



**Township Council**  
1 Municipal Plaza  
Bloomfield, NJ 07003

**Louise M. Palagano**  
*Municipal Clerk*

<http://www.bloomfieldtwpnj.com>

Meeting: 11/17/25 07:00 PM

**2025 ORDINANCE AMENDMENT**

**Ord 25 33**

**AN ORDINANCE TO AMENDING CHAPTER 112 OF THE TOWNSHIP CODE  
OF THE TOWNSHIP OF BLOOMFIELD, ENTITLED "AFFORDABLE  
HOUSING"**

**BE IT ORDAINED, by the Mayor and Council of the Township of Bloomfield, County of Essex,  
State of New Jersey, as follows:**

Section 1. Chapter 112, "Affordable Housing", of the Code of the Township of Bloomfield, County of Essex, State of New Jersey, is hereby amended to read as follows:

**§ 112-1. Purpose.**

The purpose of this chapter is to facilitate the provision of affordable housing in connection with residential and nonresidential development in compliance with the requirements of statutory law, as amended and supplemented.

**§ 112-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**AFFORDABLE** - Shall have the same meaning as that provided by the rules promulgated pursuant to the Fair Housing Act, as amended and supplemented.

**AFFORDABLE HOUSING UNIT(S)** - Residential unit(s) affordable to low- or moderate-income households, as those terms are defined herein.

**HOUSEHOLD** - Shall have the same meaning as that provided by the rules promulgated pursuant to the Fair Housing Act, as amended and supplemented.

**INCLUSIONARY DEVELOPMENT** - 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 nonresidential structure to residential and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

**LOW-INCOME** - Shall have the same meaning as that provided by the rules promulgated pursuant to the Fair Housing Act, as amended and supplemented.

**MIXED-USE DEVELOPMENT** - Shall have the same meaning as that provided by the Statewide Nonresidential Development Fee Act, N.J.S.A. 40:55D-8.1 through 8.7, as amended and supplemented.

**MODERATE-INCOME** - Shall have the same meaning as that provided by the rules promulgated pursuant to the Fair Housing Act, as amended and supplemented.

**NONRESIDENTIAL DEVELOPMENT** - Shall have the same meaning as that provided by the Statewide Nonresidential Development Fee Act, N.J.S.A. 40:55D-8.1 through 8.7, as amended and supplemented.

**§ 112-3. Applicability.**

This chapter sets forth mechanisms by which developers shall provide for a fair share of affordable housing based on growth that is associated with development taking place within all zoning districts within the Township. Except as otherwise set forth herein, this specifically includes, without limitation, any parcel within the Township which would accommodate five or more dwelling units as a result of a “d” variance pursuant to N.J.S.A. 40:55D-70, where the zoning would require a 20% set-aside. It also includes any parcel in an area designated by the Township as an area in need of redevelopment or an area in need of rehabilitation pursuant to the Redevelopment Law. Notwithstanding the above, this chapter shall not apply to any parcel within the Township which would not accommodate five or more dwelling units where the zoning would require a 20% set-aside; or to any parcel within an area designated by the Township as an area in need of redevelopment or an area in need of rehabilitation under the Redevelopment Law, provided the developer of any such project is required to execute a redevelopment agreement under the terms of a prevailing redevelopment plan. Any affordable housing obligation for a project undertaken in a designated redevelopment or rehabilitation area which is subject to a redevelopment agreement pursuant to the terms of a prevailing redevelopment plan will be determined through negotiations between the redevelopment entity and a designated redeveloper and incorporated into the redevelopment agreement.

**§ 112-4. Zoning for inclusionary development.**

Reserved.

**§ 112-5. Density and affordable housing set-asides standards.**

To ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, the minimum gross density and the affordable housing set-aside for any residential development shall be as follows:

- A. Minimum gross density: eight units per acre.
- B. Affordable housing set-aside: 20% of the total number of units in the development shall be affordable to low- and moderate-income households if the affordable units will be for sale and 15% of the total number of units in the development shall be affordable to low- and moderate-income households if the affordable units shall be for rent.

**§ 112-6. Financial incentives.**

The Township intends to encourage developers to provide affordable housing through inclusionary development. Toward that end, the Township may, in its discretion, make available to a developer any financial incentives, including, but not limited to, tax abatements, which are permitted by law.

**§ 112-7. Payment-in-lieu.**

Pursuant to § 112-4A(1) of this chapter, and upon DCA or other court approved entity's authorization, a developer shall make payment to the Township in lieu of constructing the required affordable housing units, subject to the following:

- A. The developer shall make such payment to the Township in the amount of \$148,683 per each affordable housing unit required, unless another amount is agreed to as part of a redeveloper agreement.
- B. The affordable housing requirements set forth in this chapter shall be rounded up. Payments in lieu of construction of affordable housing units are permitted in the event that calculation of the developer's affordable housing obligation pursuant to § 112-4 of this chapter results in an obligation on the part of the developer to construct fractional affordable housing units. In such event, the payment to be made by the developer to the Township shall be prorated.
- C. Payments in lieu of constructing affordable housing units shall be deposited into an affordable housing trust fund pursuant to N.J.A.C. 5:94-8.1 and 8.4, as amended and supplemented.
- D. Payments in lieu of constructing affordable housing shall not be permitted where affordable housing is not required. Upon approval by the Dispute Resolution Program of the Township's Development Fee Ordinance, zoning that does not require an affordable housing set-aside or payment-in-lieu shall be subject to the Township's Development Fee Ordinance.

**§ 112-8. Schedule.**

Affordable housing units shall be built in accordance with the requirements set forth in UHAC, N.J.A.C. 5:80-26.1 et seq., as amended and supplemented, unless otherwise specifically agreed to by the Township and a developer pursuant to a developers agreement executed by the same.

**§ 112-9. Design.**

- A. The design of inclusionary and mixed-use developments providing affordable housing units shall be consistent with the general policies and implementation mechanisms regarding design in the State Development and Redevelopment Plan.
- B. To the extent feasible, developers shall fully integrate affordable housing units with market-rate units.
- C. Affordable housing units shall have access to all community amenities available to market-rate units that are subsidized in whole by associated fees and utilize the same heating source as market-rate units within the inclusionary development.
- D. The first floor all townhouse dwelling units and all other multistory dwelling units shall comply with the accessibility and adaptability requirements of N.J.A.C. 5:94-4.21, as amended and supplemented and with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.
- E. Affordable housing units shall comply with N.J.A.C. 5:97-9, as amended and supplemented and the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq., as amended and supplemented.

F. The following documentation shall be submitted prior to marketing the completed units:

- (1) A draft or adopted operating manual that includes a description of the program procedures and administration in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., as amended and supplemented.
- (2) An affirmative marketing plan in accordance with Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., as amended and supplemented.
- (3) Designation of an experienced Administrative Agent, including a statement of their qualifications, in accordance with N.J.A.C. 5:95-17, as amended and supplemented.

### § 112-10. Development fees.

A. Purpose. This section establishes standards for the collection, maintenance and expenditure of development fees pursuant to P.L. 2024, c. 2, which amend those regulations originally established in accordance P.L. 2008, c. 46 Sections 8 and 32 through 38, and supersede COAH's regulations where in conflict, which remain otherwise valid. Fees collected pursuant to this section shall be used for the sole purpose of providing low- and moderate-income housing.

B. Basic requirements.

- (1) This section shall not be effective until approved by the Dispute Resolution Program pursuant to P.L. 2024, c. 2 and N.J.A.C. 5:96-5.1, as same may be amended and/or supplemented from time to time.
- (2) The Township of Bloomfield (the "Township") shall not spend development fees until the Dispute Resolution Program has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3, as same may be amended and/or supplemented from time to time.

C. Definitions. The following terms, as used in this section, shall have the following meanings.

**AFFORDABLE HOUSING DEVELOPMENT** - 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 one-hundred-percent affordable development.

**COAH or THE COUNCIL** - The New Jersey Council on Affordable Housing, as previously established under the Fair Housing Act, prior to its abolition through P.L. 2024, c. 2.

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

**DEVELOPMENT FEE** - Money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3, as same may be amended and/or supplemented from time to time.

**DISPUTE RESOLUTION PROGRAM** - The Affordable Housing Dispute Resolution Program, established pursuant to section 5 of P.L. 2024, c.2 (N.J.S.A. 52:27D-313.2). The Dispute Resolution Program is established within the Judiciary of the State, for the purpose of resolving disputes associated with the Fair Housing Act with respect to municipalities seeking to obtain a certification of compliance of their adopted Housing Element & Fair

EQUALIZED ASSESSED VALUE - The assessed value of a property divided by the current average ratio of assessed to true value for the Township, as determined in accordance with Sections 1, 5 and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through N.J.S.A. 54:1-35c), as same may be amended and/or supplemented from time to time.

GREEN BUILDING STRATEGIES - 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, in accordance with accepted national or state standards and such guidance as may be provided by the Township.

D. Residential development fees.

(1) Imposed fees.

- (a) Within all zoning districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee equal to 1.5% of the equalized assessed value of the land and improvements, subject to Subsection D(1)(b) of this section.
- (b) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5), as same may be amended and/or supplemented from time to time (known as a "D-variance"), has been permitted, developers shall be required to pay a development fee equal to 6% of the equalized assessed value of each additional unit authorized and constructed as a result of the D-variance. (See Example 1 below.) However, if the zoning on a site has changed during the two-year period preceding the filing of an application for a D-variance, the base density for the purposes of calculating the six-percent development fee shall be the highest density permitted by right during the two-year period preceding the filing of the application for a D-variance. (See Example 2 below.)

Example 1: If as a result of a D-variance, four units are authorized and constructed on a site that is zoned for two units, the fees imposed equal 1.5% of the equalized assessed value of the land and the first two units, plus 6% of the equalized assessed value of the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of the application for a D-variance.

Example 2: Assume zoning permits a maximum residential density of three units per acre on a site. Zoning subsequently changes to permit a maximum of two units per acre on the site. Within two years following that zoning change, a developer files an application for a D-variance to permit the construction of four units per acre on the site. Assuming the developer's application for a D-variance is approved and the four units are constructed, the fees imposed equal 1.5% of the equalized assessed value of the land and the first three units, plus 6% of the equalized assessed value of the one additional unit.

(2) Eligible exactions, ineligible exactions and exemptions from residential development fees.

- (a) The percentage of the development fee shall be vested on the date that the building permit is issued.
- (b) Affordable housing developments, developments for which the developer

provides affordable units off-site and developments where the developer makes a payment in lieu of on-site construction of affordable units shall be exempt from development fees.

- (c) Developments that have received preliminary or final site plan approval prior to the adoption of this section shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose.
- (d) Development fees shall be imposed and collected where, other than pursuant to N.J.S.A. 4055D-70d(5), as same may be amended and/or supplemented from time to time (known as a "D-variance"), an existing structure undergoes a change to a more intense use, is demolished and replaced [subject to Subsection D(2)(f) below] or is expanded, but only if such change, replacement or expansion results in the construction of an additional unit and unless such change, replacement or expansion is otherwise exempt from the development fee requirement. The development fee shall be equal to 1.5% of the increase in the equalized assessed value of the improved structure.
- (e) Developments consisting solely of a one- or two-dwelling unit owner-occupied structure shall be exempt from paying a development fee.
- (f) Residential structures demolished and replaced as a result of fire, flood or natural disaster, or other involuntary destruction (e.g., arson), shall be exempt from paying a development fee.
- (g) Residential development which utilizes green building strategies shall be subject to a reduced development fee of 0.5%.
- (h) Residential development within any designated historic district shall be exempt from paying a development fee.

E. Nonresidential development fees.

(1) Imposed fees.

- (a) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements for all new nonresidential construction on an unimproved lot or lots.
- (b) Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
- (c) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time the final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

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

- (a) The nonresidential portion of a mixed-use inclusionary or market-rate development shall be subject to the development fee of 2.5%, unless otherwise exempted below.
- (b) The fee of 2.5% shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- (c) Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in Form N-RDF, State of New Jersey Non-Residential Development Certification/Exemption form, as same may be amended or modified from time to time. Any exemption claimed by a developer shall be substantiated by that developer to the satisfaction of the Township.
- (d) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46, as same may be amended and/or supplemented from time to time, shall be subject to such fee when the basis for the exemption no longer applies and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later. Such fee shall be calculated as of the date the basis for the exemption of the nonresidential development no longer applies
- (e) If a property which was exempted by Section 35b of P.L. 2008, c. 46, as amended and supplemented from the collection of a nonresidential development fee by virtue of its tax exempt status under N.J.S.A. 54:4-3.6 thereafter ceases to be exempt from property taxation under N.J.S.A. 54:4-3.6, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the exemption. Such fees shall be calculated as of the date such property ceases to be exempt from property taxation under N.J.S.A. 54.4-3.6. Unpaid nonresidential development fees under these circumstances may be enforceable by the Township as a lien against the real property of the owner.

F. Collection procedures.

- (1) Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the Township Construction Official.
- (2) For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF State of New Jersey Non-Residential Development Certification/Exemption, as same may be amended or modified from time to time, to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Township Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in Form N-RDF. The Township Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF,
- (3) The Township Construction Official shall promptly notify the Township Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
- (4) Within 90 days of receipt of that notice, the Township Tax Assessor, based on the

plans filed, shall provide an estimate of the equalized assessed value of the development.

- (5) The Township Construction Official shall promptly notify the Township Tax Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- (6) Within 10 business days of a request for the scheduling of a final inspection, the Township Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- (7) Should the Township fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6), as same may be amended and/or supplemented from time to time.
- (8) The developer shall pay 100% of the calculated development fee amount prior to the municipal issuance of a final certificate of occupancy for the subject property.

G. Appeal of development fees.

- (1) A developer may challenge residential development fees imposed by filing a challenge with the Essex County Board of Taxation (the "Board"). Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Township. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., as same may be amended and/or supplemented from time to time, within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- (2) A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation (the "Director"). Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Township. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., as same may be amended and/or supplemented from time to time, within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

H. Affordable Housing Trust Fund established.

- (1) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Township Director of Finance for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls (the "Affordable Housing Trust Fund")
- (2) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
  - (a) Payments in lieu of on-site construction of affordable units;
  - (b) Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;

- (c) Rental income from municipally operated units;
- (d) Repayments from affordable housing program loans;
- (e) Recapture funds;
- (f) Proceeds from the sale of affordable units; and
- (g) Any other funds collected in connection with the Township's affordable housing program.

I. Use of funds.

- (1) The expenditure of all funds shall conform to a spending plan approved by the Dispute Resolution Program. Funds deposited in the housing trust fund may be used for any activity approved by the Dispute Resolution Program to address the Township's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to, preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:97-8.7 through 5:97-8.9, as applicable, as same may be amended and/or supplemented from time to time, and specified in the approved spending plan.
- (2) Funds shall not be expended to reimburse the Township for past housing activities.
- (3) At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.
  - (a) Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs.
  - (b) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
  - (c) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- (4) The Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:94-7, as

applicable and amended and supplemented.

- (5) No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with DCA or other court approved entity's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the Affordable Housing Trust Fund.
- J. Monitoring. The Township shall comply with the reporting requirements set forth in N.J.S.A. 52:27D-329.2.
- K. Ongoing collection of fees. The ability of the Township to impose, collect and expend development fees shall expire upon the expiration of its substantive certification unless the Township has filed an adopted Housing Element and Fair Share Plan with the Dispute Resolution Program or other appropriate jurisdiction, has filed a Declaratory Judgement action, and has received the Dispute Resolution Program's approval of its development fee ordinance. If the Township fails to renew its ability to impose and collect development fees prior to the expiration of its substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund, established pursuant to Section 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320), as same may be amended and/or supplemented from time to time. The Township shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the Township retroactively impose a development fee on such a development. The Township shall not expend development fees after the expiration of its substantive certification.

#### **§ 112-11. Municipal Housing Liaison and Administrative Agent.**

- A. Purpose. The purpose of this section is to create the administrative mechanisms needed for the execution of Bloomfield Township's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:
- ADMINISTRATIVE AGENT - The entity responsible for administering the affordability controls of some or all units in the affordable housing program for Bloomfield Township to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low- and moderate-income households.
- MUNICIPAL HOUSING LIAISON - The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for Bloomfield Township.
- C. Establishment of Municipal Housing Liaison position; compensation; powers and duties.
- (1) There is hereby established the position of Municipal Housing Liaison for Bloomfield Township.

- (2) The Municipal Housing Liaison shall be appointed by the governing body and may be a full- or part-time municipal employee.
- (3) Powers and duties.
  - (a) Serving as Bloomfield Township's primary point of contact for all inquiries from the state, affordable housing providers, Administrative Agents and interested households;
  - (b) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
  - (c) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by Affordable Housing Professionals of New Jersey.
- (4) Bloomfield Township may contract with an Administrative Agent or authorize a consultant, authority, government or any agency charged by the governing body, which entity shall have the responsibility of administering the affordable housing program of Bloomfield Township. If Bloomfield Township contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and affirmative marketing plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.
- (5) Compensation. Compensation shall be fixed by the governing body at the time of the appointment of the Municipal Housing Liaison.

D. Establishment of Administrative Agent position; compensation; powers and duties.

- (1) There is hereby established the position of Administrative Agent for Bloomfield Township.
  - (2) Subject to the approval of the court, the Administrative Agent shall be appointed by the governing body and may be a full- or part-time municipal employee. The Administrative Agent shall have the administrative powers and duties assigned to the Administrative Agent.
  - (3) The Administrative Agent shall be responsible for oversight and administration of the affordable housing program for Bloomfield Township, including the following responsibilities:
    - (a) Monitoring the status of all restricted units in Bloomfield Township's Fair Share Plan.
    - (b) Compiling, verifying and submitting annual reports as required by COAH.
  - (4) Duties.
    - (a) Affirmative marketing.
      - [1] Conducting an outreach process to ensure affirmative marketing of affordable housing units in accordance with the affirmative marketing plan of Bloomfield Township and the provisions of N.J.A.C. 5:80-26.16, as amended and supplemented; and
      - [2] Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit

issues, mortgage qualification, rental lease requirements and landlord/tenant law.

(b) Household certification.

- [1] Soliciting, scheduling, conducting and following up on interviews with interested households;
- [2] Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
- [3] Providing written notification to each applicant as to the determination of eligibility or noneligibility;
- [4] Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendixes J and K of N.J.A.C. 5:80-26.1 et seq.;
- [5] Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
- [6] Employing the random selection process as provided in the affirmative marketing plan of Bloomfield Township when referring households for certification to affordable units.

(c) Affordability controls.

- [1] Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
- [2] Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
- [3] Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;
- [4] Communicating with lenders regarding foreclosures, and
- [5] Ensuring the issuance of continuing certificates of occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.

(d) Resale and rental.

- [1] Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
- [2] Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or rental.

(e) Processing requests from unit owners.

- [1] Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
- [2] Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air-conditioning systems; and
- [3] Processing requests and making determinations on requests by owners of restricted units for hardship waivers.

(f) Enforcement.

- [1] Securing annually lists of all affordable housing units for which tax bills are mailed to absentee owners and notifying all such owners that they must either move back to their units or sell them;
- [2] Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
- [3] The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent, together with the telephone number of the Administrative Agent where complaints of excess rent can be made;
- [4] Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;
- [5] Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund or other appropriate municipal fund approved by the DCA;
- [6] Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Township Committee, setting forth procedures for administering the affordability controls.

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

\*...\*...\*

Approved as to form and procedure on basis of facts set forth.

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Director of Law-Township Attorney

I hereby certify that the above ordinance was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on November 17, 2025.

*Louise M. Palagona*  
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 Municipal Clerk of the Township of Bloomfield

*Jenny Mundell*  
 \_\_\_\_\_  
 Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance						
<input type="checkbox"/> Adopt			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Deny						
<input type="checkbox"/> Withdrawn		Rosalee Gonzalez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Table		Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Not Discussed		Sarah Cruz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> First Reading		Monica Charris Tabares	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Table with no Vote		Wartyna Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approve		Widney Polynice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Veto by Mayor		Jenny Mundell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discussion						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Discussion No Vote						

✓ Vote Record - Ordinance						
<input type="checkbox"/> Adopt			Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Deny						
<input type="checkbox"/> Withdrawn		Rosalee Gonzalez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Table		Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Not Discussed		Sarah Cruz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<input type="checkbox"/> Table with no Vote		Wartyna Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Approve		Widney Polynice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Veto by Mayor		Jenny Mundell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discussion						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Discussion No Vote						