TOWNSHIP OF SADDLE BROOK
ORDINANCE NO. 1808-26

AN ORDINANCE OF THE TOWNSHIP OF SADDLE BROOK AMENDING AND SUPPLEMENTING ARTICLE II "AFFORDABLE HOUSING REQUIREMENTS" OF CHAPTER 48 "AFFORDABLE HOUSING", TO ADD AFFIRMATIVE MARKETING REQUIREMENTS AND PERMIT OCCUPANCY PREFERENCES

WHEREAS, the Township of Saddle Brook filed a Declaratory Judgment Action on January 31, 2025 seeking a certification of compliance with the Fair Housing Act, and

WHEREAS, the Saddle Brook Planning Board adopted the Fourth Round Housing Element & Fair Share Plan for the Fourth Round on June 16, 2025, which was duly endorsed by the Township Council, and timely filed with the Affordable Housing Dispute Resolution Program; and

WHEREAS, the Saddle Brook Planning Board adopted the Amended Fourth Round Housing Element & Fair Share Plan for the Fourth Round on February 18, 2026, which was duly endorsed by the Township Council; and

WHEREAS, new Uniform Housing Affordability Controls (UHAC) rules were adopted in December of 2025; and

WHEREAS, each municipality is required to adopt an affirmative marketing plan (AMP) and Saddle Brook adopted its AMP on March 5, 2026; and

WHEREAS, the new UHAC rules permit municipalities to apply occupancy preferences in the affordable household random selection process; however, said occupancy preferences must be effectuated via ordinance; and

WHEREAS, the Township seeks to amend the Affordable Housing Ordinance to recognize the affirmative marketing plan and to include the permissible occupancy preferences.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Saddle Brook, as follows:

SECTION 1. Chapter 48 "Affordable Housing", Article II "Municipal Housing Liaison" shall be amended and supplemented to add the following underlined text and delete the following text in strikeout:

§48-20 Affirmative Marketing. ~~Enforcement of affordable housing regulations~~.

A. The municipality shall adopt, by resolution, an Affirmative Marketing Plan, subject to approval of the Superior Court, in compliance with N.J.A.C. 5:80-26.16, as may be amended and supplemented.

B. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age, or number of children, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 1 and is required to be followed throughout the period of the deed restriction.

C. The following occupancy preferences shall be employed in the random selection process, provided that units which remain unoccupied after these preferences are exhausted may be offered to households without regard to these preferences:

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

(2) There shall be a regional preference for all households that live and/or work in Housing Region 1 comprising Bergen, Hudson, Passaic, and Sussex Counties.

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

D. The Administrative Agent designated by the municipality and/or retained by the developer/sponsor shall implement the Affirmative Marketing Process to ensure the Affirmative Marketing of all affordable units, with the exception of affordable programs that are exempt from Affirmative Marketing.

E. The Affirmative Marketing Process shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Process, the Administrative Agent shall consider the use of language translations where appropriate.

F. Applications for affordable housing or notices thereof, if offered online, shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration

building and municipal library in the municipality in which the units are located; and the developer's rental or sales office. The developer shall mail applications to prospective applicants upon request and shall make applications available through a secure online website address.

G. In addition to other Affirmative Marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units on the New Jersey Housing Resource Center website. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph.

H. In implementing the Affirmative Marketing Process, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

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

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

§48-21~~20~~ Enforcement of affordable housing regulations.

§48-22~~21~~ Appeals.

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

SECTION 3. Severability. All provisions of this Ordinance are severable. If for any reason, any provision of this Ordinance is held to be invalid, the validity of the remainder of the Ordinance shall not be affected.

SECTION 4. Effective Date. This Ordinance shall become effective upon final approval and publication, pursuant to law, and upon completion of all outstanding cases.

Approved:

TOWNSHIP OF SADDLE BROOK

ATTEST:

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Frank Barrale, RMC
Township Clerk

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Andrew M. Cimiluca, Council President

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Robert D. White, Mayor

Introduced: November 12, 2026

Adopted: