

BOROUGH OF RIDGEFIELD

A G E N D A

Executive Session and Regular Meeting of the Mayor and Council

Date: September 28, 2020

Open Public Meetings Statement by
Mayor Suarez

Public Session to Adjourn to C.T.O.:
Executive Session: Adjourn:

Mayor Suarez – Adjournment into closed Executive
Session in accordance with the “Open Public Meetings Act”

Executive Session: 6:30 P.M. C.T.O.:
Adjourn:

Public Session: 7:00 P.M. C.T.O.:
Adjourn:

Pledge of Allegiance

Invocation

Citizens Comment on Agenda:

Correspondence:

ROLL CALL-PUBLIC SESSION

	Adj. to Ex.		Public	
	Pres.	Abs.	Pres.	Abs.
Mayor Suarez				
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				

ROLL CALL-EXEC. SESSION

	PRESENT	ABSENT
Mayor Suarez		
Castelli		
Penabad		
Shim		
Jimenez		
Kontolios		
Larkin		

As advertised, hearing will be held on Ordinance No. 2390 entitled, “AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 375 “VEHICLES AND TRAFFIC” SECTION 375-52 “DESIGNATED AREAS” TO REMOVE CERTAIN HANDICAPPED SPOTS”

Entertain motion to declare the time for the public hearing to be declared open

Public Hearing

Entertain motion to declare the time for the public hearing to be declared closed

Final Reading of Ordinance

Roll Call

Introduction of Ordinance No. 2391 entitled, “AN ORDINANCE AMENDING ARTICLE XLVIII, DEVELOPMENT FEES, OF CHAPTER 390 OF THE CODE OF THE BOROUGH OF RIDGEFIELD”

First Reading of Ordinance

Roll Call

Introduction of Ordinance No. 2392 entitled, "AN ORDINANCE AMENDING CHAPTER 115 ENTITLED “AFFORDABLE HOUSING” OF THE CODE OF THE BOROUGH OF RIDGEFIELD”

First Reading of Ordinance

Roll Call

CONSENT AGENDA:

All items listed are considered to be routine and non-controversial by the Borough Council and will be approved by one motion. There will be no separate discussion on these items unless a Council member(s) so request it, in which case the item(s) will be removed from the Consent Agenda and considered in its normal sequence on the agenda. The one motion signifies the adoption of all resolutions and approval of applications and minutes.

202-2020	Councilman Castelli	2020/2021 Liquor License Renewals
203-2020	Councilman Castelli	Authorize Submission of NJDOT Transportation Alternatives Set-Aside Program Grant Application for the Shaler Blvd. Streetscape Project
204-2020	Councilman Castelli	2020/2021 State Local Cooperative Housing Inspection Program
205-2020	Councilman Castelli	Municipal Alliance Grant FY2021
206-2020	Councilman Jimenez	CARES Act Reimbursement Agreement with County of Bergen
207-2020	Councilman Castelli	Approve 12.39 Special Ruling-Jinny Jinouk Kwon
208-2020	Councilman Castelli	Adopt Affordable Housing Spending Plan
209-2020	Councilman Jimenez	Rededicating RCA Accounts

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

RESOLUTIONS:

210-2020 Councilman Jimenez Warrants

COMMENTS BY MAYOR:

COMMENTS BY COUNCIL:

COMMENTS BY ADMINISTRATOR:

COMMENTS BY CITIZENS: (All speakers are limited to five minutes maximum per meeting)

Agenda subject to change as a result of matters not known at time of printing with the consent of the Mayor and Council.

Respectfully submitted,

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting September 28, 2020

Presented by Mayor Suarez

BE IT RESOLVED, that the regular public meeting be adjourned, and that the Mayor and Council of the Borough of Ridgefield shall meet in a closed Executive Session following a five minute recess at the termination of this meeting. The purpose of the Executive Session shall be to discuss the following matters:

- _____ Personnel matters in various departments of the Borough.
- _____ Pending and Potential Litigation
- _____ Tax Court Litigation.
- _____ Potential real estate transactions in which the Borough may engage.

COUNCIL VOTE				
	YES	NO	ABSTAIN	ABSENT
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

BE IT FURTHER RESOLVED, that as soon as practicable discussion concerning

- _____ Personnel matters
- _____ Potential real estate transactions shall be disclosed to the public.
- _____ And that discussions with the Borough Attorney concerning litigation shall be disclosed when said litigation is terminated.

Adjournment to Closed Session. The Mayor and Council reserve the right to reconvene into Public Session, if necessary, to take action on Closed Session items.

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting September 28, 2020

Presented by Councilman Castelli

ORDINANCE NO. 2390

BE IT ORDAINED by the Borough Council of the Mayor and Council of the Borough of Ridgefield that an Ordinance entitled,

“AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 375 “VEHICLES AND TRAFFIC” SECTION 375-52 “DESIGNATED AREAS” TO REMOVE CERTAIN HANDICAPPED SPOTS”

introduced on the 14th day of September, 2020, do now pass a final reading and be adopted, and that the Borough Clerk be and she is authorized and directed to publish once, the aforesaid title, together with a notice of the date of its passage on final reading and approval thereof in The Record, a newspaper circulating in the Borough of Ridgefield.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting September 14, 2020

Presented by Councilman Castelli

ORDINANCE NO. 2390

“AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 375 “VEHICLES AND TRAFFIC” SECTION 375-52 “DESIGNATED AREAS” TO REMOVE CERTAIN HANDICAPPED SPOTS”

WHEREAS, there is no longer a need in the Borough for the following handicapped parking spaces contained in Section 375-52 of the Borough Code:

- (29) A single handicapped parking space at 574 Carpenter Place, Ridgefield, New Jersey;
- (30) A single handicapped parking space at 581 Carpenter Place, Ridgefield, New Jersey

BE IT FURTHER ORDAINED, 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 adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

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

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting September 28, 2020

Presented by Councilman Castelli

ORDINANCE NO. 2391

BE IT ORDAINED by the Borough Council of the Mayor and Council of the Borough of Ridgefield that an Ordinance entitled,

“AN ORDINANCE AMENDING ARTICLE XLVIII, DEVELOPMENT FEES, OF CHAPTER 390 OF THE CODE OF THE BOROUGH OF RIDGEFIELD”

introduced on the 28th day of September, 2020, do now pass a first reading and that said Ordinance be further considered for final passage at a regular meeting to be held on the 13th day of October, 2020 at 7:00 PM or as soon thereafter as the matter may be reached at the regular meeting of the Borough Council in the Community Center, 725 Slocum Avenue, in the Borough of Ridgefield, and that at such time and place, all persons interested be given an opportunity to be heard concerning the same, that the Borough Clerk be and she is hereby authorized and directed to publish in The Record, a newspaper circulating in the Borough of Ridgefield said Ordinance according to law, with a notice of its introduction and passage on first reading, and of the time and place when and where said Ordinance will be further considered for final passage.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting September 28, 2020

Presented by Councilman Castelli

ORDINANCE NO. 2391

“AN ORDINANCE AMENDING ARTICLE XLVIII, DEVELOPMENT FEES, OF CHAPTER
390 OF THE CODE OF THE BOROUGH OF RIDGEFIELD”

BE IT ORDAINED by the Mayor and Council of the Borough of Ridgefield as follows:

Section I:

Article XLVIII, Development Fees, of the Code of the Borough of Ridgefield be, and hereby is, amended by deleting all of the existing language of that Article and replacing same with the provisions below:

§ 390-204.1. Purpose.

The purpose of this article is to establish standards for the collection, maintenance and expenditure of development fees pursuant to applicable law. Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing. This article shall be interpreted within the framework of applicable law on development fees and on municipal obligations to provide a realistic opportunity for the municipality's fair share of affordable housing.

§ 390-204.2. Residential development fees.

Developers of multifamily residential developments shall pay a development fee of 1 1/2% of the equalized assessed value of the development. When an increase in residential density in a multifamily residential development pursuant to N.J.S.A. 40:55D(5) has been permitted, the developer shall pay a development fee of 6% of the equalized assessed value for each additional unit of housing that is realized.

§ 390-204.3. Nonresidential development fees.

A. Imposed fees

1. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.

2. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized

assessed value resulting from any additions to existing structures to be used for non-residential purposes.

3. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time 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

1. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.

2. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

3. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.

4. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.

5. If a property which 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 Borough of Ridgefield as a lien against the real property of the owner.

§ 390-204.4. Eligible exaction and ineligible exaction.

A. Developers of affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality shall be exempt from paying development fees.

B. Developers that expand an existing multifamily residential structure for residential purposes shall pay a development fee. The development fee shall be calculated based on the increase in the equalized assessed value of the improved structure.

C. Developers that have received preliminary or final approval prior to the effective date of this article shall be exempt from paying a development fee unless the developer subsequent to the original approval seeks a substantial change in that approval.

D. Developers of one- and two-family standalone structures are exempt from paying development fees.

§ 390-204.5. Collection of fees.

A. Developers shall pay 50% of the calculated development fee to the Borough of Ridgefield prior to the issuance of building permits. The development fee shall be estimated by the Tax Assessor prior to the issuance of building permits, and shall be paid as a precondition to the issuance of building permits for the development.

B. Developers shall pay the remaining fee to the Borough of Ridgefield prior to the issuance of certificates of occupancy. Prior to the issuance of certificates of occupancy, the Tax Assessor shall calculate the equalized assessed value and the appropriate development fee. The developer shall be responsible for paying the difference between the fee previously paid prior to the issuance of building permits and the total amount calculated by the Tax Assessor.

C. Developers wishing to appeal the calculation of a development fee pursuant to this article shall file an appeal with the Borough Clerk within 20 days of receiving notice of the assessed fee. The appeal shall be heard by the Mayor and Council, or its representative, within 60 days of filing. Pending the hearing and decision, the assessed fees will be collected but held in a suspense account so as to not be expended by the Borough until a decision on the appeal.

§ 390-204.6. Housing Trust Fund.

A. There is hereby created an interest-bearing Housing Trust Fund to be situated at a banking institution at the Borough's choosing, for the purpose of receiving development fees from residential and nonresidential developers. All development fees paid by developers pursuant to this article shall be deposited in this fund. No money shall be expended from this Housing Trust Fund unless the expenditure conforms to a spending plan that has received whatever approvals are required by existing law.

B. The operation of the Borough's Housing Trust Fund shall be in accordance with applicable law. The operation of this Housing Trust Fund shall be amended as necessary, from time to time, based on applicable law.

§ 390-204.7. Use of funds.

A. Money deposited in a housing trust fund may be used for any activity deemed appropriate under applicable law for addressing the Borough of Ridgefield's low- and moderate-income housing obligation. Such activities may include, but are not necessarily limited to, housing rehabilitation, new construction, regional contribution agreements, the purchase of land for low- and moderate-income housing sites, assistance designed to render units more affordable to low- and moderate-

income households and administrative costs necessary to implement the Borough of Ridgefield's housing element. The expenditure of all money shall conform to applicable legal standards.

B. At least 30% of the revenues collected shall be devoted to render units more affordable. Examples of such activities include, but are not limited to, down payment assistance, low-interest loans and rental assistance.

§ 390-204.8. Definitions.

The following definitions should be added to or amended within the current development ordinances:

DEVELOPER

A developer is the legal or beneficial owner 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 FEES

Money paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH's rules.

EQUALIZED ASSESSED VALUE

The value of a property determined by the Municipal Tax Assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of issuance of a building permit may be obtained by the Tax Assessor utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the Municipal Tax Assessor.

JUDGMENT OF REPOSE

A judgment issued by the Superior Court approving a municipality's plan to satisfy its fair share obligation.

MULTIFAMILY RESIDENTIAL DEVELOPMENT Residential housing consisting of three units or more.

SUBSTANTIVE CERTIFICATION

A determination by an appropriate authority approving a municipality's fair share plan in accordance with the provisions of applicable law and the rules and criteria as set forth herein.

GREEN BUILDING STRATEGIES

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

§ 390-204.9 Other provisions superseded.

In the event of any inconsistency between the provisions of this section and any other section of Chapter 390, the provisions of this section shall prevail.

§ 390-204.10 Severability.

If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated and shall remain in full force and effect.

§ 390-204.11 Effective date.

This Ordinance shall take effect immediately upon final publication as required by law.

Section II.

This ordinance shall take effect immediately upon passage and publication according to law.

Section III:

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Section IV.

If any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance, and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting September 28, 2020

Presented by Councilman Castelli

ORDINANCE NO. 2392

BE IT ORDAINED by the Borough Council of the Mayor and Council of the Borough of Ridgefield that an Ordinance entitled,

“AN ORDINANCE AMENDING CHAPTER 115 ENTITLED “AFFORDABLE HOUSING” OF
THE CODE OF THE BOROUGH OF RIDGEFIELD”

introduced on the 28th day of September, 2020, do now pass a first reading and that said Ordinance be further considered for final passage at a regular meeting to be held on the 13th day of October, 2020 at 7:00 PM or as soon thereafter as the matter may be reached at the regular meeting of the Borough Council in the Community Center, 725 Slocum Avenue, in the Borough of Ridgefield, and that at such time and place, all persons interested be given an opportunity to be heard concerning the same, that the Borough Clerk be and she is hereby authorized and directed to publish in The Record, a newspaper circulating in the Borough of Ridgefield said Ordinance according to law, with a notice of its introduction and passage on first reading, and of the time and place when and where said Ordinance will be further considered for final passage.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting September 28, 2020

Presented by Councilman Castelli

ORDINANCE NO. 2392

“AN ORDINANCE AMENDING CHAPTER 115 ENTITLED “AFFORDABLE HOUSING” OF
THE CODE OF THE BOROUGH OF RIDGEFIELD”

BE IT ORDAINED by the Mayor and Council of the Borough of Ridgefield as follows:

Section I:

Chapter 115, “Affordable Housing”, of the Code of the Borough of Ridgefield be, and hereby is, amended by deleting all of the existing language of that Chapter and replacing same with the provisions below:

§115-1. Affordable Housing Obligation

- (a) This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.
- (b) The Ridgefield Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways Ridgefield shall address its fair share for low- and moderate-income housing as determined by the Court, COAH, or a successor entity and documented in the Housing Element.
- (c) This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:93, as may be amended and supplemented.
- (d) The Ridgefield shall file monitoring reports with the Court, COAH, or a successor entity in accordance with N.J.A.C. 5:93, tracking the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by the Court, COAH, or a successor entity in accordance with N.J.A.C. 5:93 shall be available to the public at the Ridgefield Municipal Building, Municipal Clerk's Office, 604 Broad Avenue, Ridgefield, New Jersey.

§115- 2. Definitions

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

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

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

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

“Administrative agent” means the entity responsible for the administration of affordable units in accordance with this ordinance.

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

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

“Affordable” means a sales price or rent within the means of a low or moderate-income household as defined in N.J.A.C.5:93-7.4.

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

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

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

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

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

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

“Assisted living residence” means a facility licensed by the New Jersey Division of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

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

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

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

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

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

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

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

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

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

“Median income” means the median income by household size for the applicable county, as adopted annually by the Court, COAH, or a successor entity.

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

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

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

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

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by the Court, COAH, or a successor entities adopted Regional Income Limits published annually by the Court, COAH, or a successor entity.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Sub code, 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. In assisted living residences, rent does not include charges for food and services.

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

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

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

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

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

§115-3. Affordable Housing Programs

The Ridgefield has determined that it will use the following mechanisms to satisfy its affordable housing obligations:

(a) A Rehabilitation program.

1. Ridgefield's rehabilitation program shall be designed to renovate deficient housing units occupied by 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.
2. Both owner occupied and renter occupied units shall be eligible for rehabilitation funds.
3. All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner occupied units the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.
4. Ridgefield shall dedicate a minimum of \$10,000 for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
5. Ridgefield shall adopt a resolution committing to fund any shortfall in the rehabilitation programs for The Borough.
6. Ridgefield shall designate, subject to the approval of the Court, COAH, or a successor entity, one or more Administrative Agents to administer the rehabilitation program in accordance with N.J.A.C. 5:93. The Administrative Agent(s) shall provide a rehabilitation manual for the owner occupancy rehabilitation program and a rehabilitation manual for the rental occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of the Court, COAH, or a successor entity. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
7. Units in a rehabilitation program shall be exempt from Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
 - i. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:93 and UHAC.
 - ii. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:93 and UHAC.
 - iii. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:93.

iv. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:93 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

(b) Alternative Living Arrangements.

1. Alternative living arrangements may be used to address a municipal housing obligation by entering into an agreement for the location of such a facility with the provider of the facility or by granting preliminary approval to a developer of an alternative living arrangement.

2. The unit of credit for an alternative living arrangement shall be the bedroom.

3. Alternative living arrangements that are age restricted shall be included with the 25 percent that may be age restricted pursuant to N.J.A.C. 5:93-5.14.

4. Controls on affordability on alternative living arrangements shall remain in effect for at least 10 years. To be eligible for a rental bonus (pursuant to N.J.A.C. 5:93-5.15), controls on affordability shall remain in effect for at least 30 years.

5. Transitional facilities for the homeless shall not be dormitories and shall have separate bedrooms; those that do not shall have one year to complete the necessary rehabilitation to create separate bedrooms.

6. Alternative living arrangements shall be subject to Section 6, Affirmative Marketing.

7. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and utilizing the regional income limits established by the Court, COAH, or a successor entity.

§115-4. Inclusionary Zoning

(a) Presumptive densities and set-asides. To ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, inclusionary zoning permits minimum presumptive densities and presumptive maximum affordable housing set-asides as follows:

1. For Sale and Rental Developments

i. The zoning of the R-TH zone provides for a 20 percent set-aside for restricted units and a density of 25 units per acre.

The zoning of the R-SR zone provides for a 20 percent set-aside for restricted units and a density of 35 units per acre.

The zoning of the C zone provides for a 20 percent set-aside for restricted units and a density of 30 units per acre along Bergen Boulevard, and 26 du/ac along Grand Avenue.

The zoning of the MF zone provides for a 20 percent set-aside for restricted units and a density of 30 units per acre for Block 1601, Lot 2, and 31 du/ac for Block 1801, Lot 1.

The zoning of the HD AH zone provides for a 20 percent set-aside for restricted units and a density of 40 units per acre.

2. At least 13% of the units in any development shall be affordable to very-low income households.

- (b) Use Variance or Rezoning Applications. Any applications for residential development by way of Use variance or rezoning resulting in 5 units or more shall provide a minimum affordable housing set-aside of 20%. Any fraction thereof the developer will multiply that fraction by \$200,000 to be contributed to the Borough's affordable housing trust fund.
- (c) Redevelopment Plans. Any Redevelopment Plans that include a residential development resulting in 6 du/ac or more shall provide a minimum affordable housing set-aside of 20%. Any fraction thereof the developer will multiply that fraction by \$200,000 to be contributed to the Borough's affordable housing trust fund.
- (d) Phasing. In inclusionary developments, the following schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

- (e) Design. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- (f) Utilities. Affordable units shall utilize the same type of heating source as market units within the affordable development.

§115- 5. New Construction

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

- (a) Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit.
2. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
3. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - i. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - ii. At least 30 percent of all low- and moderate-income units shall be two-bedroom units;
 - iii. At least 20 percent of all low- and moderate-income units shall be three-bedroom units; and
 - iv. The remaining units may be allocated among two and-three bedroom units at the discretion of the developer.
4. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

(b) Accessibility Requirements:

1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Sub code, N.J.A.C. 5:23-7.
2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have 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 on the first floor;
 - iv. An interior accessible route of travel shall not be required between stories within an individual unit;
 - v. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 - vi. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Sub code, N.J.A.C. 5:23-7, or evidence that the Ridgefield has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
 - A. Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

B. To this end, the builder of restricted units shall deposit funds within the Borough of Ridgefield's affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.

C. The funds deposited under paragraph B. above shall be used by Ridgefield for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

D. The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of Ridgefield.

E. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Sub code, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.

F. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Sub code, N.J.A.C. 5:23-7.

(c) Maximum Rents and Sales Prices

1. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and utilizing the regional income limits established by the Court, COAH, or a successor entity.

2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.

3. 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.

i. At least 13% of all low- and moderate-income rental units shall be affordable to very low-income households, i.e. households earning 30% or less of the median income.

4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.

5. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:

- i. A studio shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household;
 - iii. A two-bedroom unit shall be affordable to a three-person household;
 - iv. A three-bedroom unit shall be affordable to a four and one-half person household;
- and
- v. A four-bedroom unit shall be affordable to a six-person household.

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

- i. A studio shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household;
- and
- iii. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

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

10. The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

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

§115-6 Applicability

The following general guidelines, including sections 115-7 through 115-17, apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

§115-7. Affirmative Marketing Requirements

- (a) Ridgefield shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, COAH, or a successor entity, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- (b) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is 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 Housing Region 1 and covers the period of deed restriction.
- (c) The affirmative marketing plan shall provide a regional preference for all households that live and/or work in Housing Region 1, comprised of Sussex, Passaic, and Bergen counties.
- (d) The Administrative Agent designated by the Ridgefield shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- (e) In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (f) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- (g) 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 Ridgefield.

§115-8. Occupancy Standards

- (a) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - 1. Provide an occupant for each bedroom;
 - 2. Provide children of different sex with separate bedrooms; and
 - 3. Prevent more than two persons from occupying a single bedroom.
- (b) Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

§115-9. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

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

§115-10. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

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

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

§115-11. Buyer Income Eligibility

- (a) Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
- (b) The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's certified monthly income.

§115-12. Limitations on indebtedness secured by ownership unit; subordination

- (a) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- (b) With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C.5:80-26.6(b).

§115-13. Control Periods for Restricted Rental Units

- (a) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-6.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance until the Ridgefield elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Passaic. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- (c) A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
 - 1. Sublease or assignment of the lease of the unit;
 - 2. Sale or other voluntary transfer of the ownership of the unit; or
 - 3. The entry and enforcement of any judgment of foreclosure.

§115-14. Price Restrictions for Rental Units; Leases

- (a) A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- (b) No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- (c) Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

§115-15. Tenant Income Eligibility

- (a) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - 1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
 - 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.

3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.

(b) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;

2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;

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

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

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

(c) The applicant shall file documentation sufficient to establish the existence of the circumstances in (b)1 through 5 above with the Administrative Agent, who shall counsel the household on budgeting.

§115-16. Administration

(a) The position of Municipal Housing Liaison (MHL) for Ridgefield is established by this ordinance. The Council shall make the actual appointment of the MHL by means of a resolution.

1. The MHL must be either a full-time or part-time employee of the Borough of Ridgefield.

2. The person appointed as the MHL must be reported to the Court, COAH, or a successor entity.

3. The MHL must meet all the Court, COAH, or a successor entity's requirements for qualifications, including initial and periodic training.

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

i. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;

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

iii. When applicable, supervising any contracting Administrative Agent.

- iv. Monitoring the status of all restricted units in Ridgefield's Fair Share Plan;
 - v. Compiling, verifying and submitting annual reports as required by the Court, COAH, or a successor entity;
 - vi. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
 - vii. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Court, COAH, or a successor entity.
- (b) Ridgefield shall designate by resolution of the Council, subject to the approval of the Court, COAH, or a successor entity, one or more Administrative Agents to administer newly constructed affordable units in accordance with UHAC.
 - (c) An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Court, COAH, or a successor entity. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
 - (d) The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
 - 1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Court, COAH, or a successor entity;
 - 2. Affirmative Marketing;
 - 2. Household Certification;
 - 3. Affordability Controls;
 - 4. Records retention;
 - 5. Resale and re-rental;
 - 6. Processing requests from unit owners; and
 - 7. Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
 - 8. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

§115-17. Enforcement of Affordable Housing Regulations

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

such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

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

- i. A fine of not more than \$1,000 or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
- 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 Ridgefield 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 low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.

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

- (c) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- (d) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued

or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

- (e) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- (f) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- (g) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (h) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

§115-18. Appeals

Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed in writing with the Court, COAH, or a successor entity, whomever has jurisdiction.

§115-19. Effective Date

This ordinance shall take effect upon passage and publication as provided by law.

Section II:

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Section III.

If any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance, and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting September 28, 2020

Presented by Councilman Castelli

RESOLUTION NO. 202-2020

BE IT RESOLVED, that Liquor Licenses be issued to the following applicants pursuant to an Act of Legislature of the State of New Jersey, entitled, "AN ACT CONCERNING ALCOHOLIC BEVERAGES" passed December 6, 1953 and amendments thereto, and the Borough Ordinance 498 entitled, "AN ORDINANCE CONCERNING ALCOHOLIC BEVERAGES" adopted July 2, 1946, and amendments thereto, such licenses to expire July 1, 2019 and paid to June 30, 2020

<u>NAME OF LICENSEE</u>	<u>ADDRESS</u>	<u>STATE LICENSE</u>
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PLENARY RETAIL CONSUMPTION

The Stancato, Inc. D/B/A Café Tivoli	533 Shaler Boulevard Ridgefield, NJ	0249-33-016-004
Chan's Dragon Inn	630 Broad Avenue Ridgefield, NJ	0249-33-002-004
Jay JalaBapa, Inc. D/B/A Ridgefield Liquors	520 Shaler Boulevard Ridgefield, NJ	0249-32-012-010
Waterfalls Associates, Inc. D/B/A Gotham City Diner	550 Bergen Boulevard Ridgefield, NJ	0249-33-011-006
Barbrothers Ridgefield LLC D/B/A Colonial Bar & Liquors	719D Grand Avenue Ridgefield, NJ	0249-33-014-007
Texas Steak House	441-445 Broad Avenue Ridgefield, NJ	0249-33-001-010
VL Liquor LLC		0249-33-009-011

PLENARY RETAIL DISTRIBUTION LICENSE

JC & B Best Wine & Liquor	321 Broad Avenue Ridgefield, NJ	0249-44-006-006
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COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting September 28, 2020

Presented by Councilman Castelli

RESOLUTION NO. 203-2020

A RESOLUTION AUTHORIZING THE SUBMISSION OF A NEW JERSEY DEPARTMENT OF TRANSPORTATION – TRANSPORTATION ALTERNATIVES SET-ASIDE PROGRAM GRANT APPLICATION FOR THE SHALER BOULEVARD STREETScape PROJECT

WHEREAS, the Transportation Alternatives Set-Aside Program (TA Set-Aside Program) provides federal funds for community based “non-traditional” surface transportation projects designed to strengthen the cultural, aesthetic, and environmental aspects of the nation’s intermodal system; and,

WHEREAS, the Borough of Ridgefield is applying for funding to conduct a streetscape project along Shaler Boulevard within the Borough of Ridgefield; and

WHEREAS, the project will help to continue and improve the promotion and encouragement of pedestrian and bicycle access and safety for the Shaler Boulevard commercial district; and

WHEREAS, the maximum amount of grant funds available is \$1 million, and no municipal matching funds are required; and

WHEREAS, the attached grant application describes the terms and conditions of applying for the grant funding; and,

WHEREAS, maintenance of the facility, once constructed, will be assumed by the Borough of Ridgefield with the exception of (1) local ordinances that places maintenance responsibility with each individual property owner, and (2) those crosswalks on State or County Highways;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Ridgefield as follows:

- A. The Borough of Ridgefield hereby accepts the terms of the grant funding and authorizes the electronic submission of the grant application identified as *TA-2020-Shaler Boulevard Streetscape Project-00025* to the New Jersey Department of Transportation on behalf of the Borough of Ridgefield; and,
- B. The Borough Council of the Borough of Ridgefield hereby authorizes submission of the grant application identified as *TA-2020-Shaler Boulevard Streetscape Project-00025* to the New Jersey Department of Transportation for a requested amount not to exceed \$1 million; and,

- C. The Borough of Ridgefield alone will assume maintenance responsibility over all improvements completed with grant funding awarded under the FY2020 Transportation Alternatives Set-Aside Program; and,
- D. In accordance with 23 CFR § 635.105(a)(4) the Borough of Ridgefield hereby designates Ray Ramirez as the responsible in charge for this program. Ray Ramirez is a full-time employee of the Borough of Ridgefield in the role of Borough Administrator and will be responsible charge for the proposed project.
- E. This resolution shall take effect immediately upon passage.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting September 28, 2020

Presented by Councilman Castelli

RESOLUTION NO. 204-2020

WHEREAS, the State of New Jersey Department of Community Affairs has offered to enter into a State Local Cooperative Housing Inspection Program; and

WHEREAS, this is similar to a program that has been entered into in prior years in which the Borough of Ridgefield agrees to inspect multiple dwellings on behalf of the Department of Community Affairs; and

WHEREAS, this agreement is in the best interests of the Borough of Ridgefield;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that the State Local Cooperative Housing Inspection Program Agreement, in the form attached hereto, be and hereby is approved, and the Mayor be, and hereby is, authorized and directed to execute same on behalf of the Borough of Ridgefield.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO Box 810
TRENTON, NJ 08625-0810

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

June 1, 2020

The Honorable Anthony R. Suarez
Mayor, Borough of Ridgfield
604 Broad Avenue
0249 Ridgfield Boro, New Jersey 07657

Re: State Local Cooperative Housing Inspection Program

Dear Mayor Suarez:

On behalf of Governor Philip Murphy and the New Jersey Department of Community Affairs, it is my pleasure to welcome the Borough of Ridgfield's participation in the State Local Cooperative Housing Inspection Program. Under this Program, your municipality has requested and received authorization to conduct the State mandated inspections of hotels and multiple dwellings within its jurisdiction on behalf of the Bureau of Housing Inspection during the period from July 1, 2020 to June 30, 2021. This Authorization is based upon the requirement that these inspections and their related activities be conducted in strict accordance with the Conditions of Authorization enclosed with this letter.

In order to pay your municipality for conducting these State inspections during Fiscal Year 2021, the Bureau has allocated the sum of \$1,360.00. This amount is based upon the number of hotels, motels and multiple dwellings in your municipality that will require inspection during Fiscal Year 2021. In addition to the current inspections, this number may also include inspections determined by the Bureau to be overdue.

To indicate your acceptance of this authorization, please sign both copies of this letter and return one copy to Joseph Krajewski, Supervisor of the State Local Cooperative Housing Inspection Program, Bureau of Housing Inspection, Post Office Box 810, Trenton, New Jersey 08625-0810. Please retain the other copy for your files.

I thank you for your interest in the Department's State Local Cooperative Housing Inspection Program and look forward to working with you during the upcoming months toward our common goal of ensuring safe and decent housing within your municipality.

Sincerely,

Edward M. Smith
Director
Division of Codes and Standards

Anthony R. Suarez, Mayor
0249 Ridgfield Boro
Enclosure



BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting September 28, 2020

Presented by Councilman Castelli

RESOLUTION NO. 205-2020

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, the Mayor and Council of the Borough of Ridgefield, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Mayor and Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Mayor and Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Bergen;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Ridgefield, County of Bergen, State of New Jersey hereby recognizes the following:

1. The Mayor and Council does hereby authorize submission of a strategic plan for the Ridgefield Municipal Alliance grant for fiscal year 2021 in the amount of:

DEDR	\$3579.47
Cash Match	\$894.87
In-Kind	\$2684.60

2. The Mayor and Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting September 28, 2020

Presented by Councilman Jimenez

RESOLUTION NO. 206-2020

WHEREAS, on March 27, 2020 the Coronavirus Aid Relief and Economic Security Act (the "CARES Act") was enacted, among other purposes, to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency and to combat the economic damage caused to states, counties and municipalities because of COVID-19; and

WHEREAS, Bergen County (the "County") has received CARES Act funds from the United States Treasury (the "Stimulus Funds") to be used to reimburse specific COVID-19 related expenditures within the County due to economic damage and hardship caused by COVID-19; and

WHEREAS, the County, as the recipient of the Stimulus Funds, has the responsibility to disburse the Stimulus Funds to eligible recipients in accordance with the terms and provisions of the CARES Act and any guidelines or regulations issued by United States government or any of its agencies and/or departments; and

WHEREAS, the County seeks to provide Municipalities (the "Municipalities") within the County access to Stimulus Funds for COVID-19 related expenditures on a reimbursement basis in order to alleviate a degree of the economic damage and hardship caused by COVID-19; and

WHEREAS, the County has the responsibility to establish a reasonable process for the acceptance of an application by a municipality for an eligible reimbursement from the Stimulus Funds, and has proffered the attached agreement (the "Reimbursement Agreement") for acceptance and execution by a municipality seeking reimbursement from the Stimulus Funds; and

WHEREAS, the Borough of Ridgefield wishes to avail itself of applying to the County for eligible reimbursement(s) from the Stimulus Funds;

NOW THEREFORE BE IT RESOLVED THAT the Mayor and Council of the Borough of Ridgefield that the Borough hereby approves and accepts the Reimbursement Agreement; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute the Reimbursement Agreement and have the Chief Financial Officer and any other appropriate Borough officials apply for eligible reimbursement(s) from the Stimulus Funds pursuant to the Reimbursement Agreement and the process established by the County in conjunction with said Agreement and the CARES Act.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

**BERGEN COUNTY CARES ACT MUNICIPALITY
REIMBURSEMENT AGREEMENT**

THIS REIMBURSEMENT AGREEMENT (the Agreement), made this day of _____, 2020, between the **County of Bergen**, a body politic of the State of New Jersey, having a principal office at **One Bergen County Plaza, Hackensack, New Jersey, 07094**, (the "County"), and the Borough of Ridgefield (the "Municipality") located at 604 Broad Avenue, Ridgefield, NJ 07657.

WHEREAS, the United States of America, the State of New Jersey, Counties, and Municipalities have experienced significant economic damage and hardship as a result of the COVID-19 Virus Pandemic (COVID-19); and

WHEREAS, on March 27, 2020 the Coronavirus Aid Relief and Economic Security Act (the "CARES Act") was enacted, among other purposes, to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency and to combat the economic damage caused to states, counties and municipalities because of COVID-19; and

WHEREAS, the County has received CARES Act funds from the United States Treasury (the "Stimulus Funds") to be used to reimburse specific COVID-19 related expenditures within the County due to economic damage and hardship caused by COVID-19;

WHEREAS, the County, as the recipient of the Stimulus Funds, has the responsibility to disburse the Stimulus Funds to eligible recipients in accordance with the terms and provisions of the CARES Act and any guidelines or regulations issued by United States government or any of its agencies and/or departments;

WHEREAS, the County seeks to provide Municipalities (the "Municipalities") within the County access to Stimulus Funds for COVID-19 related expenditures on a reimbursement basis in order to alleviate a degree of the economic damage and hardship caused by COVID-19.

NOW THEREFORE, it is stipulated and agreed as follows:

1. ***Purpose of Stimulus Funds.*** The Municipality understands and agrees that the County shall determine eligibility for the receipt of any Stimulus Funds in accordance with the terms of the CARES Act, the "Coronavirus Relief Fund - Guidance for State, Territorial, Local and Tribal Governments - April 22, 2020" (the Guidelines"), attached hereto as Schedule A, and any subsequent amendments and/or changes to the Guidelines. Excluded from the Guidelines as an eligible reimbursement are the categories detailed in number 4, related to long distance learning, and in number 5, on page 3 of the Guidelines.
2. ***Role of County.*** As the recipient of the Stimulus Funds it shall be the responsibility of the County to establish a reasonable process for the acceptance of an application by the Municipality for an eligible reimbursement from the Stimulus Funds. The Municipality agrees and understands that the decision as to whether the reimbursement sought by the Municipality is not within the discretion of the County but is governed by the Guidelines. Attached hereto as Schedule B is the process to be employed by the County to accept applications for a reimbursement from the Stimulus Funds.
3. ***Use of Stimulus Funds.*** The Municipality understands that the Stimulus Funds represent an amount of funds for which the County along with the Municipalities in Bergen County are eligible to file a claim for reimbursement. However, neither the County, nor any of the Municipalities in Bergen County, has a vested right to receive any of the funds and the

receipt of funds shall be subject to any claim for reimbursement meeting the eligibility requirements established by the CARES Act and the Guidelines. It should also be noted that the Municipality shall not receive reimbursement for eligible expenses pursuant to this Agreement if reimbursement for those same eligible expenses has been received pursuant to another source including but not limited to FEMA. **Please note that claims for Stimulus Funds must be filed and disbursed by no later than December 30, 2020 or the Stimulus Funds must be returned to the Secretary of Treasury, so time is of the essence.**

4. ***Processing of Claims.*** The County shall process and accept all claims for Reimbursements in the order in which the claim is received and shall pay any eligible payment in the order it is determined to be eligible. Subject to the provisions of paragraph 8 herein after written, any claim of the Municipality cannot exceed the initial allocation provided to the Municipality pursuant to the provisions of paragraph 8 herein after contained.

5. ***Non-Liability of the County.*** The Municipality understands that the County cannot Guaranty that a claim for reimbursement is eligible for payment nor that any claims for reimbursements beyond the amount of the Stimulus Funds can be paid. In the event there is dispute by the Municipality as to determination made by the County, either as to the eligibility for a reimbursement or the amount of a reimbursement, then the County shall, if requested by the Municipality, pursue an appeal or a request for clarification with the United States Treasury, at the cost of the Municipality.

6. ***Indemnification by Municipality.*** The Municipality acknowledges that the role of the County as to the distribution of the Stimulus Funds shall be as an intermediary. Consequently, if as the result of any audit performed by the United States Treasury, or any

other auditing agency, department or office of the Government of the United States determines that any reimbursement made to the Municipality by the County from the Stimulus Funds was not eligible for reimbursement, then the Municipality shall repay any ineligible reimbursement within the time mandated by the United States Treasury or the agency, department or office of the Government of the United States for the return of any Stimulus Funds. The Municipality shall indemnify and hold harmless the County from any claim made by the United States Treasury or any agency, department or office of the Government of the United States for the return of any payment received by the Municipality from the Stimulus Funds. Included in the claim for reimbursement shall be any legal fees, court costs or professional fees incurred by the County in defense of any claim made for return of any Stimulus Funds received by the Municipality.

7. ***Documents Required and Preservation of Records.*** Any application for reimbursement must be sufficiently documented so that the County can determine the eligibility of the claim for reimbursement including a provision whereby the Municipality certifies that it has not applied to the State or Federal governments for the reimbursement of the same claim submitted to the County. The Municipality agrees that it will not destroy or discard any documents or records maintained and/or relied upon by the Municipality in filing any claim to the County for the receipt of Stimulus Funds without providing written notice to the County at the address first written, or at any other address provided to the Municipality by the County in writing. Any notice shall be given not less than thirty (30) days prior to the date on which the records are to be destroyed or discarded. The County shall at its sole cost and expense have the right to make copies of any documents or records pertinent to the claim for Stimulus Funds and the Municipality shall provide the County with reasonable access to the documents and records.

8. ***Allocation to Municipality.*** The County has allocated Stimulus Funds for the benefit of the Municipalities (the "Allocation"). However, the Municipality understands that the Allocation is not a guaranty of the receipt of a reimbursement to the Municipality from the Allocation. The Municipality understands that each of the Municipalities has also received an Allocation. The Municipality acknowledges that the Allocation is only an estimate of that portion of the Stimulus Funds which the Municipality will be eligible to receive. Any reimbursement will be subject to the claim being eligible for reimbursement as per the Guidelines. By June 1, 2020, the Municipality shall submit reimbursement applications for March and April; by July 17, 2020 for the months of May and June and by October 23 for the months of July, August and September 2020. Any further claims for reimbursements must be filed by no later than December 18, 2020. Beginning on the date of approval and thereafter on July 17, October 23, and December 18, 2020, the County shall review the Allocation and make an adjustment to the Allocation dependent up on the claims for reimbursement made by and paid to date to the Municipality and the Municipalities and the estimated budgets of future expenditures to be made by the Municipality and the Municipalities in the ensuing time period. The Municipality understands that the decision by the County as to any adjustment to the Allocations shall take into consideration the needs of the County, the Municipalities and the Municipality; the amounts of reimbursements made to the County, the Municipalities and the Municipality to date; and the remaining balance contained in the Stimulus Funds.

9. ***Subsequent Funds.*** Should the County be in receipt of any additional funds provided by the Government of the United States to combat the Coronavirus, which the Municipality shall be eligible to receive payment, then in the event the Municipality files a claim for those funds the terms and provisions of this Agreement shall apply to the disposition and processing of those claims.

10. **Applicable Law and Attorney Fees.** Any action for the enforcement of any term or provision of this Agreement shall be governed by the law of the State of New Jersey and shall be filed in the Superior Court of the State of New Jersey having venue in Bergen County. In addition to any other relief which a party may receive, the prevailing party shall receive an award of reasonable attorney fees and court costs against the non-prevailing party.

11. **Duration of Agreement.** This Agreement shall begin on the date first written and shall continue until either party terminates it up on thirty (30) days written notice or the depletion of the Stimulus Funds, whichever event occurs sooner.

12. **Approval.** By signing below the individual signing this Agreement represents that this Agreement has been approved and ratified by the governing body of the party signing it or that the Party has been advised by its counsel that the approval is not legally necessary.

IN WITNESS WHEREOF, the parties have signed and sealed this Agreement on the date set forth above.

COUNTY OF BERGEN

By _____

ATTEST:

MUNICIPALITY

By _____

ATTEST:

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting September 28, 2020

Presented by Councilman Castelli

RESOLUTION NO. 207-2020

WHEREAS, a Special Ruling to Permit Renewal of Inactive Liquor License was applied for by Jinny Jinouk Kwon; and

WHEREAS, the Division of Alcoholic Beverage Control has granted said Permit for the 2019-2020 and 2020-2021 License Terms pursuant to N.J.S.A. 33.1-12.39;

NOW, THEREFORE, BE IT RESOLVED that Plenary Retail Consumption License No. 0249-33-007-0008 be issued to Jinny Jinouk Kwon, pursuant to an Act of Legislature of the State of New Jersey, entitled "AN ACT CONCERNING ALCOHOLIC BEVERAGES" passed December 6, 1953 and amendments thereto, and the Borough Ordinance 498 entitled, "AN ORDINANCE CONCERNING ALCOHOLIC BEVERAGES" adopted July 2, 1946, and amendments thereto. Said license to expire June 30, 2021.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting September 28, 2020

Presented by Councilman Castelli

RESOLUTION NO. 208-2020

WHEREAS, the Borough of Ridgefield has settled its litigation respecting its constitutional obligation to provide a reasonable opportunity for affordable housing by and within the Borough of Ridgefield; and

WHEREAS, one of the terms of the settlement of that litigation, and of the order implementing same, is that the Borough adopt a spending plan to facilitate achieving its affordable housing obligations; and

WHEREAS, the attaching spending plan has been prepared by the Borough's special planner for affordable housing issues, Kathryn M. Gregory, PP, AICP of Gregory Associates, LLC, and recommended by the Ridgefield Planning Board; and

WHEREAS, it is in the best interests of the Borough of Ridgefield to adopt the spending plan;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that the attached spending plan be and hereby is adopted by the Borough to facilitate the implementation of the Borough's satisfaction of the terms and conditions of the settlement agreement as referenced above and fulfillment of its affordable housing obligations.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

AFFORDABLE HOUSING SPENDING PLAN

Borough of Ridgefield
Amended June 14, 2020

INTRODUCTION

Ridgefield, Bergen County, NJ, has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:91-1 et seq. and N.J.A.C. 5:93-1 et seq.). The ordinance establishes the Ridgefield affordable housing trust fund for which this spending plan is prepared.

As of May 31, 2020, Ridgefield has collected \$1,145,000, expended \$243,094.85, resulting in a balance of \$1,002,321.79 (please account for interest). All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in separate interest-bearing affordable housing trust funds in Santander and Capital One Bank for the purposes of affordable housing.

Ridgefield first received substantive certification on July 10, 1996 and received approval to maintain an affordable housing trust fund prior to the date of substantive certification.

1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of third round substantive certification, Ridgefield considered the following:

(a) Development fees:

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

(b) Payment in lieu (PIL):

Actual and committed payments in lieu (PIL) of construction from developers as follows:

(c) Other funding sources:

Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, proceeds from the sale of affordable units.

(d) Projected interest:

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate.

SOURCE OF FUNDS	PROJECTED REVENUES-HOUSING TRUST FUND - 2020 THROUGH 2025							
		2020	2021	2022	2023	2024	2025	Total
(a) Development fees:								
1. Approved Development		109,000	0	0	0	0	0	109,000
2. Development Pending Approval		0	0	0	0	0	0	0
3. Projected Development		0	0	20,000	37,000	0	78,000	135,000
(b) Payments in Lieu of Construction		0	0	0	0	0	0	0
(c) Other Funds (Specify source(s))		0	0	0	0	0	0	0
(d) Interest		290	0	52	100	0	200	642
Total		109,290	0	20,052	37,100	0	78,200	244,642

Ridgefield projects a total of \$0 in revenue to be collected between May 31, 2020 and December 31, 2025. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

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

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with Ridgefield's development fee ordinance for both residential and non-residential developments in accordance with COAH's rules.

(b) Distribution of development fee revenues:

Development fee revenues are distributed under the same procedures for any bill purchase in the Borough. Purchase orders are requested and processed, then approved by the Governing body.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) **Rehabilitation and new construction programs and projects (N.J.A.C. 5:93-8.16)**

Ridgefield will dedicate a minimum of \$260,000 to rehabilitation and has already pledged \$153,071.10 to a home for the developmentally disabled (see detailed descriptions in Fair Share Plan) as follows:

Rehabilitation program: \$260,000

New construction project(s): \$153,071.10 to a home for the developmentally disabled

(b) **Affordability Assistance (N.J.A.C. 5:93-8.16)**

Projected minimum affordability assistance requirement:

Actual development fees through 1/31/2020		\$1,145,000
Development fees projected* 2020-2025	+	\$244,642
Less housing expenditures through 1/21/2020	-	\$243,094.85
Total	=	\$1,146,547.15
30 percent requirement	x0.30 =	\$343,964.15
Less Affordability assistance expenditures through 7/31/18	-	\$0
PROJECTED MINIMUM Affordability Assistance Requirement through 12/31/2025	=	\$343,964.15
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement through 12/31/2018	÷ 3 =	\$114,654.72

Ridgefield will dedicate \$343,964.15 from the affordable housing trust fund to render units more affordable, including \$114,654.72 to render units more affordable to households earning 30 percent or less of median income by region, as follows:

Affordability assistance programs:

- Down-payment assistance
- Rental assistance
- Maintenance fee assistance
- Special assessment assistance (i.e. above and beyond the maintenance fee for a condo, if a roof is replaced and a special assessment is made)
- Converting low-income units to very-low income units

(c) Administrative Expenses (N.J.A.C. 5:93-8.16)

Based on collections and interest of \$1,145,000, a total of \$229,000 is permitted to be expended from the affordable housing trust fund to be used on administrative purposes. The Borough's administrative expenses are limited to 20 percent of what is actually collected. A total of \$10,023.75 has been utilized for administrative expenses to date, which results in a calculation of \$218,976.25 available for future administrative expenses.

4. EXPENDITURE SCHEDULE

Ridgefield intends to use affordable housing trust fund revenues for the creation and/or rehabilitation of housing units. Where applicable, the creation/rehabilitation funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows.

Program <i>[Individually list programs and projects e.g. Rehab, Accessory Apartments, for-sale and rental municipally sponsored, etc].</i>	Number of Units Projected	PROJECTED EXPENDITURE SCHEDULE						
		2020 -2025						
		2020	2021	2022	2023	2024	2025	Total
Rehabilitation	52	80,000	80,000	80,000	80,000	100,000	100,000	520,000
Home for Developmentally Disabled	1		153,071.10					153,071.10
Affordability Assistance		59,152.74	59,152.74	59,152.74	59,152.74	59,152.74	59,152.74	354,916.44
Administration		36,496.04	36,496.04	36,496.04	36,496.04	36,496.04	36,496.05	218,976.25
Total		175,648.78	348,719.88	175,648.78	175,648.78	195,648.78	195,648.78	1,246,963.79

5. EXCESS OR SHORTFALL OF FUNDS

Pursuant to the Housing Element and Fair Share Plan, the governing body of Ridgefield has adopted a resolution agreeing to fund any shortfall of funds required for implementing rehabilitation, affordability assistance, and a group home for the developmentally disabled. In the event that a shortfall of anticipated revenues occurs, Ridgefield will pass a resolution of intent to bond. A copy of the adopted resolution is attached.

SUMMARY

Ridgefield intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:93-8.1 through 8.22 and consistent with the housing programs outlined in the housing element and fair share plan.

Ridgefield has a balance of \$1,002,321.79 as of January 31, 2020 and anticipates an additional 244,642 in revenues before the expiration of substantive certification for a total of \$1,245,416.64. The municipality will dedicate \$354,916.44 to render units more affordable, \$218,976.25 to administrative costs, \$153,071.10 towards a group home for the developmentally disabled, and a minimum of \$260,000 towards addressing its rehabilitation share.

SPENDING PLAN SUMMARY	
Balance as of May 31, 2020	\$1,002,321.79
PROJECTED REVENUE 2020 -2025	
Development fees	+ \$244,000
Payments in lieu of construction	+ \$0
Other funds	+ \$0
Interest	+ \$642
TOTAL REVENUE	= \$1,246,963.79
EXPENDITURES	
Funds used for Rehabilitation	- \$520,000
Funds used for New Construction	
1. Group Home for Developmentally Disabled	- \$153,071.10
Affordability Assistance	- \$354,916.44
Administration	- \$218,976.25
TOTAL PROJECTED EXPENDITURES	= \$1,246,963.79
REMAINING BALANCE	= \$0

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting September 28, 2020

Presented by Councilman Jimenez

RESOLUTION NO. 209-2020

WHEREAS, the Borough of Ridgefield previously entered into four separate Regional Contribution Agreements (RCAs) as follow:

- a. Borough of Saddle River – November 5, 2003 for 22 units at \$20,000 per unit for a total of \$440,000.
- b. Borough of Allendale – October 1, 2003 for 4 units at \$20,000 per unit for a total of \$80,000.
- c. Borough of Emerson – August 6, 2004 for 5 units at \$25,000 per unit for a total of \$125,000.
- d. Township of Vernon – December 15, 2004 for 20 units at \$25,000 per unit for a total of \$500,000; and

WHEREAS, by virtue of the settlement of the Borough's affordable housing litigation, entitled In the Matter of the Application of the Borough of Ridgefield, Plaintiff/Petitioner, Superior Court of New Jersey, BER:-L-6439-15, the Borough's obligations on the Allendale and Emerson RCA's have been deemed satisfied; and

WHEREAS, the Borough has maintained the Allendale and Emerson RCA funds in an account used to fund a housing rehabilitation program with a remaining balance of approximately \$95,291.25 as well as having several outstanding mortgage loans with "due on sale" provisions; and

WHEREAS, the Borough now wishes to convert the remaining balance in the Allendale/Emerson account, together with all outstanding mortgage loans to its Affordable Housing Trust Fund; and

WHEREAS, account established for Saddle River and Vernon RCA's will continue to be maintained and dedicated to the Borough's Housing Rehabilitation Program;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ridgefield that the account maintained by the Borough for the Allendale and Emerson RCA's, including any outstanding mortgage loans made from the account, be and hereby is rededicated to the Borough's Affordable Housing Trust, and the Borough's CFO is authorized and directed to transfer or retitle said account so that it be dedicated to the Borough's Affordable Housing Trust fund.

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk

The undersigned, being the Chief Financial Officer of the Borough of Ridgefield, County of Bergen, New Jersey, and the person charged with the responsibility of maintaining financial records of said Borough in accordance with N.J.S.A. 40:4-57 and the rules of the Local Finance Board of the State of New Jersey adopted thereunder, does hereby certify that there are adequate funds available for the payment of the attached list of invoices, duly adopted by said Borough, and which said list indicates the specific line item of said budget to which expenditures shall be charged.

Francis J. Elenio,
Chief Financial Officer

BOROUGH OF RIDGEFIELD
Bergen County, New Jersey

Meeting September 28, 2020

Presented by Councilman Jimenez

RESOLUTION NO. 210-2020

BE IT RESOLVED, that warrants totaling **\$638,182.39**
be drawn on the following accounts:

CURRENT	\$498,738.56
TRUST	\$45,057.00
CAPITAL	\$63,023.75
POOL	\$31,257.48
DOG LICENSE	\$105.60
TOTAL	\$638,182.39

COUNCIL VOTE

	YES	NO	ABSTAIN	ABSENT
Castelli				
Penabad				
Shim				
Jimenez				
Kontolios				
Larkin				
Mayor Suarez				

Approved:

Attest:

Anthony R. Suarez, Mayor

Linda M. Silvestri,
Borough Clerk