housing units;
h. The maximum income permitted to qualify for the affordable housing units;
i. The population(s), if any, given preference in the selection process pursuant to N.J.A.C. 5:80-26.17(k)2;
j. Where applications (paper and online) for the affordable housing units may be found;
k. The expected lease-up/closing date(s) for the affordable housing units;
l. The expected date of the random selection;
m. The business hours when interested households may obtain paper applications for the affordable housing units;
n. Contact information, including an email address and phone number that are regularly monitored by the administrative agent;
o. The name of the sales agent and/or rental manager; and
p. Application fees, if any.

3. Affirmative fair marketing of affordable units must be completed in accordance with the requirements set forth in UHAC at N.J.A.C. 5:80-26.16 in all media and outlets required by the rules.
4. The Administrative Agent of the affordable housing development shall complete the Affirmative Fair Housing Marketing Plan, attached hereto as Attachment A, for review and approval by the Municipal Housing Liaison or the Township's Administrative Agent, as the case may be, prior to commencement of advertising to the public.
5. Affordable units must be listed on the New Jersey Housing Resource Center's website (www.njhrc.gov) in accordance with N.J.A.C. 5:80-26.16(f)1 at least 60 days before the random selection.
6. Applications, or notices thereof, used as part of the affirmative marketing program must be available in the following locations:
   a. Somerset County Administration Building, 20 Grove St., P.O. Box 3000, Somerville, NJ 08876
   b. Hunterdon County Administration Building, 71 Main St., Flemington, NJ 08822
   c. Middlesex County Administration Building, One JFK Square, New Brunswick, NJ 08901
   d. Somerset County Library, 1 Vogt Dr, Bridgewater, NJ 08807
   e. Hunterdon County Library, 314 State Route 12, Bldg. #3, Flemington, NJ 08822
7. Pursuant to the terms of the Township's Court-approved Third Round Settlement Agreement with Fair Share Housing Center, the following organizations must be notified as part of the affirmative marketing program when affordable units are available:
   a. Fair Share Housing Center, 510 Park Boulevard, Cherry Hill, NJ 08002
   b. The Latino Action Network, c/o Cardenas Law Office, 71 West Main Street, Suite 202, Freehold, NJ 07728
   c. The New Jersey State Conference of the NAACP, 4326 Harbor Beach Blvd., #775, Brigantine, NJ 08203
   d. The New Brunswick Branch of the NAACP, newbrunswickareanaacp@gmail.com
   e. The Plainfield Area Branch of the NAACP, PO Box 8471, Piscataway, NJ 08855
   f. The Perth Amboy Branch of the NAACP
   g. The Metuchen/Edison Branch of the NAACP, PO Box 86, Edison, N.J. 08818

8. The municipality's Administrative Agent, or the Administrative Agent of a specific developer, shall comply with all requirements set forth in N.J.S.A. 52:27D-321.3 et seq. with regard to the affirmative marketing of affordable housing units.

G. The municipality's Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Somerset, Hunterdon, and Middlesex Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region.

H. The municipality's Administrative Agent shall develop, maintain and update a list of major employers in Somerset, Hunterdon, and Middlesex Counties that will aid in the affirmative marketing program.

I. A random selection method to select occupants of very low-, low- and moderate-income housing will be used by the municipality's Administrative Agent, or the Administrative Agent of any specific developer, in conformance with N.J.A.C. 5:80-26.16(d). This Affirmative Marketing Plan provides a regional preference for very low-, low- and moderate-income households that live and/or work in Housing Region 3, which comprises Somerset, Hunterdon, and Middlesex Counties. Subordinate to the regional preference, this Affirmative Marketing Plan provides a preference for households that live and/or work in New Jersey. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for very low-, low- and moderate-income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised, provided an agreement to this effect has been executed between the developer or landlord and the municipality prior to the affirmative marketing of the units.

J. All developers/owners of very low-, low- and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the municipality's Administrative Agent.

BE IT FURTHER RESOLVED that the appropriate municipal officials and professionals are authorized to take all actions required to implement the terms of this Resolution.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

CORRESPONDENCE

There was no correspondence.

NEW AND UNFINISHED BUSINESS

YMCA Update – Administrator Savron recapped that in the Spring of 2024, the Greater YMCA of Somerset County had contacted the Township to explore the possibility of bringing a YMCA to Montgomery. Administrator Savron continued that the Township Committee agreed to exploring the idea in 2025 with discussions and a tour of the Basking Ridge facility. Administrator Savron provided an update on the status advising that the YMCA is considering the site of the former municipal building and will be proceeding with a market study. Administrator Savron added that the results will provide comprehensive membership projections, program services and facility amenities of interest to our residents.

FUTURE AGENDA ITEMS

There were no items listed.

Resolution #26-3-103. Read in full.
Mayor Singh asked for a motion to adopt Resolution #26-3-103.
Motion by Deputy Mayor Barragan, seconded by Taylor Todd
ROLL CALL
AYES: Martin, Ahn, Taylor Todd, Deputy Mayor Barragan, Mayor Singh
NOES: None
ABSTAIN: None
ABSENT: None

RESOLUTION #26-3-103

EXECUTIVE SESSION

BE IT RESOLVED by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey as follows:

1. The Township Committee will now convene in a closed session that will be limited only to consideration of items with respect to which the public may be excluded pursuant to Section 7B of the Open Public Meetings Act.

2. The general nature of the subjects to be discussed in this session are as follows:

   - Litigation: a. Docket No. SOM-L-153-25 (Affordable Housing); b. Docket No. SOM-L-1215-24
   - Real Property: a. Stonebridge

3. It is unknown precisely when the matter discussed in this session will be disclosed to the public. Acquisition of property and settlement of litigation shall only be approved by the Township Committee in a public session.

4. This Resolution shall take effect immediately.

RETURN TO REGULAR SESSION

The Township Committee reconvened the regular session at 10:47 p.m. on motion by Deputy Mayor Barragan, seconded by Taylor Todd and carried unanimously.

ADJOURNMENT

The Township Committee adjourned at 10:47 p.m. on motion by Deputy Mayor Barragan, seconded by Taylor Todd and carried unanimously.

Respectfully submitted,
Lisa Fania, RMC
Township Clerk

DATE APPROVED: March 19, 2026