

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
January 20, 2026

A regular meeting of the Borough Council of the Borough of Rumson was held on Tuesday, January 20, 2026 at 7:30 p.m.

Pledge of Allegiance.

Present: Mayor Hemphill, Councilmember Conklin, Casazza, Kingsbery, Pumphrey, Smith.

Absent: Lospinuso.

Tom Rogers, Municipal Clerk/Administrator, was present.

David Marks, Borough Engineer, was present.

Eric Paone-Hurd, Deputy Municipal Clerk/Communication Coordinator, was present.

Mayor Hemphill declared a quorum present and announced that the Notice Requirements of the Open Public Meetings Act have been met for this meeting by:

- The posting and mailing of a schedule of all regular and work meetings of the Borough Council for the year 2026 to the Asbury Park Press and the Two River Times.
- The posting of the meeting agenda, on the Borough of Rumson Website (www.rumsonnj.gov).

On motion by Councilmember Kingsbery, seconded by Councilmember Smith, the minutes of the previous meeting on January 6th were approved as written, copies having been forwarded to all Council members.

COMMUNICATIONS:

LETTER OF RESIGNATION FROM RAY RAYA, ESQ., MUNICIPAL PUBLIC DEFENDER, EFFECTIVE JANUARY 12, 2026.

The Municipal Clerk/Administrator received a letter of resignation from Ray Raya, esq, Municipal Public Defender, effective January 12, 2026.

On motion by Councilmember Kingsbery, seconded by Councilmember Pumphrey, this communication was ordered received. All in favor.

LETTER RECEIVED FROM VICTORIA THOMPSON, SUPERINTENDENT OF THE MOSQUITO CONTROL DIVISION IN MONMOUTH COUNTY. THIS LETTER ADVISES THAT THE DIVISION WILL BE RESUMING ITS AERIAL SURVEILLANCE AND TREATMENT PROGRAM IN THE BOROUGH DURING THE TIMEFRAME OF APRIL 1, 2026 THROUGH NOVEMBER 30, 2026.

The Municipal Clerk/Administrator received a letter from Victoria Thompson, Superintendent of Mosquito Control Division in Monmouth County, advising that the Division will be resuming its aerial surveillance and treatment program in The Borough during the timeframe of April 1, 2026 through November 30, 2026.

On motion by Councilmember Kingsbery, seconded by Councilmember Casazza, this communication was ordered received. All in favor.

**LETTER FROM INSITE ENGINEERING, LLC NOTIFYING THE
BOROUGH OF RUMSON OF AN APPLICATION TO THE NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION, DIVISION OF
LAND RESOURCE PROTECTION, FOR A WATERFRONT
DEVELOPMENT INDIVIDUAL PERMIT FOR 27 WATERMAN AVENUE
ALSO KNOWN AS BLOCK 145, LOT 5.**

The Municipal Clerk/Administrator received a letter from InSite Engineering LLC notifying The Borough of Rumson of an application to the New Jersey Department of Environmental Protection, Division of Land Resource Protection, for a Waterfront Development Individual Permit for 27 Waterman Avenue also known as Block 145, Lot 5.

On motion by Councilmember Kingsbery, seconded by Councilmember Pomphrey, this communication was ordered received. All in favor.

**LETTER FROM THOMAS P. SANTRY, P.A., NOTIFYING THE BOROUGH
OF RUMSON OF AN APPLICATION TO THE NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR A CAFRA
GENERAL PERMIT #5 APPLICATION FOR 12 BROADMOOR DRIVE
ALSO KNOWN AS BLOCK 119, LOTS 8 & 8.01.**

The Municipal Clerk/Administrator received a letter from Thomas P. Santry, P.A., notifying The Borough of Rumson of an application to the New Jersey Department of Environmental Protection for a CAFRA General Permit #5 for 12 Broadmoor Drive also known as Block 119, Lots 8 & 8.0.

On motion by Councilmember Kingsbery, seconded by Councilmember Pomphrey, this communication was ordered received. All in favor.

**LETTER FROM ENVIRONMENTAL MANAGEMENT GROUP,
NOTIFYING THE BOROUGH OF RUMSON OF AN APPLICATION TO
THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL
PROTECTION FOR A FRESHWATER WETLANDS STATEWIDE
GENERAL PERMIT #8 FOR 186 RUMSON ROAD ALSO KNOWN AS
BLOCK 83, LOT 8.**

The Municipal Clerk/Administrator received a letter from Environmental Management Group notifying The Borough of Rumson of an application to the New Jersey Department of Environmental Protection for a Freshwater Wetlands Statewide General Permit #8 for 186 Rumson Road also known as Block 83, Lot 8.

On motion by Councilmember Kingsbery, seconded by Councilmember Pomphrey, this communication was ordered received. All in favor.

**LETTER FROM INSITE ENGINEERING, LLC NOTIFYING THE
BOROUGH OF RUMSON OF AN APPLICATION TO THE NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION, DIVISION OF
LAND RESOURCE PROTECTION, FOR A WATERFRONT
DEVELOPMENT INDIVIDUAL PERMIT FOR 27 NORTH WARD AVENUE
ALSO KNOWN AS BLOCK 80, LOT 10.01.**

The Municipal Clerk/Administrator received a letter InSite Engineering LLC notifying The Borough of Rumson of an application to the New Jersey Department of Environmental Protection, Division of Land Resource Protection, for a Waterfront Development Individual Permit for 27 North Ward Avenue also known as Block 80, Lot 10.01.

On motion by Councilmember Kingsbery, seconded by Councilmember Pomphrey, this communication was ordered received. All in favor.

LETTER OF RESIGNATION FROM PART-TIME RUMSON CMFO HELEN GRAVES.

The Municipal Clerk/Administrator read Part-Time Rumson CMFO Helen Graves letter of resignation effective January 31, 2026.

On motion by Councilmember Pomphrey, seconded by Councilmember Smith, this communication was ordered received. All in favor.

COMMITTEE REPORTS:

Councilmember Pomphrey shared that the RumsonAmerica250 Commission continues to receive great support for and interest in upcoming programs and events. Pomphrey thanked the Commission, as well as everyone from the public, for their continued support and interest in this milestone celebration.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

INTRODUCTION OF ORDINANCE #26-001 FIXING COMPENSATION OF BOROUGH OFFICERS AND CERTAIN BOROUGH EMPLOYEES IN THE BOROUGH OF RUMSON. PUBLIC HEARING SET FOR FEBRUARY 10, 2026.

The Municipal Clerk/Administrator read the following Ordinance by title only in first reading:

26-001

AN ORDINANCE FIXING COMPENSATION OF BOROUGH OFFICERS AND CERTAIN BOROUGH EMPLOYEES IN THE BOROUGH OF RUMSON, NEW JERSEY.

Be It Ordained by the Mayor and Council of the Borough of Rumson that the annual compensation ranges for offices listed below be amended as follows:

SECTION 1. The annual salary range effective January 1, 2026, which shall be paid semi-monthly, unless otherwise stated, of the officers, employees and appointees shall be as follows:

1.Borough Administrator	\$ 60,000.00 - \$130,000.00
2.Municipal Clerk	\$ 60,000.00 - \$130,000.00
3.Deputy Municipal Clerk	\$ 15,000.00 - \$100,000.00
4.Communications Director	\$ 40,000.00 - \$ 80,000.00
5.Chief Financial Officer	\$ 50,000.00 - \$215,000.00
6.Qualified Purchasing Agent	\$ 5,000.00 - \$ 25,000.00
7.Part-time Chief Financial Officer and QPA	\$ 50.00 - \$ 100.00 per hour
8.Payroll Clerk	\$ 2,500.00 - \$ 6,000.00
9.Tax Assessor	\$ 15,000.00 - \$ 80,000.00
10. Tax Collector	\$ 5,000.00 - \$100,000.00
11. Deputy Tax Collector	\$ 1,000.00 - \$ 85,000.00
12. Finance/Tax Assistant(s)	\$ 25,000.00 - \$ 70,000.00
13. Borough Engineer	\$125,000.00 - \$225,000.00
14. Engineering Project Manager	\$ 80,000.00 - \$150,000.00
15. Land Use & Development Official	\$ 80,000.00 - \$140,000.00
16. Construction Official	\$ 80,000.00 - \$170,000.00
17. Subcode Official(s)	\$ 5,000.00 - \$145,000.00

18. Subcode Official(s) (Part-time)	\$ 15.00 - \$ 75.00	per hour
19. Subcode Official(s) (Part-time)	\$ 20.00 - \$ 100.00	per inspection
20. Inspectors	\$ 1,000.00 - \$ 75,000.00	
21. Inspectors (Part-time)	\$ 15.00 - \$ 75.00	per hour
22. Inspectors (Part-time)	\$ 20.00 - \$ 100.00	per inspection
23. Construction Official Technical Assistant(s)	\$ 10,000.00 - \$120,000.00	
24. Construction Official Technical Senior	\$ 10,000.00 - \$120,000.00	
25. Fire Protection Marshall	\$ 1,000.00 - \$ 15,000.00	
26. Police Chief	\$104,000.00 - \$225,000.00	
27. Police Dispatcher	\$ 25,000.00 - \$ 40,000.00	
28. Police Dispatcher/Special Police Officer	\$ 25,000.00 - \$ 48,000.00	
29. Police Dispatcher	\$ 10.00 - \$ 25.00	per hour
30. Police Dispatcher/Special Police Officer	\$ 10.00 - \$ 25.00	per hour
31. Special Law Enforcement Officer Class III	\$ 20.00 - \$ 50.00	per hour
32. Guard for Boat Launching Ramp	\$ 10.00 - \$ 30.00	per hour
33. School Crossing Guards	\$ 20.00 - \$ 60.00	per diem
34. Crossing Guards	\$ 15.00 - \$ 60.00	per diem
35. Recreation Director	\$ 25,000.00 - \$120,000.00	
36. Recreation Coordinator	\$ 40,000.00 - \$ 80,000.00	
37. Recreation Director (Part-time)	\$ 20.00 - \$ 50.00	per hour
38. Summer Recreation Program Coordinator	\$ 5,000.00 - \$ 8,500.00	per season
39. Assistant Summer Recreation Coordinator	\$ 2,000.00 - \$ 6,500.00	per season
40. Summer Recreation Counselors	\$ 7.25 - \$ 20.00	per hour
41. Recreation Instructor(s)	\$ 15.00 - \$ 50.00	per class
42. Recreation Instructor(s)	\$ 10.00 - \$ 25.00	per hour
43. Recreation Monitors	\$ 10.00 - \$ 20.00	per hour
44. Crew Instructors	\$ 1,000.00 - \$ 6,000.00	per season
45. Crew Instructors	\$ 10.00 - \$ 50.00	per hour
46. Municipal Judge	\$ 20,000.00 - \$ 30,000.00	
47. Municipal Court Administrator	\$ 30,000.00 - \$ 85,000.00	
48. Custodian(s) of Fire & First Aid Equipment	\$ 3,000.00 - \$ 8,000.00	
49. Superintendent of Public Works	\$ 70,000.00 - \$155,000.00	
50. Public Works Foreman	\$ 65,000.00 - \$120,000.00	
51. Assistant Foremen	\$ 50,000.00 - \$110,000.00	
52. Part-Time Laborer	\$ 9.00 - \$ 30.00	per hour
53. Administrative/Clerical Assistant	\$ 25,000.00 - \$ 95,000.00	
54. Administrative/Clerical Assistant	\$ 10.00 - \$ 30.00	per hour
55. Administrative/Clerical Assistant	\$ 50.00 - \$ 200.00	per meeting/session

SECTION 2. Sick Leave Compensation – Upon retirement, all non-police full-time hourly and salaried employees, with fifteen (15) or more years of full-time service with the Borough of Rumson, will be compensated, if they leave in good standing, for up to one hundred forty (140) days of accrued sick leave, net of days used, at \$40.00 each for a maximum amount of \$5,600.00.

SECTION 3. Effective January 1, 2026 Ordinance No. 24-002, entitled “An Ordinance Fixing Compensation of Borough Officers and Certain Borough Employees in the Borough of Rumson, New Jersey,” passed and approved February 13, 2024 and all amendments thereof and supplements thereto are hereby repealed.

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

Councilmember Kingsbery moved the adoption of this Ordinance in first reading and schedule the public hearing. Motion seconded by Councilmember Casazza and carried on the following roll call vote:

In the affirmative: Conklin, Casazza, Kingsbery, Pomphrey, Smith.

In the negative: None.

Absent: Lospinuso.

INTRODUCTION OF ORDINANCE #26-002 FIXING COMPENSATION RANGES FOR MEMBERS OF PBA, LOCAL #345 OF THE POLICE DEPARTMENT OF THE BOROUGH OF RUMSON. PUBLIC HEARING SET FOR FEBRUARY 10, 2026.

The Municipal Clerk/Administrator read the following Ordinance by title only in first reading:

26-002

**AN ORDINANCE FIXING
COMPENSATION RANGES FOR MEMBERS
OF PBA, LOCAL #345 OF THE POLICE DEPARTMENT
OF THE BOROUGH OF RUMSON, NEW JERSEY.**

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson that the compensation ranges for the offices listed below for the years 2025 and beyond shall be as follows:

Section 1.

Police Officers hired prior to June 1, 2025 will receive annual compensation within the following salary ranges:

Captain	\$153,892.00 - \$178,836.00
Lieutenant	\$145,558.00 - \$169,152.00
Sergeant	\$140,251.00 - \$162,984.00
Senior Patrolman (Year 10)	\$133,602.00 - \$155,256.00
Chief Investigator	\$ 750.00 - \$ 750.00
Patrolman Year 9	\$135,961.00 - \$135,961.00
Patrolman Year 8	\$126,391.00 - \$126,391.00
Patrolman Year 7	\$116,821.00 - \$116,821.00
Patrolman Year 6	\$107,251.00 - \$107,251.00
Patrolman Year 5	\$ 97,682.00 - \$ 97,682.00
Patrolman Year 4	\$ 88,112.00 - \$ 88,112.00
Patrolman Year 3	\$ 78,545.00 - \$ 78,545.00
Patrolman Year 2	\$ 68,976.00 - \$ 68,976.00
Patrolman Year 1 (Probationary)	\$ 57,412.00 - \$ 57,412.00

Section 2.

The schedule of annual salaries and longevity shall be set forth in accordance with the Agreement between the Borough of Rumson and Rumson P.B.A. Local #345.

Section 3.

Longevity: In addition to the annual salary as determined by the Agreement between the Borough of Rumson and Rumson P.B.A. Local #345, each full-time officer hired prior to January 1, 2020, shall receive by way of annual longevity, payment as shown in the following schedule:

Beginning year 4 thru end of year 7	\$1,675.00
Beginning year 8 thru year 11	\$2,500.00
Beginning year 12 thru year 15	\$3,875.00
Beginning year 16 thru year 19	\$4,900.00
Beginning year 20 thru year 23	\$6,050.00
Beginning year 24 thru year 27	\$6,950.00
Beginning year 28 and thereafter	\$7,250.00

The longevity payment, by way of salary, shall be paid twice each month and shall be reported to the appropriate New Jersey Pension Fund, together with the annual salary as "Regular Base Salary," as part of the officers' salaries. The aforesaid longevity payment program for each officer shall continue until such time as the officer resigns or retires. The longevity payment shall not be compounded annually, but shall be added to the annual salary as the annual salary may be increased.

The schedule of compensation and salaries and longevity in accordance with the Agreement between the Borough of Rumson and Rumson P.B.A. Local #345 shall be effective as of January 1st of 2024 and be payable twice each month.

Section 4.

Officers hired after December 31, 2019 will not receive longevity.

Section 5.

Patrol Officers Year 1-12 as of June 1, 2025 and beyond will receive annual compensation within the following salary ranges:

Patrolman Year 12	\$129,000.00 - \$129,000.00
Patrolman Year 11	\$122,500.00 - \$122,500.00
Patrolman Year 10	\$116,000.00 - \$116,000.00
Patrolman Year 9	\$109,500.00 - \$109,500.00
Patrolman Year 8	\$103,000.00 - \$103,000.00
Patrolman Year 7	\$ 96,500.00 - \$ 96,500.00
Patrolman Year 6	\$ 90,000.00 - \$ 90,000.00
Patrolman Year 5	\$ 83,500.00 - \$ 83,500.00
Patrolman Year 4	\$ 77,000.00 - \$ 77,000.00
Patrolman Year 3	\$ 70,500.00 - \$ 70,500.00
Patrolman Year 2	\$ 64,000.00 - \$ 64,000.00
Patrolman Year 1 (Probationary)	\$ 57,500.00 - \$ 57,500.00

Section 6.

The annual salaries fixed by the Agreement between the Borough of Rumson and Rumson P.B.A. Local #345 shall be within the ranges as set in Section 1 of this Ordinance.

Section 7.

Ordinance 24-006 entitled “An Ordinance Fixing Compensation Ranges for Members of the Police Department of the Borough of Rumson, New Jersey” passed and approved on July 10, 2024 for the Police Officers and amendments thereof and supplements thereto are hereby repealed.

Section 8.

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

Councilmember Kingsbery moved the adoption of this Ordinance in first reading and schedule the public hearing. Motion seconded by Councilmember Casazza and carried on the following roll call vote:

In the affirmative: Conklin, Casazza, Kingsbery, Pumphrey, Smith.

In the negative: None.

Absent: Lospinuso.

INTRODUCTION OF ORDINANCE #26-003 FIXING COMPENSATION RANGES FOR MEMBERS OF IFPTE LOCAL #196. PUBLIC HEARING SET FOR FEBRUARY 10, 2026.

The Municipal Clerk/Administrator read the following Ordinance by title only in first reading:

26-003

**AN ORDINANCE FIXING
COMPENSATION RANGES FOR MEMBERS
OF IFPTE LOCAL #196 OF THE BOROUGH OF RUMSON, NEW JERSEY.**

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson that the compensation ranges for the offices listed below for the years 2026 and beyond shall be as follows:

Section 1.

Employees will receive annual compensation within the following salary ranges:

Mechanic	\$ 50,000.00 - \$ 105,749.00
Waste Water Operator	\$ 60,000.00 - \$ 80,274.00
Laborer After Year 5	\$ 60,000.00 - \$ 105,749.00
Laborer Year 5	\$ 57,000.00 - \$ 60,000.00
Laborer Year 4	\$ 53,000.00 - \$ 56,000.00
Laborer Year 3	\$ 49,000.00 - \$ 53,000.00
Laborer Year 2	\$ 45,000.00 - \$ 50,000.00
Laborer Year 1	\$ 41,000.00 - \$ 47,000.00

Section 2.

The annual salaries fixed by the Agreement between the Borough of Rumson and IFPTE Local #196 shall be within the ranges as set in Section 1 of this Ordinance.

Section 3.

Effective January 1, 2026 Ordinance No. 24-002, entitled "An Ordinance Fixing Compensation of Borough Officers and Certain Borough Employees in the Borough of Rumson, New Jersey," passed and approved February 13, 2024 and all amendments thereof and supplements thereto are hereby repealed.

Section 4.

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

Councilmember Kingsbery moved the adoption of this Ordinance in first reading and schedule the public hearing. Motion seconded by Councilmember Casazza and carried on the following roll call vote:

In the affirmative: Conklin, Casazza, Kingsbery, Pomphrey, Smith.

In the negative: None.

Absent: Lospinuso.

**INTRODUCTION OF ORDINANCE #26-004D AMENDING THE CODE OF THE
BOROUGH OF RUMSON, DEVELOPMENT REGULATIONS, REQUIREMENTS FOR
THE MIXED-USE AND MULTI-FAMILY OVERLAY OPTION IN THE GB, NB AND
POB ZONE DISTRICTS. PUBLIC HEARING SET FOR FEBRUARY 10, 2026.**

The Municipal Clerk/Administrator read the following Ordinance by title only in first reading:

26-004D

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON
BY AMENDING CHAPTER XXII, DEVELOPMENT REGULATIONS,
AMENDING THE REQUIREMENTS FOR THE MIXED-USE AND**

MULTI-FAMILY OVERLAY OPTION IN THE GB, NB AND POB ZONE DISTRICTS IN THE BOROUGH OF RUMSON

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth, that it does hereby supplement and amend Chapter XXII of the Code of the Borough of Rumson as follows:

PURPOSE

The purpose of this Ordinance is to replace regulations and standards governing the development of mixed-use and multi-family housing developments, which will include a required on-site affordable housing component, in the Borough's GB, NB and POB Zones. The ordinance is designed to regulate said mixed-use and multi-family housing developments in a manner consistent with Borough's Affordable Housing Ordinance, the Borough's Housing Element and Fair Share Plan, any applicable Order of the Court (including a Judgment of Compliance and Repose Order), the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. ("FHA"), Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. ("UHAC"), and applicable New Jersey Council on Affordable Housing (COAH) Prior Round regulations, N.J.A.C. 5:93-1 et seq.

In any instance in which these regulations and standards do not address a particular land development control, or when specific reference to the Land Development Ordinance is made, the standards of the Development Regulations shall apply:

SECTION 1

That Chapter XXII, Development Regulations, Section 22-5 (Zoning District Regulations) Subsection 22-5.15 Mixed-Use Overlay Zone of the code of the Borough of Rumson shall be amended as follows:

22-5.15 Mixed-Use and Multi-Family Overlay Zone

a.-c. No Changes.

d. General Requirements and Conditions. Mixed-use multi-family residential units shall be permitted in the Mixed-Use Overlay Zone, provided that the use and building shall adhere to the following minimum standards and conditions:

1. All standards and requirements in the underlying GB, NB and POB Zones (subsections 22-5.10, 5.11 and 5.12) shall be met, except as otherwise modified by this section. The exceptions include the following:
 - i. Building Coverage shall not exceed 75%.
 - ii. Lot Coverage shall not exceed 40%.

2. No Changes.

3. Density: ~~If a mixed-use project is being constructed with residential units, the maximum density for residential uses shall be ten (10) dwelling units per acre. The maximum density for a multi-family development shall not exceed twelve (12) dwelling units per acre. The maximum density shall not exceed sixteen (16) dwelling units per acre.~~

4.-6. No Changes.

7. Affirmative Marketing of Affordable Units: The affordable units must be affirmatively marketed to the housing region in accordance with COAH's regulations and ~~subsection 22-7.35, Affirmative Marketing of Affordable Housing Units Chapter 23.~~

8.-12. No Changes.

e. Administrative Entity.

1. The Borough has designated an Administrative Agent appointed by the Mayor and Council to administer the affordable units created in accordance with the Borough's Mixed-Use Affordable Housing Overlay Zone. The administrative responsibilities of the Borough's Administrative Agent include, but are not limited to, advertising, income qualifying prospective renters, setting rents and annual rental increases, maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions and monitoring reports and affirmatively marketing the accessory unit program. The Borough's Administrative Agent shall administer the program in accordance with COAH's regulations and ~~the subsection 22-7.35, Affirmative Marketing of Affordable Housing Units, and subsection 22-7.36, Affordable Housing Developments Chapter 23.~~ The Developer is responsible for all costs of the Borough's Administrative Agent regarding the developer's particular project.

2. No Changes.

f.-g. No Changes.

SECTION 2

All Ordinances or parts of Ordinances inconsistent with this Ordinance if held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this Ordinance.

SECTION 3

The Borough Clerk is hereby directed, upon adopt of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S.40:49-2.1.

SECTION 4

This Ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Planning Board.

Councilmember Kingsbery moved the adoption of this Ordinance in first reading and schedule the public hearing. Motion seconded by Councilmember Casazza and carried on the following roll call vote:

In the affirmative: Conklin, Casazza, Kingsbery, Pomphrey, Smith.

In the negative: None.

Absent: Lospinuso.

INTRODUCTION OF ORDINANCE #26-005D AMENDING THE CODE OF THE BOROUGH OF RUMSON, DEVELOPMENT REGULATIONS, TO AMEND THE FAITH INSTITUTION INCLUSIONARY OVERLAY (FIIO). PUBLIC HEARING SET FOR FEBRUARY 10, 2026.

The Municipal Clerk/Administrator read the following Ordinance by title only in first reading:

26-005D

AN ORDINANCE OF THE BOROUGH OF RUMSON TO AMEND CHAPTER XXII "DEVELOPMENT REGULATIONS", TO AMEND THE FAITH INSTITUTION INCLUSIONARY OVERLAY (FIIO)

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth and State of New Jersey that Chapter XXII (Development Regulations) of the Code of the Borough of Rumson is hereby amended or supplemented as follows:

PURPOSE

The purpose of this Ordinance is to Amend *Chapter XXII* of the *Development Regulations* to amend Section 22-5 (Zoning District Regulations) Subsection 22-5.16 Faith Institution Inclusionary Overlay (FIIO) as an additional overlay district.

In any instance in which these regulations and standards do not address a particular land development control, or when specific reference to the Land Development Ordinance is made, the standards of the Development Regulations shall apply:

SECTION 1

That Chapter XXII, Development Regulations, Section 22-5 (Zoning District Regulations) Subsection 22-5.16 (Faith Institution Inclusionary Overlay (FIIO) shall be amended as follows:

22-5.16 Faith Institution Inclusionary Overlay (FIIO)

a.-d. No Changes.

e. Development Standards

1. No Changes.

2. Maximum density: § 9 du/acre for Block 104, Lot 1.01 and Block 81, Lot 6
§ 11 du/acre for Block 10, Lot 6

a. No Changes.

3.-16. No Changes.

SECTION 2

All Ordinances or parts of Ordinances inconsistent with this Ordinance if held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this Ordinance.

SECTION 3

The Borough Clerk is hereby directed, upon adopt of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S.40:49-2.1.

SECTION 4

This Ordinance shall take effect immediately upon final passage and publication according to law and filing with the Monmouth County Planning Board.

Councilmember Kingsbery moved the adoption of this Ordinance in first reading and schedule the public hearing. Motion seconded by Councilmember Casazza and carried on the following roll call vote:

In the affirmative: Conklin, Casazza, Kingsbery, Pomphrey, Smith.

In the negative: None.

Absent: Lospinuso.

INTRODUCTION OF ORDINANCE #26-006D AMENDING THE CODE OF THE BOROUGH OF RUMSON BY REPEALING AND REPLACING CHAPTER XXIII AFFORDABLE HOUSING DEVELOPMENT. PUBLIC HEARING SET FOR FEBRUARY 10, 2026.

The Municipal Clerk/Administrator read the following Ordinance by title only in first reading:

26-006D

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY REPEALING AND REPLACING CHAPTER XXIII AFFORDABLE HOUSING DEVELOPMENT

WHEREAS, Chapter XXIII (Affordable Housing Development) of the General Ordinances of the Borough of Rumson has to be repealed and replaced in its entirety to comply with the Fair Housing Act, N.J.S.A. 52:27D-301, et. seq. (“FHA”), as was amended in 2024, the newly adopted Uniform Housing Affordability Controls (“UHAC”) regulations, N.J.A.C. 5:80-26.1 et seq., and newly adopted N.J.A.C. 5:99-1 et seq; and

WHEREAS, this Ordinance establishes Borough wide regulations and standards to govern the development of very low, low and moderate-income affordable units for multifamily for-sale and rental residential developments that may be approved by the Borough or the Borough Planning Board, and is designed to regulate these very low, low- and moderate-income units in a manner consistent with the FHA, UHAC, N.J.A.C. 5:99-1 et seq., and applicable New Jersey Council on Affordable Housing (COAH) regulations; and

WHEREAS, the FHA requires that this ordinance be adopted by March 15, 2026; and

WHEREAS, the Borough intends to meet this deadline, with the understanding that the Department of Community Affairs (“DCA”) is in the process of drafting a model Affordable Housing Ordinance, which may require that this ordinance be amended in the near future;

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth and State of New Jersey that Chapter XXIII (Affordable Housing Development) of the General Ordinances of the Borough of Rumson is hereby repealed and replaced as follows:

Section 1. Chapter XXIII, Affordable Housing Development, of the General Ordinances of the Borough of Rumson, shall be repealed and replaced as follows:

CHAPTER XXIII AFFORDABLE HOUSING DEVELOPMENT

§ 23-1. Purpose.

The purpose of this section is to provide for and regulate affordable housing in the Borough of Rumson to address the Borough’s constitutional obligation to provide for its fair share of low- and moderate-income housing as directed by the Administrative Director of the Courts and as stipulated by P.L.2024, c. 2 and N.J.S.A. 52:27D-301 *et seq.* (the amended Fair Housing Act). N.J.A.C. 5:99-1 et seq., as amended and supplemented, establishes procedures to be used by municipalities in addressing and implementing the requirements set forth in the Amended Fair Housing Act. P.L. 2024, c.2, which also established the Affordable Housing Dispute Resolution Program (“Dispute Resolution Program”), and which also provides a new process for municipalities to come into constitutional compliance with their affordable housing obligations. This chapter is intended to assure compliance with the foregoing provisions and with the regulations of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., as amended and supplemented, including provisions for unit affordability controls as well as eligibility for very low-, low- and moderate-income households. This chapter shall apply except where inconsistent with applicable law.

§ 23-2. Definitions.

The following terms, when used in this section, shall have the meanings given in this

subsection:

ACT — The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.), as amended through P.L. 2024, c.2.

ADAPTABLE — Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

ADMINISTRATIVE AGENT — The individual or entity designated by the Borough and approved by the Division as pursuant to N.J.A.C. 5:99-7, responsible for the administration of affordable units in accordance with this section, and as set forth within N.J.S.A. 52:27D-321 and UHAC (N.J.A.C. 5:80-26.1 et seq.).

AFFIRMATIVE MARKETING — A regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.16.

AFFORDABILITY AVERAGE — The average percentage of regional median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

AFFORDABLE — A sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.S.A. 52:27D-301 et seq. and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.7, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.13, as may be amended and supplemented.

AFFORDABLE HOUSING DEVELOPMENT — A development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Borough's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable development.

AFFORDABLE HOUSING PROGRAM(S) — Any method of creating or preserving actual housing units available to low- and moderate-income households or creating a realistic opportunity for the construction of such units, and any mechanism in a Municipal Fair Share Plan prepared or implemented to address a municipality's fair share obligation.

AFFORDABLE HOUSING MONITORING SYSTEM or AHMS — The Department of Community Affairs (DCA) or Department's cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.

AFFORDABLE UNIT — A housing unit proposed or created pursuant to the Act and approved for crediting by the court and/or funded through an affordable housing trust fund.

AGE-RESTRICTED UNIT — A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population where the adult member of the family who is the head of the household for the purposes of determining income eligibility and rent is a minimum age of either 62 years, or 55 years and meets the provisions of 42 U.S.C. §§ 3601 through 3619, except that due to death, a surviving spouse of less than 55 years of age is permitted to continue to reside in the unit. **AGENCY** — The New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.).

ALTERNATIVE LIVING ARRANGEMENTS — A structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

ASSISTED LIVING RESIDENCE — A facility that is licensed by the New Jersey Department 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.

BARRIER-FREE ESCROW — The holding of funds collected to adapt affordable unit entrances to be accessible in accordance with N.J.S.A. 52:27D-311a et seq. Such funds shall be held in a municipal affordable housing trust fund pursuant to N.J.A.C. 5:99-2.6.

BOROUGH — The Borough of Rumson, in Monmouth County, New Jersey.

CERTIFIED HOUSEHOLD — A household that has been certified by an administrative agent as a very-low-income household, low- income household or moderate-income household.

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

COAH OR THE COUNCIL — The Council on Affordable Housing, as previously established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) or the Superior Court of the State of New Jersey pursuant to the New Jersey Supreme Court case known as "Mount Laurel IV.", abolished effective March 20, 2024 pursuant to Section 3 at through P.L.2024, c.2 (N.J.S.A. 52:27D-304.1).

COMPLIANCE CERTIFICATION — The certification issued to a municipality by the Dispute Resolution Program or by a county-level housing judge pursuant to section 3 at P.L. 2024, c. 2, that protects the municipality from exclusionary zoning litigation, including builder's remedy lawsuits, during the current round of present and prospective need and through July 1 of the year the next affordable housing round begins.

COMPLIANT MUNICIPALITY — A municipality that is in the process of seeking compliance certification pursuant to the directives issued by the Administrative Office of the Courts, has obtained compliance certification, or who has filed for, or has obtained, a Judgment of Compliance, Order for Repose, or other court approval pursuant to the Act.

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

CONTINUUM OF CARE or CoC — One of the 16 local planning bodies in New Jersey that coordinate service providers and other interested parties to prevent and end homelessness, as authorized by subtitle C of title IV of the McKinney-Vento Homeless Assistance Act of 1987, 42 U.S.C. §§ 11431 through 11435.

COUNTY-LEVEL HOUSING JUDGE — A judge appointed pursuant to section 5 of P.L. 2024, c.2 (N.J.S.A. 52:27D-313.2), to resolve disputes over the compliance of municipal fair share affordable housing obligations and municipal fair share plans and housing elements with the Act.

DCA or DEPARTMENT — The State of New Jersey Department of Community Affairs.

DEFICIENT HOUSING UNIT — A housing unit with health and safety code violations that requires 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 — Any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land included in a proposed development, including the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT — 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.

DEVELOPMENT APPLICATION — The application form and all accompanying documents required by ordinance for approval of a subdivision plat, a site plan, planned

development, conditional use, zoning variance, or direction of the issuance of a permit pursuant to N.J.S.A. 40:55D-34 or 40:55D-36.

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 Share Plan.

DIVISION — The Division of Local Planning Services in DCA.

EMERGENT OPPORTUNITY — A circumstance that has arisen whereby affordable housing will be able to be produced through a delivery mechanism not originally contemplated by or included in a fair share plan that has been the subject of a compliance certification.

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

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

EXTENSION OF EXPIRING CONTROLS — Extending the deed restriction period on units where the controls will expire in the current round of a housing obligation, so that the total years of a deed restriction is at least 60 years.

FAIR SHARE OBLIGATION or AFFORDABLE HOUSING OBLIGATION — The total of the present need and prospective need as determined by the Affordable Housing Dispute Resolution Program, or a court of competent jurisdiction.

FAIR SHARE PLAN — The plan that describes the mechanisms, strategies and the funding sources, if any, by which the Borough proposes to address its affordable housing obligation as established in the Housing Element, including the draft ordinances necessary to implement that plan, and addresses the requirements of P.L.1985, c.222 (N.J.S.A. 52:27D-301 et seq.).

HOUSING ELEMENT — The portion of the Borough's Master Plan, required by the Municipal Land Use Law ("MLUL"), N.J.S.A. 40:55D-28b(3) and the Act, that includes the information required by N.J.S.A. 52:27D-301 et seq., and establishes the Borough's fair share obligation.

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

HOUSING PROJECT — A project, or distinct portion of a project, which is designed and intended to provide decent, safe, and sanitary dwellings, apartments, or other living accommodations for persons of low- and moderate-income; such work or undertaking may include buildings, land, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, educational, welfare, or other purposes. The term "housing project" may also be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration, and repair of the improvements, and all other work in connection therewith.

HOUSING REGION — A geographic area established pursuant to N.J.S.A. 52:27D-304.2b

INCLUSIONARY DEVELOPMENT — A development containing both affordable units and market-rate units, in which a substantial percentage of the housing units are provided for a reasonable income range of low- and moderate- income households. This term includes, but is not limited to: new construction, the conversion of a nonresidential structure to residential use, and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

JUDGMENT OF COMPLIANCE OR JUDGMENT FOR REPOSE — A determination issued by the Superior Court approving a municipality's fair share plan to satisfy its affordable housing obligation for a particular 10-year round.

LOW-INCOME HOUSEHOLD — A household with a household income equal to 50% or less of the regional median income.

LOW-INCOME UNIT — A restricted unit that is affordable to a low-income household.

MAJOR SYSTEM — 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 — Housing not restricted to low- and moderate-income households that may sell or rent at any price.

Moderate-income Household — A household with a household income in excess of 50% but less than or equal to 80% of the regional median income.

Moderate-income Unit — A restricted unit that is affordable to a moderate-income household.

MONI — The no-longer-active Market Oriented Neighborhood Investment Program, as it was authorized by the Agency.

MULTIFAMILY UNIT — A structure containing five or more dwelling units.

MUNICIPAL HOUSING LIAISON or MHL — An appointed municipal employee who is, pursuant to N.J.A.C. 5:99-6, responsible for oversight and/or administration of the affordable units created within the municipality, and oversight of the authorization of individuals being provided access to the AHMS.

MUNICIPAL HOUSING TRUST FUND — A separate, interest-bearing, account held by a municipality for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing, barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Legislature and as governed at N.J.A.C. 5:99-2.

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

NONEXEMPT SALE — Any sale or transfer of ownership of a restricted unit to one's self or to another individual other than the transfer of ownership between spouses or civil union partners; the transfer of ownership between former spouses or civil union partners ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a Class A beneficiary; and the transfer of ownership by court order.

ORDER FOR REPOSE — The protection a municipality has from a builder's remedy lawsuit for a period of time from the entry of a judgment of compliance by the Superior Court. A judgment of compliance often results in an order for repose.

PAYMENT IN LIEU OF CONSTRUCTING AFFORDABLE UNITS — The payment of funds to the municipality by a developer when affordable units are not produced on a site zoned for an inclusionary development.

PRESENT NEED — The number of substandard existing deficient housing units in the municipality currently occupied by low- and moderate-income households, which is calculated pursuant to N.J.S.A. 52:27D-329.1 et seq. Also known as the “rehabilitation obligation.”

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

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

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

REGIONAL ASSET LIMIT — The maximum housing value in each housing region affordable to a four- person household with an income at 80% of the regional median as defined by duly adopted regional income limits published annually by the Affordable Housing Professionals of New Jersey or an entity approved by the court.

REGIONAL CONTRIBUTION AGREEMENT or RCA — A contractual agreement, pursuant to the Act, into which two municipalities voluntarily entered into prior to July 18, 2008, to transfer a portion of a municipality's affordable housing obligation to another municipality within its housing region.

REGIONAL MEDIAN INCOME — The median income by household size for an applicable housing region, as calculated annually in accordance with N.J.A.C. 5:80-26.3.

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

RENT — 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 — 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 amended and supplemented, but does not include a market- rate unit that was financed pursuant to UHORP, MONI, or CHOICE.

UHAC — The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq., as amended and supplemented.

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

VERY-LOW-INCOME HOUSEHOLD — A household with a household income less than or equal to 30% of the regional median income.

VERY-LOW-INCOME UNIT — A restricted unit that is affordable to a very-low-income household.

VETERAN — A veteran as defined at N.J.S.A. 54:4-8.10.

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

WEATHERIZATION — 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.

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

The definitions in the Uniform Housing Affordability Controls (UHAC) at N.J.A.C 5:80-26.2 shall be applicable where a term is not defined. In the event of a discrepancy between a definition in this section and UHAC, the current UHAC definition shall be applicable.

§ 23-3. Applicability.

The provisions of this section shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Borough of Rumson pursuant to the Borough's most recently adopted Housing Element and Fair Share Plan.

The regulations of the Uniform Housing Affordability Controls (UHAC) at N.J.A.C 5:80-26.1 et seq. shall be applicable to such affordable housing units. In the event of a discrepancy between a regulation in this Chapter and UHAC, the applicable UHAC regulation shall be applicable.

§ 23-4. Monitoring and Reporting Requirements.

a. On or before February 15th of every year, the Borough will electronically enter data into the AHMS system of the Department of Community Affairs of a detailed accounting of all development fees and any other payments into its trust fund that have been collected including residential and non-residential development fees, along with the current balance in the municipality's affordable housing trust fund as well as trust funds expended, including purposes and amounts of such expenditures, in the previous year from January 1st to December 31st.

b. On or before February 15th of every year, the Borough will electronically enter data into the AHMS system of the Department of Community Affairs of up-to-date municipal information concerning the number of affordable housing units actually constructed, construction starts, certificates of occupancy granted, and the start and expiration dates of

deed restrictions. With respect to units actually constructed, the information shall specify the characteristics of the housing, including housing type, tenure, affordability level, number of bedrooms, date, and expiration of affordability controls, and whether occupancy is reserved for families, senior citizens, or other special populations. The Borough shall also include a report on any expression of interest, applications, or pre-applications made under the overlay zones.

c. For the midpoint realistic opportunity review as of July 1, 2030, pursuant to N.J.S.A. 52:27D-313, the Borough or other interested party may file an action through the Program seeking a realistic opportunity review and shall provide for notice to the public, including a realistic opportunity review of any inclusionary development site as set forth in the adopted HEFSP that has not received preliminary site plan approval prior to the midpoint of the 10-year round. Any such filing shall be through eCourts or any similar system set forth by the Program with notice to any party that has appeared in this matter.

§ 23-5. Inclusionary Zoning.

- a. The regulations for the Borough's affordable housing overlay zones are set forth in § 22.
- b. The regulations in § 23 will apply to the overlay zones in § 22 unless said overlay zones specifically state otherwise.

§ 23-6. Mandatory Set-Aside.

- a. The provisions of this chapter shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Borough of Rumson pursuant to the Borough's most recently adopted Housing Element and Fair Share Plan.
- b. Moreover, this chapter shall apply to all developments that contain very low-, low- and moderate-income housing units, including any currently unanticipated future developments that will provide very low-, low- and moderate-income housing units and including any developments funded with low-income housing tax credits.
- c. If the Borough permits the construction of multifamily or single-family attached residential development that is "approvable" and "developable," as defined at N.J.A.C. 5:93-1.3, the Borough shall require that an appropriate percentage of the residential units be set aside for low- and moderate-income households. Where applicable within the Borough, this requirement shall apply to any multifamily or single-family attached residential development, including the residential portion of a mixed-use project and including the conversion of a nonresidential structure to a residential development, which development consists of five or more new residential units, whether permitted by a zoning amendment, a variance granted by the Borough's Land Use Board, or adoption of a redevelopment plan or amended redevelopment plan in areas in need of redevelopment or rehabilitation.
- d. Nothing in this section precludes the Borough from imposing an affordable housing set-aside in a development not required to have a set-aside pursuant to this subsection consistent with N.J.S.A. 52:27D-311(h) and other applicable law.
- e. For all inclusionary projects, regardless if they are for-sale or rental, the appropriate affordable housing set-aside percentage is twenty percent (20%).
- f. This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of a redevelopment plan or amended redevelopment plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project. This requirement does not apply to any sites or specific zones otherwise identified in the 2025 Mediation Agreement with Fair Share Housing Center or the Borough's current Housing Element and Fair Share Plan, for which density and set-aside standards shall be governed by the specific standards set forth therein.

§ 23-7. Alternative Living Arrangements.

- a. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:99, and UHAC, with the following exceptions:
 1. Affirmative marketing (N.J.A.C. 5:80-26.16). Unless stated otherwise, supportive housing units, including group homes, must comply with the affirmative marketing requirements of their respective sponsoring programs, where applicable; provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Division.
 2. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4), with the exception of supportive housing units whose sponsoring program determines the unit arrangement, where applicable.
- b. With the exception of units established with capital funding through a twenty-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least thirty-year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Dispute Resolution Program or the Division.
 1. The service provider for the alternative living arrangement shall act as the administrative agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

§ 23-8. Phasing Schedule for Inclusionary Zoning.

- a. Inclusionary developments shall adhere to the project phasing requirements as set forth in UHAC, N.J.A.C. 5:80-26.1 *et seq.*, as amended and supplemented.

§ 23-9. New Construction.

The required income and bedroom distributions of affordable housing units, as well as additional applicable standards, shall be as set forth in UHAC, N.J.A.C. 5:80-26.1 *et seq.*, as amended and supplemented.

- 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. At least 13% of all restricted rental units shall be very-low-income units (affordable to a household earning 30% or less of regional median income). The very-low-income units shall be counted as part of the required number of low-income units within the development.
 2. At least 25% of the obligation shall be met through rental units, including at least half in rental units available to families.
 3. A maximum of 30% of the Borough's Fourth Round obligation (not inclusive of bonus credits) may be met with age-restricted units. At least half of all affordable units in the Borough's plan shall be available to families.
 4. Unless otherwise approved pursuant to 7. below, in each affordable development, the following income distribution requirements must be satisfied by all of the restricted units in the development as well as by, considered in isolation, the restricted units that are age-restricted, the restricted units that are supportive housing, and the restricted units that are neither age-restricted nor supportive housing:
 - (a) At least 50 percent of all restricted units are low-income or very-low-income units;
 - (b) At least 50 percent of all restricted efficiency or one-bedroom units, rounded up or down to the nearest whole number in either direction, are

low-income units or very-low-income units;

- (c) At least 50 percent of all restricted two-bedroom units, rounded up or down to the nearest whole number in either direction, are low-income units or very-low-income units;
- (d) At least 50 percent of all restricted three-bedroom units are low-income units or very-low-income units;
- (e) At least 50 percent of all restricted units with four or more bedrooms, rounded up or down to the nearest whole number in either direction, are low-income units or very-low-income units; and
- (f) Any very-low-income units are distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count. For example, if half of the restricted units are two-bedroom units, then half of the very-low-income units should be two-bedroom units.

5. Unless otherwise approved pursuant to 7. below, in each affordable development, restricted units that are not age-restricted or supportive housing must be structured in conjunction with realistic market demands such that:

- (a) At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;
- (b) Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;
- (c) No more than 20 percent of all restricted units, rounded up or down to the nearest whole number in either direction, are efficiency or one-bedroom units;
- (d) At least 30 percent of all restricted units, rounded up or down to the nearest whole number in either direction, are two-bedroom units;
- (e) At least 20 percent of all restricted units, rounded up or down to the nearest whole number in either direction, are three-bedroom units; and
- (f) The remainder of the restricted units, if any, are allocated at the discretion of the developer in accordance with the Borough's Housing Element and Fair Share Plan.

6. Unless otherwise approved pursuant to 7. below, in each affordable development, restricted units that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangement, must be structured such that, at a minimum, the number of bedrooms within the restricted units equals the number of restricted units. For example, the standard may be met by creating a two-bedroom unit for each efficiency unit. In affordable developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must compose at least five percent of those restricted units.

7. The requirements of 4., 5., and 6. above must be satisfied by all restricted units in the Borough, considered in the aggregate. The individual requirements of 4., 5., and 6. above may be waived or altered for a specific affordable development with written approval from the Division if such waiver or alteration would not result in a material deviation from the municipal housing element and fair share plan. Any waiver or alteration that would result in a material deviation from the municipal housing element and fair share plan must receive written approval from a county-level housing judge.

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 Subcode, N.J.A.C. 5:23-7, and the following:

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:
 - (a) An adaptable toilet and bathing facility on the first floor; and
 - (b) An adaptable kitchen on the first floor; and
 - (c) An interior accessible route of travel on the first floor; and
 - (d) 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
 - (e) If not all of the foregoing requirements in Subsection b2(a) through (d) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit; but if all of the terms of Subsection b2(a) through (d) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
 - (f) 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 Subcode, N.J.A.C. 5:23-7, or evidence that Rumson has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
 - (1) Where a unit has been constructed with an adaptable entrance, upon the request of a person with disabilities who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - (2) To this end, the builder of restricted units shall deposit funds within the Borough of Rumson's Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
 - (3) The funds deposited under Subsection b2(f)(2) above shall be used by the Borough of Rumson for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - (4) The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Borough of Rumson for the conversion of adaptable to accessible entrances.
 - (5) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's Affordable Housing Trust Fund in care of the Borough Chief Financial Officer, who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
 - (6) 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 Subcode, N.J.A.C. 5:23-7.

c. Design:

1. In inclusionary developments, low- and moderate-income units shall be integrated with the market units, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the

provision of on-site medical services or on-site social services as per N.J.A.C. 5:80-26.5.

2. The occupancy standards set forth at N.J.A.C. 5:80-26.5 shall be applicable regarding the design of proposed affordable housing developments.
- d. 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, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD.
 2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of regional median income; however, municipalities may permit a maximum rent affordable to households earning no more than 70 percent of regional median income for moderate-income units within affordable developments where very-low-income units compose at least 13 percent of the restricted units. In such developments, the number of units with rent affordable to households earning 70 percent of regional median income may not exceed the number of very-low-income units in excess of 13 percent of the restricted units. The average rent for restricted rental units shall be affordable to households earning no more than 52% of regional median income.
 3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for very-low-income, low-income and moderate-income units, provided that at least 13% of all restricted rental units shall be affordable to very-low-income households (earning 30% or less of the regional median household income), with at least half of such units made available for very-low-income families with children. Such very-low-income units shall be counted toward the minimum 50% low-income requirement to be made available for occupancy by low-income households to address the Borough's prospective need obligation. Nothing in this subsection precludes the Borough from requiring affordable developments to have at least 13 percent of restricted units be affordable to and reserved for very-low-income households.
 4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of regional median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.
 5. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
 - (a) A studio or efficiency unit shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one-and-one-half-person household;
 - (c) A two-bedroom unit shall be affordable to a three-person household;
 - (d) A three-bedroom unit shall be affordable to a four-and-one-half-person household; and
 - (e) A four-bedroom unit shall be affordable to a six-person household.
 6. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:

- (a) A studio or efficiency unit shall be affordable to a one-person household;
- (b) A one-bedroom unit shall be affordable to a one-and-one-half-person household; and
- (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

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% of the purchase price and the Freddie Mac 30-Year Fixed Rate-Mortgage rate of interest), taxes, homeowner and private mortgage insurance and realistic condominium or homeowner association fees, do not exceed 30% 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. 5:80-26.4, as may be amended and supplemented.

8. The administrative agent shall set the initial rent for a restricted rental unit. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% 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 rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented. For assisted living units, the combined cost of rent, food, and services may not exceed 80 percent of the eligible monthly income of the appropriate household size as determined pursuant to N.J.A.C. 5:80-26.4.

9. The maximum resale price for a restricted ownership unit, if the resale occurs prior to the one-year anniversary of the date on which title to the unit was first transferred to a certified household, is the initial purchase price. If the resale occurs on or after such anniversary date, the maximum resale price is the most recent non-exempt purchase price increased to reflect the cumulative annual percentage increases to the regional median income, effective as of the same date as the regional median income calculated pursuant to N.J.A.C. 5:80-26.3. At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, following proper notice provided to the occupant household pursuant to N.J.S.A. 2A:18-61.1.f, the rent may be increased to an amount commensurate with the annual percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), specifically U.S. Bureau of Labor Statistics Series CUUR0100SAH, titled "Housing in Northeast urban, all urban consumers, not seasonally adjusted." The maximum allowable rent increase for the year will be effective as of the same date as the regional median income limits determined pursuant to N.J.A.C. 5:80-26.3. This rent increase may not exceed five percent in any one year and notice thereof must be filed with the administrative agent. 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.

§ 23-10. Utilities.

- a. Affordable units shall utilize the same type of cooling and heating sources as market units within an inclusionary development.
- b. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program. For units constructed with State funding, an alternate utility allowance approved by DCA or the Agency must be used. For units that receive ENERGYSTAR certification, a utility allowance calculated according to an energy consumption model provided by an energy consultant with an active registration with the New Jersey Board of Public Utilities must be used, subject to approval by the administrative agent.

§ 23-11. Occupancy Standards.

The occupancy standards set forth at N.J.A.C. 5:80-26.5 shall be applicable.

- a. In referring certified households to specific restricted units, the administrative agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:
 1. Provide at least one occupant for each bedroom, except for age-restricted units;
 2. Provide a bedroom for every two adult occupants;
 3. With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom; and
 4. Avoid placing a one-person household into a unit with more than one bedroom.

§ 23-12. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

- a. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.6, as may be amended and supplemented and each restricted ownership unit shall remain subject to the requirements of this chapter for a deed-restricted control period. The minimum duration of the control period is:
 1. Thirty years for any ownership unit created on or after December 20, 2024.
 2. Thirty years for any ownership unit receiving an extension of affordability controls on or after December 20, 2024, unless the original term of affordability exceeds 30 years, in which case, the minimum control period for the extension is the number of years, not less than 20 years, that in combination with the original term results in 60 years of affordability.
 3. Governed by the grant of substantive certification, judgment of compliance, grant agreement, or other contract for any prior round ownership unit, including all units governed by 95/5 restrictions, sold before December 20, 2024.
 4. Governed by the form of UHAC in effect as of December 20, 2024, for any unit sold between December 20, 2004 and December 20, 2024, that is not the subject of a grant of substantive certification, judgment of compliance, grant agreement, or other contract.
- b. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit, or, if existing affordability controls are being extended, on the effective date of the extension. The date of commencement must be identified in the deed restriction.
- c. For each restricted ownership unit, at initial sale, the administrative agent shall determine a preliminary recapture amount equal to the price differential between the restricted price for the unit, based on the requirements at N.J.A.C. 5:80-26.7, and the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.
- d. The initial purchaser and each successive purchaser during the control period shall execute and deliver to the administrative agent a recapture note, secured by a recapture lien evidenced by a duly recorded mortgage on the unit, obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay a recapture amount at the time of the exit sale. The recapture note and lien must be determined upon exit sale and will be equal to the price differential minus the equity share amount, or another amount determined by an ordinance of the municipal governing body, which must be less than the price differential minus the equity share amount.
- e. The affordability controls set forth in this section and within N.J.A.C. 5:80-26.1 et seq 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 municipal building inspector stating that the unit meets all code standards upon the first transfer of title following the expiration of the deed-restricted control period provided pursuant to N.J.A.C. 5:80-26.6, as may be amended and supplemented.

§ 23-13. Price Restrictions for Restricted Ownership Units, Homeowners' Association Fees and Resale Prices.

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

1. The initial purchase price for a restricted ownership unit shall be set by the administrative agent.
2. The administrative agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
3. The master deeds and declarations of covenants and restrictions of affordable developments shall provide no distinction between restricted units and market-rate units in the calculation of the condominium or homeowners' association fees and special assessments to be paid by low- and moderate-income purchasers and those paid by market purchasers. Notwithstanding the foregoing sentence, condominium units subject to a municipal ordinance adopted before December 20, 2004, which ordinance provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection are governed by the ordinance.
4. The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit to reflect eligible capital improvements completed since they purchased the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household, that is the addition of a bedroom and/or bathroom. See Subsection 23-15(a).

§ 23-14. Buyer Income Eligibility.

a. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.8, as may be amended and supplemented. Very-low-income ownership units are reserved for households with a household income less than or equal to thirty (30) percent of regional median income. Low-income ownership units shall be reserved for households with a household income less than or equal to 50% of regional median income and moderate-income ownership units shall be reserved for households with a household income less than or equal to 80% of regional median income.

b. Notwithstanding the foregoing, however, the administrative agent may, upon approval by the Borough Committee, permit moderate-income purchasers to buy low-income units in housing markets where, as determined by the Division, units are reserved for low-income purchasers, but there is an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units. Similarly, the administrative agent may permit low-income purchasers to buy very-low-income units in housing markets where, as determined by the Division, units are reserved for very-low-income purchasers, but there is an insufficient number of very-low-income purchasers to permit prompt occupancy of the units. Again, all such very-low-income units to be sold to low-income households shall retain the required pricing and pricing restrictions for very-low-income units.

c. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the administrative agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another

certified household for a period not to exceed one year.

- d. The administrative agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowners' and private mortgage insurance and realistic condominium or homeowners' association fees, as applicable) does not exceed 35% of the household's eligible monthly income.

§ 23-15. Limitations on Indebtedness Secured by Ownership Unit; Subordination.

- a. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall submit to the administrative agent a notice of intent to incur such indebtedness, (for example, a home equity loan or solar loan), in such form and with such documentary support as determined by the administrative agent, for a determination in writing that the proposed indebtedness complies with the provisions of this section, and the administrative agent shall issue such determination prior to the owner incurring such indebtedness.
- b. With the exception of original purchase money mortgages, 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% of the maximum allowable resale price of the unit, as such price is determined by the administrative agent in accordance with N.J.A.C. 5:80-26.7(c).

§ 23-16. Capital Improvements to Ownership Units.

- a. The owners of restricted ownership units may apply to the administrative agent to recalculate the maximum sales price for the unit to reflect eligible capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household, that is, the addition of a bedroom and/or bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
- b. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, or flooring) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the administrative agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale, provided the price, which shall be subject to ten-year, straight-line depreciation, has been approved by the administrative agent. Unless otherwise approved by the administrative agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at resale.

§ 23-17. Control Periods for Restricted Rental Units.

- a. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this section for a deed-restricted control period. The minimum duration of the control period is set forth below. LIHTC units are not governed by the provisions of this section, but rather by the provisions of the State's Qualified Allocation Plan, N.J.A.C. 5:80-33.1 through 33.40.
 1. Forty years for any rental unit created on or after December 20, 2024;
 2. Thirty years for any rental unit in a 100 percent affordable property that, on or after December 20, 2024, elects to extinguish its existing deed restriction to enter into a new deed restriction and commence refinancing and/or rehabilitation for

the purpose of preservation;

3. Thirty years for any other rental unit that, on or after December 20, 2024, extends its affordability controls for a new term of affordability, unless the original term of affordability exceeds 30 years, in which case, the minimum control period for the extension is the number of years, not less than 20, that in combination with the original term results in 60 years of affordability;
4. Governed by the grant of substantive certification, judgment of compliance, grant agreement, or other contract for any prior round rental unit that was issued its certificate of occupancy before December 20, 2024; and
5. Governed by the form of UHAC in effect as of December 20, 2004, for any prior round rental unit that was issued its certificate of occupancy between December 20, 2004 and December 20, 2024, and that is not the subject of a grant of substantive certification, judgment of compliance, grant agreement, or other contract.

b. The control period for the restricted rental unit(s) in a development commences on the first date that a unit is issued a certificate of occupancy following the execution of the deed restriction or, if affordability controls are being extended, on the effective date of the extension. The control period for the restricted rental unit(s) in a development continues until the end date identified in the deed restriction, or until the minimum duration has elapsed if a specific end date cannot be determined according to the terms of the deed restriction. After the end of the control period, each restricted rental unit in the development remains subject to the affordability controls of this subchapter until:

1. The occupant household vacates the unit, at which point affordability controls terminate; or
2. The occupant household's household income is found to exceed 80 percent of the regional median income for the relevant household size, after which affordability controls terminate at the later of either the next scheduled lease renewal or in 60 days.

c. Deeds of all real property that include restricted rental units created or extended pursuant to the existing rules shall contain deed restriction language that conforms with the requirements of this subchapter and is substantially in the form set forth at N.J.A.C. 5:80-26 Appendix E. The deed restriction must meet the following requirements:

1. Is to be read in accordance with the requirements of this subchapter, such that any term that directly conflicts with or circumvents the requirements of this subchapter, regardless of intention, is unenforceable, of no legal effect, and contrary to the public policy of the State;
2. Is governed by the requirements of this subchapter regardless of the language ultimately utilized in the recorded deed restriction document;
3. Is severable, such that invalidation of any provision due to inconsistency with these regulations will not terminate the deed restriction, but, rather, will result in the deed restriction being read to include the provision of these regulations with which the original language was inconsistent;
4. Has priority over all mortgages on the property; and
5. Must be filed with the records office of the county in which the unit is located by the developer or owner of the restricted rental units, who then must, no later than 30 days after the commencement of the control period, provide to the administrative agent:
 - i. A copy of the filed deed restriction; and
 - ii. Certification by the preparer of the deed restriction that the deed restriction conforms with all requirements of this subchapter, and that

the deed restriction language at N.J.A.C. 5:80-26 Appendix E, has been included therein.

- d. Failure to record a deed restriction does not, under any circumstances, excuse a property from the requirements of this subchapter. If a development is sold by a developer prior to recording the deed restriction, the buyer is not excused from adhering to the requirements of this subchapter and any recourse shall be to recover from the seller rather than seeking to extinguish any affordability controls of the development. Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the Borough shall record a preliminary instrument in the form set forth at N.J.A.C. 5:80-26 Appendix P-2, incorporated herein by reference that specifies, at a minimum, the total number of rental units to be constructed/rehabilitated, the number of restricted rental units to be constructed/rehabilitated, the anticipated numbers of restricted rental units that will be very-low-income, low-income, and moderate-income, the address(es) and parcel(s) of the property, and the anticipated timeline for completion, including projected phasing. The preliminary instrument must provide that it will be replaced by the recording of a full deed restriction prior to the issuance of the certificate of occupancy, at which point the preliminary instrument will be extinguished. The full deed restriction must be recorded prior to receiving a certificate of occupancy.
- e. A restricted rental unit shall remain subject to the affordability controls of this section and N.J.A.C. 5:80-26.1 et seq. 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 or grant of a deed in lieu of foreclosure on the property containing the unit; or
 - 4. The end of the control period, until the occupant household vacates the unit or is found to be income-ineligible (found to exceed 80 percent of the regional median income for the relevant household size, after which affordability controls terminate at the later of either the next scheduled lease renewal or in 60 days).

§ 23-18. Rent Restrictions for Rental Units; Leases.

- a. A written lease shall be required for all restricted rental units (except for units in assisted living residences), and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. Final lease agreements are the responsibility of the landlord and the prospective tenant and all lease provisions must comply with applicable law. The landlord shall provide the administrative agent with sufficient information for preparation of a unit inventory form for entry into the centralized affordable housing unit inventory system. A copy of each lease entered into with a certified household shall be provided to the administrative agent within 10 business days after the execution of each lease.
- b. No additional fees, operating costs, or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the administrative agent.
- c. Application fees (including the charge for any credit check) shall not exceed 5% 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 section and N.J.A.C. 5:80-26.1 et seq.

§ 23-19. Tenant Income Eligibility.

- a. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.14, 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 household

income less than or equal to 30% of regional median income.

2. Low-income rental units shall be reserved for households with a household income less than or equal to 50% of regional median income.
3. Moderate-income rental units shall be reserved for households with a household income less than or equal to 80% of regional 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 household, a low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

1. The household currently pays more than 35% (40% for households eligible for age-restricted units) of its household income for rent, and the proposed rent will reduce its housing costs;
2. The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
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 reliable anticipated third-party assistance from an outside source, such as a family member, in a form acceptable to the administrative agent and the owner of the unit.

c. The applicant shall file documentation sufficient to establish the existence of the circumstances in Subsections b1 through b5 above with the administrative agent, who shall counsel the household on budgeting.

§ 23-20. Municipal Housing Liaison.

- a. As required by UHAC, this section creates the position of Municipal Housing Liaison. Subject to the approval of the Division, the Borough shall appoint a municipal employee by resolution of the governing body or letter from the chief executive, and shall identify the municipal housing liaison by name and title on the municipal website. The Municipal Housing Liaison is responsible for the creation, preservation and administration of the affordable housing programs, affordable units, monitoring and reporting, and, where applicable, supervising any contracted administrative agent to ensure that they execute the practices, procedures, and standards set forth in this subchapter and within N.J.A.C. 5:80-26.1 et seq. The Municipal Housing Liaison shall successfully complete the Division's Education Program as described at N.J.A.C. 5:99-9 within the timeframes specified by the Division before assuming the duties of Municipal Housing Liaison.
- b. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Rumson, including the following responsibilities, which may not be contracted out to the administrative agent:
 1. Serving as Rumson's primary point of contact for all inquiries from the state, affordable housing providers, administrative agents and interested households;
 2. Overseeing the monitoring of and reporting on the status of all proposed and completed affordable housing programs and affordable units in Rumson's Fair Share Plan and ensuring compliance with the requirements of the Amended Fair Housing Act;
 3. Overseeing and monitoring administrative agents within the Borough's jurisdiction to ensure compliance with the UHAC;

4. Ensuring that an administrative agent is assigned to administer the sales, rentals, re-sales, and re-rentals of all deed-restricted affordable units in the Borough at all times. For units at the end of their deed-restricted control period, an administrative agent shall be available to administer the sale of all properties until such time of the first authorized non-exempt sale after controls on affordability have been in effect on the unit. Verifying, certifying, and providing monitoring and reporting information within the AHMS at such time and in such form as the Division requires. Access to AHMS shall be authorized only by the municipal housing liaison, or their designee, which shall be a municipal employee. Information regarding specific characteristics of municipal affordable housing projects or programs and the resulting unit completions may be entered into AHMS by a contracted entity other than the municipal housing liaison with the written approval of the Borough and pursuant to the oversight of the municipal housing liaison. Monitoring reports shall include the information described at N.J.A.C. 5:99-5.2 and N.J.A.C 5:99-5.3. Monitoring reports for each calendar year shall be in the form of a certification specifying that all information provided in the AHMS is complete, accurate, and current through the most recent calendar year and shall be accompanied by a year-end bank or other financial institution statement that will be used to reconcile municipal reporting. Municipal monitoring information certifications shall be submitted by the municipal housing liaison, or their designee, which shall be a municipal employee, through the AHMS, by February 15 of each year for trust fund activity through December 31 of the previous year;
5. Listing, on the municipal website, contact information for the administrative agent for each completed project with an affordable component within the Borough;
6. Overseeing the coordination of meetings with affordable housing providers, developers, municipal officials, and administrative agents, as needed; and
7. Where applicable, providing to an administrative agent a copy of the adopted municipal operating manual(s), housing element and fair share plan, and ordinances relating to the creation and administration of the Borough's affordable housing programs and/or affordable units.

- c. The municipal housing liaison may also serve as the administrative agent pursuant to N.J.A.C. 5:99-7 for some or all of the affordable units in the Borough, subject to the submission of qualifications to the Division, successful completion of the Division's Education Program as described at N.J.A.C. 5:99-9, and approval by the Division. These duties of the municipal housing liaison shall be outlined in the municipal ordinance establishing the position of the municipal housing liaison. All applicable tasks not performed by the municipal housing liaison, shall be contracted to an administrative agent pursuant to N.J.A.C. 5:99-7.
- d. The Division shall monitor the performance of any approved municipal housing liaison and may revoke said approval, should the Division find that the municipal housing liaison has failed to administer the Borough's affordable housing programs and/or affordable units in accordance with the rules of the Division pursuant to N.J.A.C. 5:99-5.6.

§ 23-21. Administrative Agent.

- a. The Borough shall designate or approve, for each affordable housing project or program within its fair share plan, an administrative agent to administer the affordable housing program and/or affordable units in accordance with the requirements of the Amended Fair Housing Act, the Program, this chapter, and the UHAC. The administrative agent may be the municipal housing liaison, the RCA administrator, other municipal employee, or a person or entity selected pursuant to the UHAC. Administrative agents shall be approved through the municipal housing liaison (if the prospective administrative agent is an individual other than the current municipal housing liaison), and designation of administrative agents is also subject to approval by the Division.

- b. Qualified administrative agents shall have been certified as required pursuant to N.J.S.A. 52:27D-321, shall have evidence of satisfactory completion of the Division's Education Program as described at N.J.A.C. 5:99-9; and shall have submitted all other required information to the Division.
- c. The administrative agent shall perform the duties and responsibilities of an administrative agent as set forth at N.J.A.C. 5:99-7 and set forth in UHAC, and in accordance with the requirements of the Fair Housing Act. The Division and the municipal housing liaison shall monitor the performance of all approved administrative agents for compliance with this chapter. In the event the administrative agent does not administer the Borough's affordable housing program and/or affordable units in accordance with the certificate of compliance, municipal ordinance, or the Division's rules, the Division may revoke its approval and/or require the Borough to retain a different administrative agent. The Division reserves the right to revoke approval of an administrative agent for other compelling circumstances.
- d. The primary responsibility of the administrative agent is to ensure that the restricted units under administration are sold or rented, as applicable, only to very-low, low-, and moderate-income households in accordance with the provisions of the UHAC. The administrative agent is also responsible for the following:
 1. Affirmative marketing:
 - a) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Borough of Rumson and the provisions of N.J.A.C. 5:80-26.16; and
 - b) Designate an experienced staff person to provide 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.
 2. Household certification:
 - a) Soliciting, scheduling, conducting and following up on applications and/or interviews with interested households;
 - b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a very low-, low- or moderate-income household;
 - c) Providing written notification to each applicant as to the determination of eligibility or noneligibility;
 - d) 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.;
 - e) 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
 - f) Employing a random selection process as provided in the Affirmative Marketing Plan of the Borough of Rumson when referring households for certification to affordable units. It is noted that supportive housing units, including group homes, must also comply with the selection processes of their respective sponsoring programs, where applicable.
 - g) Subject to the approval of the municipal housing liaison, administrative agents may grant a waiver of the income qualification requirement for units where a buyer has not been identified for an extended period of time and where the administrative agent has developed a set of criteria to determine that a waiver is necessary due to a lack of qualified applicants. This waiver shall not change the deed restriction in any way on the unit and the next sale shall be conducted according to the applicable rules.

3. Affordability controls:

- a) Furnishing to attorneys or closing agents appropriate forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
- b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded recapture mortgage and note, as appropriate;
- c) Subject to prior written approval from the municipal housing liaison, ensuring that the removal of the deed restrictions and cancellation of the mortgages are effectuated and properly filed with the Monmouth County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit as set forth in N.J.A.C. 5:80-26.1 et seq;
- d) Communicating with lenders regarding foreclosures; and
- e) Ensuring the issuance of continuing certificates of occupancy or certifications from municipal building inspectors, pursuant to N.J.A.C. 5:80-26.11.
- f) Exercising appropriate authority to discharge and release any or all instruments, as set forth in the UHAC appendices establishing affordability controls;

4. Resales and re-rentals:

- a) Instituting and maintaining an effective means of communicating information between owners of affordable units and the administrative agent regarding the availability of their restricted units for resale or re-rental; and
- b) Instituting, maintaining, and documenting an effective means of communicating information to very low-, low- and moderate-income households regarding the availability of restricted units for resale or re-rental, inclusive of listings on the New Jersey Housing Resource Center pursuant to N.J.S.A. 52:27D-321.6;.
- c) Sending annual mailings to owners as prescribed for in the UHAC at N.J.A.C. 5:80-26.19;

5. Processing requests from unit owners:

- a) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this section;
- b) Reviewing and approving requests to increase the maximum sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air-conditioning systems installed subsequent to the initial sale of the unit;
- c) Notifying the Borough of an owner's intent to sell a restricted 95/5 unit, as defined in the UHAC at N.J.A.C. 5:80-26.2 ; and
- d) Making determinations on requests by owners of restricted units for hardship waivers.

6. Enforcement:

- a) Securing annually from the Borough a list 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 unit or sell it;
- b) 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;

- c) 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.
- d) Establishing a program for diverting unlawful rent payments to the Borough's Affordable Housing Trust Fund; and
- e) Creating and publishing a written operating manual as set forth at N.J.A.C. 5:99-7.2 in plain English and in such other languages as may be appropriate to serving the respective client base for each affordable housing program, to be approved by the municipal housing liaison. The operating manual, administered by the administrative agent and to be approved by the Borough Council, shall set forth procedures for administering the affordability controls, including procedures for long-term control of restricted units; for enforcing the covenants set forth in the UHAC appendices, consistent with the provisions at N.J.A.C. 5:80-26.19; and for releasing restricted units promptly at the conclusion of applicable control periods. The operating manual shall have a separate and distinct chapter or section setting forth the process for identifying applicant households seeking certification to restricted units, for reviewing applicant household eligibility, and for certifying applicant households in accordance with the household certification and referral requirements set forth at N.J.A.C. 5:80-26.17.

7. Additional responsibilities:

- a) The administrative agent shall have the authority to take all actions necessary and appropriate, as permitted by law, to carry out its responsibilities as set forth in this chapter, N.J.A.C. 5:99-7, and N.J.A.C. 5:80-26.1 et seq.
- b) The administrative agent shall prepare annual reports for submission to the Municipal Housing Liaison and the Division by February 15 of each calendar year, including a detailed description of completed units and any other information necessary for the Borough to produce its status report as required pursuant to N.J.S.A. 52:27D-329.4.
- c) The administrative agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

§ 23-22. Affirmative Marketing Requirements.

- a. The Borough of Rumson shall adopt by resolution an Affirmative Marketing Plan, subject to review by the Division, that is compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
- b. The Affirmative Marketing process 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, English-speaking ability, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age (except for "housing for older persons" as defined at N.J.S.A. 10:5.1 et seq. and age-restricted units as permitted by 42 U.S.C. § 3601 et seq.), number of children, source of lawful income, or any other characteristic described in the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 through 5.50, to housing units that are being marketed by a developer, sponsor or owner of affordable housing. Unless stated otherwise, supportive housing units must comply with the affirmative marketing requirements of their respective sponsoring programs, where applicable. The Affirmative Marketing process is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. In addition, as a result of the Borough's 2026 mediation agreement with FSHC, the Affirmative Marketing Plan shall require the notification to Fair Share Housing Center; New Jersey State Conference of the NAACP; Latino Action Network; STEPS, Ocean, Inc.; the Greater Red Bank, Asbury Park/Neptune, Bayshore, Greater Freehold, Greater Long Branch, and Trenton branches of the NAACP; and the Supportive Housing Association. It is a continuing program that directs marketing activities toward Housing Region 4 and is required to be followed throughout the period of restriction.

- c. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/ or work in Housing Region 4, comprised of Mercer, Monmouth, and Ocean Counties.
- d. The Borough has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and re-rentals. The administrative agent designated by the Borough of Rumson shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units, including accepting applications and maintaining a list of applicants for each affordable development. The administrative agent shall document and report the affirmative marketing plan for the Borough and the affirmative marketing activities undertaken for each of the units within their purview to the municipal housing liaison, who shall ensure that developers and administrative agents are marketing units in accordance with the provisions in this section. The marketing of restricted units must be consistent with the affirmative marketing plan adopted by the Borough.
- e. In implementing the Affirmative Marketing Plan, the administrative agent shall designate an experienced staff person to 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. Implementation of the affirmative marketing plan by the administrative agent should also include all other required provisions set forth at N.J.A.C. 5:80-26.16(f).
- f. The Affirmative Marketing Plan shall contain all the components (i.e. housing project information, eligibility/selection criteria, strategies and mediums of advertising, timelines) required as set forth within N.J.A.C. 5:80-26.16, subsections (d) and (e) in particular. In implementing the Affirmative Marketing Plan, the administrative agent shall consider the use of language translations where appropriate.
- g. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy and may begin before construction commences. All affirmative marketing advertising and outreach activities utilized must be employed at the start of the marketing program.
- h. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and the County Library for each county within the housing region; the municipal administration building and the municipal library in the Borough; and the developer's office. The Borough shall post the application links and/or notices of affordable housing either directly on the home page of the Borough's official website or on a landing page directly, clearly, and conspicuously linked to from the home page of the Borough's official website. Preapplications shall be emailed or mailed to prospective applicants upon request.
- i. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, which shall be a condition of approval for any such affordable housing application before the Borough's Land Use Board.

§ 23-23. 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 Borough, administrative agent, and the State shall have all remedies provided at law or equity, including, but not limited to forfeiture, foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, divestment of rent proceeds from illegal rentals, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- b. It is the responsibility of the municipal housing liaison and the administrative agent(s) to ensure that affordable housing units are administered properly. All affordable units must be occupied within a reasonable amount of time and be re-leased within a

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

§ 23-24. Appeals.

Appeals from all decisions of an administrative agent appointed pursuant to this section and N.J.A.C. 5:80-26.1 et seq. shall be filed in writing with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's decision is a final administrative action.

§ 23-25. DEVELOPMENT FEE PURPOSE.

- a. This chapter establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with regulations set forth in P.L. 2024, c. 2, N.J.S.A. 52:27D-301 et seq., N.J.A.C. 5:99-1 et seq. and as previously established in accordance with P.L. 2008, c. 46, Sections 8 and 32 through 38 (N.J.S.A. 52:27D-329.2) and the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7). Fees collected pursuant to this chapter shall be used for the sole purpose of providing very-low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan.
- b. Pursuant to P.L.2024, c. 2, the authority relating to rulemaking on the collection of residential and non-residential development fees is appropriately delegated to the Department of Community Affairs, following the abolition of COAH, effective March 20, 2024. As such, municipalities which have obtained or are in the process of seeking compliance certification may retain and expend these development fees.
- c. The purpose of this chapter is to establish standards for the collection, maintenance and expenditure of development fees pursuant to the above. Fees collected pursuant to this chapter shall be used for the sole purpose of providing low- and moderate-income housing.

§ 23-26. DEFINITIONS.

The following terms, as used in this chapter, shall have the following meanings:

ACT — The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.), as amended through P.L. 2024, c.2.

ADMINISTRATIVE AGENT — The individual or entity designated by the Borough and approved by the Division to administer affordable units in accordance with this chapter, the regulations of the amended Fair Housing Act (P.L.1985, c. (N.J.S.A. 52:27D-301 et seq.)), as designated pursuant to N.J.A.C. 5:99-7, and the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26 et seq.

AFFORDABLE — A sales price or rent level that is within the means of a very low-, low- or moderate-income household as defined within N.J.S.A. 52:27D-301 et seq., and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.7, as may be amended and supplemented, and, in the case of a

rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.13, as may be amended and supplemented.

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 100% affordable development.

AFFORDABLE HOUSING PROGRAM(S) — Any method of creating or preserving actual housing units available to low- and moderate-income households or creating a realistic opportunity for the construction of such units, and any mechanism in a municipal fair share plan prepared or implemented to address a municipality's fair share obligation.

AFFORDABLE HOUSING MONITORING SYSTEM or AHMS — The Department of Community Affairs (DCA) or Department's cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.

AFFORDABLE UNIT — A housing unit proposed or created pursuant to the Fair Housing Act and approved for crediting by the court and/or funded through an affordable housing trust fund.

BOROUGH — The Borough of Rumson, in Monmouth County, New Jersey.

COAH OR THE COUNCIL — The New Jersey Council on Affordable Housing, as previously established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), prior to its abolition effective March 20, 2024 through P.L.2024, c.2.

COMPLIANCE CERTIFICATION — The certification issued to a municipality by a county-level housing judge pursuant to section 3 at P.L. 2024, c. 2, that protects the municipality from exclusionary zoning litigation during the current round of present and prospective need and through July 1 of the year the next affordable housing round begins, which is also known as a "judgment of compliance" resulting in an "order for repose." The term "compliance certification" includes a judgment of repose granted in an action filed pursuant to section 13 at P.L. 1985, c. 222 (N.J.S.A. 52:27D-313).

DCA or DEPARTMENT — The State of New Jersey, Department of Community Affairs.

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 residential and non-residential property as authorized pursuant to 40:55D-8.1 through 40:55D-8.7 and N.J.A.C. 5:99-3, Holmdel Builder's Association v. Holmdel Borough, 121 N.J. 550 (1990) and the Fair Housing Act, as amended, N.J.S.A. 52:27D-301 et seq., and regulated by applicable COAH Rules.

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 Executive Branch 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 Share Plan.

DIVISION — The Division of Local Planning Services within the Department of Community Affairs.

EMERGENT OPPORTUNITY — A circumstance that has arisen whereby affordable housing will be able to be produced through a delivery mechanism not originally contemplated by or included in a fair share plan that has been the subject of a compliance certification.

EQUALIZED ASSESSED VALUE or EAV — The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5, and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through 54:1-35c). 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.

FAIR SHARE OBLIGATION — The total of the present need and prospective need as determined by a court of competent jurisdiction.

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.

HOUSING PROJECT — A project, or distinct portion of a project, which is designed and intended to provide decent, safe, and sanitary dwellings, apartments, or other living accommodations for persons of low- and moderate-income; such work or undertaking may include buildings, land, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, educational, welfare, or other purposes. The term "housing project" may also be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration, and repair of the improvements, and all other work in connection therewith.

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

MUNICIPAL AFFORDABLE HOUSING TRUST FUND — A separate, interest-bearing account held by a municipality for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing, barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Legislature and this chapter.

NEW JERSEY AFFORDABLE HOUSING TRUST FUND — An account established pursuant to N.J.S.A. 52:27D-320.

NON-RESIDENTIAL DEVELOPMENT

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

NON-RESIDENTIAL DEVELOPMENT FEE — The fee authorized to be imposed pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7.)

PAYMENT IN LIEU OF CONSTRUCTING AFFORDABLE UNITS — The payment of funds to the municipality by a developer when affordable units are not produced on a site zoned for an inclusionary development.

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

RESIDENTIAL DEVELOPMENT FEE — Money paid by a developer for the improvement of residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:99-3.2.

SPENDING PLAN — A plan to predict funds that will be paid into a municipality's affordable housing trust fund and to allocate how those funds will be spent to advance the interest of low and moderate income households subject to limitations required by law.

The definitions in the Uniform Housing Affordability Controls (UHAC) at N.J.A.C 5:80-26.2 and N.J.A.C. 5:99 shall be applicable where a term is not defined. In the event of a discrepancy between a definition in this section and UHAC and N.J.A.C. 5:99, the current UHAC or N.J.A.C. 5:99 definition shall be applicable.

§ 23-27. RESIDENTIAL DEVELOPMENT FEES.

a. Imposition of Fees.

1. Within the Borough of Rumson, all residential developers, except for developers of the types of developments specifically exempted below and developers of developments that include affordable housing, shall pay a fee of 1.5% of the equalized assessed value for all new residential development provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
2. 1.5% of the increase in equalized assessed value (EAV) due to expansion, full or partial demolition and reconstruction, improvement, and/or alteration of any dwelling unit, which results in a 10% or greater increase in floor area.
3. 1.5% of the increase in equalized assessed value (EAV) due to the construction, expansion, full or partial demolition and reconstruction, improvement, and/or alteration of any accessory building.
4. When an increase in residential density is permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70(d)(5), developers shall be required to pay a "bonus" development fee of 6% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

b. Eligible Exactions, Ineligible Exactions and Exemptions for Residential Developments.

1. Affordable housing developments and/or developments where the developer has made a payment in lieu of on-site construction of affordable units, if permitted by ordinance or by agreement with the Borough of Rumson, shall be exempt from the payment of development fees.
2. Developments that have received preliminary or final site plan approval prior to the adoption of this chapter and any preceding ordinance permitting the collection of development fees shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where site plan approval is not applicable, the issuance of a zoning permit and/or construction permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the Development Fee Ordinance in effect on the date that the construction permit is issued.

3. The expansion, full or partial demolition and reconstruction, improvement, and/or alteration of any dwelling unit which results in less than a ten-percent increase in floor area shall be exempt. The expansion, full or partial demolition and reconstruction, improvement, and/or alteration of any dwelling unit which results in greater than a ten-percent increase in floor area shall pay a development fee of 1.5% of the increase in equalized assessed value of the property.
4. Any project for improvement of a structure to comply with existing state or local building, fire, health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
5. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places but a development fee shall be charged for any new dwelling constructed as a replacement for a previously existing dwelling on the same lot that was or will be demolished, unless the owner resided in the previous dwelling for a period of one year or more prior to obtaining a demolition permit. Where a development fee is charged for a replacement dwelling, the development fee shall be calculated on the increase in the equalized assessed value of the new structure as compared to the previous structure.
6. Structural alterations that do not increase gross floor area of a building or structure or increase the equalized assessed value of a property shall be exempted from paying a development fee.
7. Nonprofit organizations constructing residential projects which have received tax-exempt status pursuant to § 501(c)(3) of the Internal Revenue Code, providing current evidence of that status is submitted to the Municipal Clerk, together with a certification that services of the organization are provided at reduced rates to those who establish an inability to pay existing charges, shall be exempted from paying a development fee.
8. Federal, state, county and local governments shall be exempted from paying a development fee.
9. Homes replaced as a result of a natural disaster, fire or flood shall be exempt from the payment of a development fee. (This exemption applies only for the owner of record at the time of the fire, flood, or natural disaster.)

§ 23-28. NONRESIDENTIAL DEVELOPMENT FEES.

- a. **Imposition of Fees.**
 1. Within all zoning districts, nonresidential developers, except for developers of the types of developments specifically exempted below, 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.
 2. Within all zoning districts, nonresidential developers, except for developers of the types of developments specifically exempted below, 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.
 3. 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 improvements and the equalized assessed value of the newly improved structure, i.e., land and improvements, and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.
- b. **Eligible Exactions, Ineligible Exactions and Exemptions for Nonresidential Development.**

1. The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to a 2.5% development fee, unless otherwise exempted below.
2. The 2.5% development fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing footprint, reconstruction, renovations and repairs.
3. Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF, "State of New Jersey Nonresidential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.
4. A developer of a nonresidential development exempted from the nonresidential development fee pursuant to the Statewide Nonresidential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy for the nonresidential development, whichever is later.
5. If a property which was exempted from the collection of a nonresidential 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 nonresidential development fees under these circumstances may be enforceable by the Borough of Rumson as a lien against the real property of the owner.
6. Federal, state, county and local governments constructing nonresidential housing shall be exempted from paying a development fee.

§ 23-29. COLLECTION OF FEES.

- a. Upon the granting of a preliminary, final or other applicable approval for a development, the approving authority or entity shall notify or direct its staff to notify the Construction Official responsible for the issuance of a construction permit.
- b. For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF, "State of New Jersey Nonresidential Development Certification/Exemption," 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 Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- c. The Construction Official responsible for the issuance of a construction permit shall notify the Borough Tax Assessor of the issuance of the first construction permit for a development which is subject to a development fee.
- d. Within 21 days of receipt of such notification, the Borough Tax Assessor shall prepare an estimate of the equalized assessed value of the development based on the plans filed.
- e. The Construction Official responsible for the issuance of a final certificate of occupancy shall notify the Borough Tax Assessor of any and all requests for the scheduling of a final inspection on a property which is subject to a development fee.
- f. Within 10 business days of a request for the scheduling of a final inspection, the Borough Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g. Should the Borough of Rumson fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the

developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).

h. Except as provided in Section 5.A.3) hereinabove, 50% of the initially calculated development fee shall be collected at the time of issuance of the construction permit. The remaining portion shall be collected at the time of issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the construction permit and that determined at the time of issuance of the certificate of occupancy.

§ 23-30. APPEAL OF DEVELOPMENT FEES

- a. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Borough of Rumson. 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., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- b. A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Borough of Rumson. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1, et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§ 23-31. AFFORDABLE HOUSING TRUST FUND.

- a. There is hereby created a separate, interest-bearing Affordable Housing Trust Fund to be maintained by the Chief Financial Officer of the Borough of Rumson for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.
- b. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 1. Payments in lieu of on-site construction of a fraction of an affordable unit, where permitted by ordinance or by agreement with the Borough of Rumson;
 2. Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
 3. Rental income from municipally operated units;
 4. Repayments from affordable housing program loans;
 5. Recapture funds;
 6. Proceeds from the sale of affordable units; and
 7. Any other funds collected in connection with Rumson's affordable housing program.
- c. In the event of a failure by the Borough of Rumson to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of

compliance; or a failure to implement the approved Spending Plan and to expend funds within the applicable required time period as set forth in *In re Tp. of Monroe*, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Borough of Rumson, or, if not practicable, then within the County or the Housing Region.

1. Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the noncompliant condition(s), and upon a finding of continuing and deliberate noncompliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund or impose such other remedies as may be reasonable and appropriate to the circumstances.
- d. Interest accrued in the Affordable Housing Trust Fund shall only be used to fund eligible affordable housing activities approved by the Court.

§ 23-32. USE OF FUNDS.

- a. Funds deposited in the housing trust fund may be used for any eligible activity as set forth in the amended Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*), N.J.A.C. 5:99-2, and for any housing activity as approved by the Dispute Resolution Program pursuant to N.J.S.A. 52:27D-329.2.a(4) to address the municipal fair share or by the Division pursuant to N.J.S.A. N.J.A.C. 5:99-4. Such activities include, but are not limited to:
 1. A rehabilitation program whose purpose is to renovate deficient housing units that are occupied by low- and moderate-income households, in accordance with the New Jersey State Housing Code, N.J.A.C. 5:28, or the requirements of the Rehabilitation Subcode, N.J.A.C. 5:23-6, as applicable, and costs related to the rehabilitation of the unit. Any recaptured funds from a rehabilitation program shall be deposited into the Borough's affordable housing trust fund and subject to the provisions thereof;
 2. New construction of affordable housing units and related development costs; in the case of inclusionary developments, eligible costs shall be prorated based on the proportion of affordable housing units included in the development;
 3. Creation of a market to affordable program to pay down the cost of unrestricted units and offer them in sound condition, for sale or rent, at affordable prices to low- and moderate-income households to address all or a portion of the affordable housing obligation;
 4. Extensions or improvements of roads and infrastructure directly serving affordable housing development sites; in the case of inclusionary developments, costs shall be prorated based on the proportion of affordable housing units included in the development;
 5. RCAs, approved prior to July 17, 2008;
 6. Acquisition and/or improvement of land to be used for affordable housing;
 7. Accessory dwelling units;
 8. The extension of expiring controls;
 9. The construction of group homes and supportive and special needs housing;
 10. Maintenance and repair of affordable housing units;
 11. To defray the costs of structured parking; in the case of inclusionary developments, eligible costs shall be prorated based on the proportion of affordable housing units

included in the development;

12. Affordability assistance in accordance with N.J.A.C. 5:99-2.5;
13. Repayment of municipal bonds issued to finance low- and moderate-income housing activity;
14. Any other activity as specified in the approved spending plan or as approved by the Division as an emergent affordable housing opportunity; or
15. Any other activity approved by the Division.

b. Until a new spending plan is approved pursuant to the declaratory judgement action filed in accordance with the amended Fair Housing Act, the Borough shall be entitled to expend funds from the housing trust fund in accordance with its Third Round Court Approved Spending Plan or in accordance with the Fair Housing Act as amended in March 2024.

c. At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to very-low-, low- and moderate-income households in affordable units included in the Municipal Fair Share Plan pursuant to N.J.S.A. 52:27D-329.1 and in accordance with N.J.A.C. 5:99-2.5. 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 regional median income by region.

1. Affordability assistance programs include, but are not limited to, downpayment assistance, security deposit assistance, low-interest loans, and rental assistance.
2. Affordability assistance to households earning 30% or less of regional median income may include offering a subsidy to developers of inclusionary or 100 percent affordable housing developments or buying down the cost of low- or moderate-income units in the Municipal Fair Share Plan to make them affordable to households earning 30% or less of regional median income, including special needs and supportive housing opportunities.

d. 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. The Borough 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 or any program or activity for which the Borough expends development fee proceeds, in accordance with N.J.S.A. 52:27D-301 *et seq.* and N.J.A.C. 5:99-1 *et seq.*

e. No more than 20% of the revenues collected from development fees each year shall be expended on administration in accordance with N.J.A.C. 5:99-2.4. Administrative expenses may include costs reasonably related to the determination of the fair share obligation and the development of a municipal housing element and fair share plan and may include fees necessary to develop or implement affordable housing programs, an affirmative marketing program, and/or expenses that are reasonably necessary for compliance with the processes of the Program, including, but not limited to, the costs to the Borough of resolving a challenge pursuant to the Program. Administrative expenses may also include costs associated with functions carried out in compliance with UHAC, including activities related to the marketing program and waitlist management, administering the placement of occupants in housing units, income qualification of households, monitoring the turnover of sale and rental units, preserving existing affordable housing, and compliance with the Division's monitoring requirements. The proportion of a municipal employee's salary related to the MHL or RCA administrator functions and fees for required educational programs, may be paid as an administrative expense from the municipal affordable housing trust fund.

§ 23-33. MONITORING.

Rumson shall comply with the monitoring and reporting requirements set forth in N.J.S.A. 52:27D-329.2 and N.J.S.A. 52:27D-329.4, and as set forth at N.J.A.C. 5:99-5.

§ 23-34. ONGOING COLLECTION OF FEES.

- a. The ability for the Borough of Rumson to impose, collect and expend development fees shall expire with the expiration of the repose period covered by its Compliance Certification unless the Borough of Rumson has first filed an adopted Housing Element and Fair Share Plan with the Court or with a designated state administrative agency, has petitioned for an Amended Compliance Certification from the Court.
- b. If the Borough of Rumson fails to renew its ability to impose and collect development fees prior to the expiration of its Compliance Certification, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to N.J.S.A. 52:27D-320.

Section 2. This ordinance shall take effect immediately upon:

1. Final passage and publication according to law and filing with the Monmouth County Planning Board; and
2. Approval by the Court through the issuance of a Compliance Certification or other appropriate order.

Section 3. If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

Section 4. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Councilmember Kingsbery moved the adoption of this Ordinance in first reading and schedule the public hearing. Motion seconded by Councilmember Casazza and carried on the following roll call vote:

In the affirmative: Conklin, Casazza, Kingsbery, Pumphrey, Smith.

In the negative: None.

Absent: Lospinuso.

**RESOLUTION CANCELLING 2025 PROPERTY TAXES FOR BLOCK 12, LOT 15
100% DISABLED VETERAN**

2026-0120-33

Councilmember Casazza offered the following resolution and moved its adoption:

RESOLUTION CANCELLING
2025 PROPERTY TAXES
FOR BLOCK 12, LOT 15
100% DISABLED VETERAN

WHEREAS, on February 20, 2025 the United States of America, Department of Veterans Affairs notified Archibald Laird II of his 100% Disabled status; and

WHEREAS, on September 26, 2025. Mr. Laird submitted a claim for Property Tax Exemption on Dwelling House of Disabled Veteran for his property located at 38 Circle Drive, also known as Block 12 Lot 15; and

WHEREAS, the Rumson Tax Assessor, Erick Aguiar, approved Mr. Laird's Claim for Property Tax Exemption on Dwelling House of Disabled Veteran effective September 26, 2025; and

WHEREAS, the Borough of Rumson Tax Assessor, Erick Aguiar, will change the property class to 15F, which is Tax Exempt as of 2026; and

WHEREAS, the Borough Tax Collector, has confirmed taxes have been paid in full for 2025; and

WHEREAS, the Borough Tax Collector recommends canceling \$4501.38 of 2025 property taxes for the period September 26, 2025 through December 31, 2025; and

WHEREAS, the Borough Tax Collector further recommends refunding \$4,501.38 to Archibald Laird II for the overpayment of taxes resulting from the cancellation.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that \$4,501.38 of the 2025 property taxes for Block 12, Lot 15 be cancelled; and

BE IT FURTHER RESOLVED that \$4,501.38 overpayment as a result of the cancellation be refunded to Archibald Laird II and;

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer and the Monmouth County Tax Board Administrator.

Seconded by Councilmember Kingsbery and carried upon the following roll call vote:

In the affirmative: Conklin, Casazza, Kingsbery, Pomphrey, Smith.

In the negative: None.

Absent: Lospinuso.

RESOLUTION TO AUTHORIZE A SHARED SERVICES AGREEMENT BETWEEN THE BOROUGH OF RUMSON AND HOLY CROSS ACADEMY

2026-0120-34

Councilmember Casazza offered the following resolution and moved its adoption:

**RESOLUTION TO AUTHORIZE
A SHARED SERVICES AGREEMENT
BETWEEN THE BOROUGH OF RUMSON AND
HOLY CROSS ACADEMY**

WHEREAS, the Holy Cross Academy and the Holy Cross Parish have inquired about a Shared Service for Police services for the September 2025- June 2026 school year; and

WHEREAS, the Borough of Rumson has the professional expertise to provide this type of service to Holy Cross Academy; and

WHEREAS, the Holy Cross Parish and Holy Cross Academy have reached an agreement for said services;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rumson, that the Mayor and Municipal Clerk/Administrator be authorized to enter into an Agreement with Holy Cross Academy; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to the Chief Financial Officer and Holy Cross Academy.

Resolution seconded by Councilmember Pomphrey and carried on the following roll call vote:

In the affirmative: Conklin, Casazza, Kingsbery, Pomphrey, Smith.

In the negative: None.
Absent: Lospinuso.

RESOLUTION SETTING BID THRESHOLD AND APPOINTING A QUALIFIED PURCHASING AGENT

2026-0120-35

Councilmember Kingsbery offered the following resolution and moved its adoption:

RESOLUTION SETTING BID THRESHOLD AND APPOINTING A QUALIFIED PURCHASING AGENT

WHEREAS, N.J.S.A. 40A:11-3a permits an increase in the bid and quote thresholds, up to \$53,000.00 and \$7,950.00 respectively, if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS, N.J.A.C. 5:34-5 et seq., established criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS, newly appointed Rumson CMFO Amy Spera has the experience to hold this position; and

NOW THEREFORE BE IT RESOLVED by the Mayor & Council of the Borough of Rumson that Amy Spera be appointed as the Qualified Purchasing Agent; and

Resolution seconded by Councilmember Casazza and carried on the following roll call vote:

In the affirmative: Conklin, Casazza, Kingsbery, Pumphrey, Smith.
In the negative: None.
Absent: Lospinuso.

RESOLUTION ADOPTING UPDATED & NEW EMERGENCY OPERATIONS PLANS AND MUTUAL AID AGREEMENT

2026-0120-36

Councilmember Casazza offered the following resolution and moved its adoption:

RESOLUTION ADOPTING UPDATED & NEW EMERGENCY OPERATIONS PLANS AND MUTUAL AID AGREEMENT

WHEREAS, Chapter 222, Public Law 1989 mandates the development and approval of Emergency Operations Plans for all municipalities, counties, and the State; and

WHEREAS, an Emergency Operations Plan will allow the Municipality in correlation with the Municipal Office of Emergency Management to better prepare and manage jurisdiction-wide emergencies; and

WHEREAS, the Borough of Rumson must submit an Emergency Operations Plan through the County Office of Emergency management to the State Office of Emergency Management for initial review and approval, and will require recertification every two-(2) years, and

WHEREAS, the Brough Council of the Borough of Rumson are in receipt of an Emergency Operations Plan and a request from the Borough of Rumson Office of Emergency Management for formal Adoption, and

WHEREAS, On May 19, 2020 the Borough of Rumson adopted (Resolution 2020-0519-73 authorizing the execution of the Monmouth County, Intra-County Mutual Aid and Assistance Agreement between the County, Rumson Borough and Participating Units.

NOW, THEREFORE, BE IT RESOLVED by, the Borough Council of the Borough of Rumson that the Borough of Rumson Emergency Operations Plan be and is hereby adopted.

BE IT FURTHER RESOLVED that the Borough Council of the Borough of Rumson hereby authorizing the continual participation in the Monmouth County Intra-County Mutual Aid and Assistance Agreement as referenced for the term consistent with the Municipal Emergency Operations Plan.

BE IT FURTHER RESOLVED that the Municipal Clerk forwards a certified true copy of this resolution to the Monmouth County Office of Emergency Management Coordinator.

Resolution seconded by Councilmember Pomphrey and carried on the following roll call vote:

In the affirmative: Conklin, Casazza, Kingsbery, Pomphrey, Smith.

In the negative: None.

Absent: Lospinuso.

RESOLUTION FOR A TEMPORARY EMERGENCY APPROPRIATION

2026-0120-37

Councilmember Kingsbery offered the following resolution and moved its adoption:

TEMPORARY EMERGENCY APPROPRIATION RESOLUTION

WHEREAS, the temporary appropriations previously adopted will be inadequate to the point when the 2026 Budget will be finally adopted; and

WHEREAS, N.J.S.A. 40A:4-20 states that the Governing Body may, by resolution adopted by a 2/3 vote of full membership, make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year;

BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the following emergency temporary appropriations, in addition to the temporary appropriations already adopted, be adopted, and it is stated that these emergency temporary appropriations shall be included in the 2026 Budget when adopted.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer, and the Director of the Division of Local Government Services.

Tax Collection – Other Expenses	\$ 2,500.00
Police Department – Purchase of Police Vehicles	\$100,000.00

Resolution seconded by Councilmember Pomphrey and carried on the following roll call vote:

In the affirmative: Conklin, Casazza, Kingsbery, Pomphrey, Smith.

In the negative: None.

Absent: Lospinuso.

RESOLUTION AUTHORIZING PURCHASE OF TWO NEW 2026 FORD POLICE INTERCEPTOR UTILITY VEHICLES WITH ALL WHEEL DRIVE AND THE ACCESSORY EQUIPMENT FOR SAID VEHICLES FOR THE RUMSON POLICE DEPARTMENT

2026-0120-38

Councilmember Smith offered the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING PURCHASE OF
TWO NEW 2026 FORD POLICE INTERCEPTOR UTILITY VEHICLES
WITH ALL WHEEL DRIVE
AND THE ACCESSORY EQUIPMENT FOR SAID VEHICLES
FOR THE RUMSON POLICE DEPARTMENT**

WHEREAS, the Borough of Rumson has the need to purchase two new 2026 Ford Police Interceptors Utility Vehicles with All Wheel Drive and the Accessory Equipment for said vehicles for the Rumson Police Department from an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and

WHEREAS, CHAS S WINNER INC, DBA Winner Ford, 250 Haddonfield-Berlin Road, Cherry Hill, New Jersey 08034, has been awarded New Jersey State Contract No. 20-FLEET-01189 for Police Pursuit and Special Service Vehicles; Gasoline, Hybrid and Plug-In Hybrid Engines, for the period from June 17, 2020 to June 17, 2026; and

WHEREAS, EMERGENCY ACCESSORIES & INSTALLATIONS, 250 Berlin Road, Cherry Hill, NJ 08034, is an authorized vendor for the contract awarded to WHELEN ENGINEER, New Jersey State Contract No. 17-FLEET-00761 for Law Enforcement Firearms Equipment and Supplies, for the period from May 15, 2019 to May 14, 2026; and

WHEREAS, EMERGENCY ACCESSORIES & INSTALLATIONS, 250 Berlin Road, Cherry Hill, NJ 08034, is an authorized vendor for the contract awarded to HAVIS INC, New Jersey State Contract No. 17-FLEET-00719 for Law Enforcement Firearms Equipment and Supplies, for the period from May 15, 2019 to May 14, 2026; and

WHEREAS, the Temporary 2026 Borough of Rumson Operating Budget has appropriated \$150,000 for the purchase of vehicles; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that, upon confirmation of NJ State Contract pricing, Helen L. Graves, Chief Financial Officer, be authorized to issue two Purchase Orders, not to exceed \$45,000 each, to CHAS S. WINNER INC. for the acquisition of TWO (2) new 2026 Ford Utility Police Interceptors; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Rumson that, upon confirmation of NJ State Contract pricing, Helen L. Graves, Chief Financial Officer, be authorized to issue two Purchase Orders, not to exceed \$26,000 each, to EMERGENCY ACCESSORIES & INSTALLATIONS for the acquisition of accessory equipment for the two (2) new 2026 Ford Utility Police Interceptors;

Seconded by Councilmember Pomphrey and carried upon the following roll call vote:

In the affirmative: Conklin, Casazza, Kingsbery, Pomphrey, Smith.

In the negative: None.

Absent: Lospinuso.

RESOLUTION APPOINTING MUNICIPAL PROFESSIONALS FOR 2026

2026-0120-39

Councilmember Casazza offered the following resolution and moved its adoption:

RESOLUTION APPOINTING MUNICIPAL PROFESSIONALS FOR 2026

WHEREAS, there exists a need for the services for the following professionals for the Borough of Rumson as authorized by R.S.40A:11-5:

Municipal Public Defender; and

WHEREAS, there exists a need for the annual audit for the calendar year 2026 as required by R.S.40A:5-4; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law, R.S.40A:11-1, et. seq., requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids must be published no more than ten (10) days following the adoption thereof:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson as follows:

1. The Mayor and the Municipal Clerk are hereby authorized and directed, in behalf of the Borough, to:
 - d. retain Mark Casazza, Esq., an Attorney at Law of the State of New Jersey, to perform the services of Municipal Public Defender for the year 2026 pursuant to R.S.40A:11-5; and
2. Said Municipal Public Defender are retained and appointed to the above offices and said Auditor is awarded a contract pursuant to R.S. 40A:11-5 without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because the service rendered or performed is to be done by a person authorized by law to practice a recognized profession and whose profession and practice is regulated by law and bids are not required per R.S.40A:5-11.
3. A copy of this resolution shall be published in the *Asbury Park Press* or *Two River Times* as required by law within ten (10) days of its passage.

Resolution seconded by Councilmember Pomphrey and carried on the following roll call vote:

In the affirmative: Conklin, Casazza, Kingsbery, Pomphrey, Smith.

In the negative: None.

Absent: Lospinuso.

RESOLUTION AUTHORIZING THE COUNTY OF MONMOUTH MOSQUITO CONTROL DIVISION TO CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS WITHIN THE BOROUGH OF RUMSON

2026-0120-40

Councilmember Kingsbery offered the following Resolution and moved its adoption:

RESOLUTION AUTHORIZING THE COUNTY OF MONMOUTH MOSQUITO CONTROL DIVISION TO CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS WITHIN THE BOROUGH OF RUMSON

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the County; and

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the County of Monmouth; and

WHEREAS, prior to conducting the aerial dispensing operations over a designated "congested area," the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

WHEREAS, the Borough of Rumson is designated as a "congested area" by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Governing Body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:
 - a. the County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies, and
 - b. such operations will be performed in compliance with applicable Federal and State regulations, and
 - c. the County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

Resolution seconded by Councilmember Pomphrey and carried on the following roll call vote:

In the affirmative: Conklin, Casazza, Kingsbery Pomphrey, Smith.

In the negative: None.

Absent: Lospinuso.

RESOLUTION APPOINTING RYAN CALABRO AS A FULL-TIME LABORER FOR THE DEPARTMENT OF PUBLIC WORKS

2026-0120-41

Councilmember Kingsbery offered the following resolution and moved its adoption:

RESOLUTION APPOINTING RYAN CALABRO AS A FULL-TIME LABORER FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Borough of Rumson through its Department of Public Works has the need for a full-time Laborer; and

WHEREAS, Ryan Calabro applied and successfully interviewed for the full-time Public Works Laborer positions; and

WHEREAS, it has been recommended to hire Mr. Calabro to the position of Public Works Laborer.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rumson that Ryan Calabro be hired to the position of Public Works Laborer, each effective February 1, 2026; and

BE IT FURTHER RESOLVED that Mr. Calabro be paid an annual salary of \$41,000 effective February 1, 2026; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Chief Financial Officer and the Payroll Clerk.

Resolution seconded by Councilmember Pomphrey and carried on the following roll call vote:

In the affirmative: Conklin, Casazza, Kingsbery, Pomphrey, Smith.

In the negative: None.

Absent: Lospinuso.

RESOLUTION APPOINTING MATTHEW CABEDELO AS A FULL-TIME LABORER FOR THE DEPARTMENT OF PUBLIC WORKS

2026-0120-42

Councilmember Pomphrey offered the following resolution and moved its adoption:

RESOLUTION APPOINTING MATTHEW CABEDELO AS A FULL-TIME LABORER FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Borough of Rumson through its Department of Public Works has the need for a full-time Laborer; and

WHEREAS, Matthew Cabedelo applied and successfully interviewed for the full-time Public Works Laborer positions; and

WHEREAS, it has been recommended to hire Mr. Cabedelo to the position of Public Works Laborer.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Rumson that Matthew Cabedelo be hired to the position of Public Works Laborer, each effective February 1, 2026; and

BE IT FURTHER RESOLVED that Mr. Cabedelo be paid an annual salary of \$41,000 effective February 1, 2026; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Chief Financial Officer and the Payroll Clerk.

Resolution seconded by Councilmember Smith and carried on the following roll call vote:

In the affirmative: Conklin, Casazza, Kingsbery, Pomphrey, Smith.

In the negative: None.

Absent: Lospinuso.

RESOLUTION ADOPTING AMENDED PERSONNEL POLICIES AND PROCEDURES MANUAL

Councilmember Casazza offered the following resolution and moved its adoption:

**RESOLUTION ADOPTING AMENDED PERSONNEL
POLICIES AND PROCEDURES MANUAL**

WHEREAS, the Borough Council of the Borough of Rumson adopted the Personnel Policies and Procedures Manual on April 27, 2006 in accordance with employment laws and regulations; and

WHEREAS, the Borough Council of the Borough of Rumson adopted Amendments to the Personnel Policies and Procedures Manual on August 3, 2006, April 8, 2008, March 24, 2009, December 8, 2009, June 22, 2010, May 10, 2011, May 8, 2012, April 22, 2014, September 19, 2016, October 1, 2018, November 1, 2021, October 10, 2023, September 9, 2025, and December 9, 2025; and

WHEREAS, the Municipal Excess Liability Joint Insurance Fund (MEL JIF) requires all JIF members to review and update their Personnel Policies and Procedures Manual every two years; and

WHEREAS, the Safety Committee of the Borough of Rumson has reviewed the Manual, taking into account the recommendation of the MEL JIF, and it has been deemed necessary to make some further changes to the Personnel Policies and Procedures Manual at this time; and

WHEREAS, the changes made are on file with the Municipal Clerk/Administrator;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that the Personnel Policies and Procedures Manual is hereby adopted as amended, effective January 20, 2026; and

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail; and

BE IT FURTHER RESOLVED that this manual and this handbook are intended to provide guidelines covering public service by Borough employees and volunteers and are not contracts. The provisions may be amended and supplemented from time to time without notice and at the sole discretion of the Borough Council; and

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Borough shall operate under the legal doctrine known as "employment at will;" and

BE IT FURTHER RESOLVED that the Municipal Clerk/Administrator and all managerial/ supervisory personnel are responsible for these employment practices. The Deputy Municipal Clerk and the Borough Attorney shall assist the Municipal Clerk/Administrator in the implementation of the policies and procedures in this manual and this handbook.

Resolution seconded by Councilmember Kingsbury and carried on the following roll call vote:

In the affirmative: Conklin, Casazza, Kingsbury, Pomphrey, Smith.

In the negative: None.

Absent: Lospinuso.

CONSENT AGENDA:

None.

APPOINTMENTS BY THE MAYOR:

Mayor Hemphill appointed Gerry Brown as Alternate Member, No. 2, of the Rumson Zoning Board, filling an open, unexpired term.

ANNOUNCEMENTS BY THE MAYOR:

The next Regular Meeting of the Rumson Borough Council will be on Tuesday, February 10, 2026 at 7:30 p.m. The meeting agenda will be posted to the Borough of Rumson website at www.rumsonnj.gov at least 48 hours prior to the start of the meeting.

CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):

Councilmember Casazza offered the following Resolution and moved its adoption:

Vendor Name	Net Amount
A1 SECURITY CAMERAS	1,258.00
ACTION DATA SERVICES, INC	1,177.73
ACTION UNIFORM CO,LLC	247.00
ALLIED OIL, LLC	5,295.38
ALLIED OIL, LLC	6,868.81
AMAZON.COM SERVICES LLC	682.94
AMERICANWEAR INDUST UNIFORMS	1,609.45
DANIEL CAMPANELLA	13.00
CIVICPLUS,LLC	5,484.94
CLEARY,GIACOBBE,ALFIERI&JACOBS	192.50
CLEARY,GIACOBBE,ALFIERI&JACOBS	1,225.00
COMCAST	2,480.63
CONGREGATION B'NAI ISRAEL	400.00
CROSS OVER NETWORKS	3,108.95
DELTA DENTAL OF NEW JERSEY INC	9,561.60
DEPOSITORY TRUST COMPANY	48,219.38
DILWORTH PAXSON LLP	1,139.90
EDMUND'S AND ASSOCIATES, INC	15,131.43
E.M. GRANT	1,895.00
EVERBRIDGE,INC	10,300.00
FBI - LEEDA INC	1,590.00
HOLMDEL TOWNSHIP	11,233.40
HUGHES ENVIRONMENTAL SERVICES	13,500.00
THE INSTITUTE FOR FORENSIC	550.00
JCP&L	16,205.10
KICK FITNESS DANCE LLC	480.00
KINTECH,INC	1,441.56
KYLE McMANUS ASSOCIATES LLC	787.50
LANGUAGE LINE SERVICES, INC	25.50
LEADSONLINE,LLC	2,644.00
MAACO TINTON FALLS	2,500.00
MICHELE A MACPHERSON	315.00
MONMOUTH MUNICIPAL J.I.F.	239,127.00
TREASURER, COUNTY OF MONMOUTH	61.65
NEW JERSEY AMERICAN WATER	13,926.99
NEW JERSEY AMERICAN WATER	1,805.56
NEXVORTEX LLC	446.00
NJ CONFERENCE OF MAYORS	525.00
NJ DEPT OF LAW & PUBLIC SAFETY	400.00
NJ NATURAL GAS CO.	3,714.07
NJ LEAGUE OF MUNICIPALITIES	770.00

NJ MOTOR VEHICLE COMMISSION	150.00
NJ MUNICIPAL MGMT ASSOC INC	300.00
NEW JERSEY RECREATION &	275.00
NEW JERSEY RECREATION &	240.00
NJ REGISTRARS' ASSOCIATION	25.00
NJ SOLUTIONS JOIN HEALTH	202,179.36
PA TURNPIKE	34.61
PMC ASSOCIATES	1,103.83
POWERDMS	8,613.37
THOMAS S ROGERS	142.64
THOMAS S ROGERS	539.73
RR DONNELLEY	46.25
RUMSON ELEMENTARY SCHOOL DIST	400.00
RUMSON ELEMENTARY SCHOOL DIST	2,050,697.83
RFH REGIONAL HIGH SCHOOL	2,042,038.83
SNEAKERS PLUS OF WALL	9,400.95
SUBURBAN DISPOSAL INC.,	34,007.87
SUBURBAN DISPOSAL INC.,	24,750.00
SUBURBAN DISPOSAL INC.,	24,750.00
TCTA OF NEW JERSEY	125.00
TREASURER, STATE OF NJ	9,655.00
TREASURER, STATE OF NJ	125.00
TREAS.,STATE OF NJ DCA	40.00
TWO RIVERS WATER	23,200.00
TWO RIVERS WATER	23,200.00
WARSHAUER ELECTRIC SUPPLY	14,050.00
	4,898,430.24

Resolution seconded by Councilmember Pomphrey and carried on the following roll call vote:

In the affirmative: Conklin, Casazza, Kingsbery, Pomphrey, Smith.

In the negative: None.

Absent: Lospinuso.

COMMENTS FROM COUNCIL:

Councilmember Casazza spoke at this time. Casazza shared that he attended the Sustainable Landscaping seminar on January 20, 2026 held at Bingham Hall and found the information shared to be insightful on the subjects of invasive species and their impacts on the environment. He thanked the members of the Rumson Garden Club and Rumson Environmental Commission for putting the event together. Councilmember Pomphrey seconded the comments, thanking the Rumson Environmental Commission for all the work they do and also noted the growing interest in the environment from the Rumson School District student body.

Councilmember Conklin spoke at this time. Conklin shared his appreciation for the work that Borough Administrator/Municipal Clerk Thomas Rogers and his team were able to do with The Borough's change in health insurance coverage for all full-time borough employees, noting the ability to not only provide the staff with continued strong coverages, but also avoid the potential for significant financial impact, estimated to be 30 to 35 percent increases, the Borough employees and its residents were facing in 2026. Conklin wanted to acknowledge the new baseline and the hard work publicly.

COMMENTS FROM THE PUBLIC:

Emily Schopfer of The Two River Times spoke at this time. Schopfer, on behalf of the publication, asked about the waterfront development applications that were read in as

communication during the meeting. Borough Engineer David Marks responded to the question stating that The Borough decides to take the proactive approach of reading the applications they receive into the minutes for greater public information and confirmed that the notice requirements and regulations are through the New Jersey Department of Environmental Protection. Marks stated that all applications received can be reviewed by the public at Borough Hall. Rogers seconded these statements. Schopfer concluded by asking if the ordinances introduced during this meeting are connected to the 49 West River Road Affordable Housing Project, to which Rogers confirmed that they are not.

ADJOURNMENT:

Councilmember Kingsbery made a motion to adjourn the meeting which was seconded by Councilmember Pomphrey. The meeting adjourned at 7:48 p.m. All in favor.

Respectfully submitted,

Thomas S. Rogers
Municipal Clerk/Administrator