

CITY OF ENGLEWOOD

ORDINANCE 26-05

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ENGLEWOOD BY REPEALING AND REPLACING ARTICLE XVII, AFFORDABLE HOUSING

WHEREAS, Article XVII, Affordable Housing, of the General Ordinances of the City of Englewood must be repealed and replaced in its entirety to comply with the Fair Housing Act, N.J.S.A. 52:27D-301, et.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 City 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 City or the City 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 City 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 City of Englewood, in the County of Bergen and State of New Jersey that Article XVII (Affordable Housing) of the General Ordinances of the City of Englewood is hereby repealed in its entirety and replaced as follows:

Section 1. Article XVII, Fair Housing, of the General Ordinances of the City of Englewood, shall be repealed in its entirety and replaced as follows:

Article XVII Affordable Housing

§ 250-118 Purpose.

The purpose of this section is to provide for and regulate affordable housing in the City of Englewood to address the City’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.

§ 250-119 Applicable Fair Housing Regulations

Affordable housing units shall be governed by and subject to the rules and regulations of 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. which are referenced herein as if set forth verbatim including any future amendments to such.

§ 250-120 Affordable housing mandatory set-aside

- A. Purpose. This section is intended to ensure that any new multifamily and townhouse residential development, which consists of five (5) or more new residential units, including the residential portion of a mixed use development, (i) that is permissible as of right by zoning ordinance; (ii) that becomes permissible by the granting of a use variance or a density variance increasing the permissible density; (iii) that results from the adoption of a redevelopment plan or amendment to a redevelopment plan; or (iv) that results from the rezoning of the property, shall provide a twenty percent (20%) set aside of affordable units for both sales and rental projects. This chapter shall apply except where inconsistent with applicable law.
- B. Affordable Housing Set-Aside. Beginning with the effective date of this ordinance a mandatory affordable housing set-aside requirement shall apply to any new multifamily and townhouse residential development as defined under §250-58, which consists of five (5) or more new residential units, including the residential portion of a mixed use development, (i) that is permissible as of right by zoning ordinance; (ii) that becomes permissible by the granting of a use variance or a density variance increasing the permissible density; (iii) that results from the adoption of a redevelopment plan or amendment to a redevelopment plan; or (iv) that results from the rezoning of the property. The set-aside shall be twenty percent (20%) for both sales and rental projects.
 - 1. All affordable housing controls and standards are subject to the regulations promulgated under the Fair Housing Act (N.J.S.A. 52:27D-301 et seq) or as approved by the Court. The development, marketing and sale of the affordable units shall be pursuant to applicable state regulations and the applicable provisions of this chapter, and any subsequent amendments thereto.
 - 2. This requirement shall not impose any obligation on a development, or the nonresidential portion of a mixed-use development, that is subject to the Statewide Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 et seq.
 - 3. All subdivision and site plan approvals of qualifying developments shall be conditioned upon compliance with the provisions of the mandatory affordable housing set-aside.

4. No subdivision shall be permitted or approved for the purpose of avoiding compliance with the mandatory affordable housing set-aside. A developer may not, for example, subdivide a project into two lots and then plan each of them to produce a number of units below the threshold. The approving authority may impose any reasonable conditions to ensure such compliance.
 5. The mandatory affordable housing set-aside shall not give any developer the right to any rezoning, variance, redevelopment designation or redevelopment or rehabilitation plan approval, or any other such relief, or establish any obligation on the part of the municipality to grant such rezoning, variance, redevelopment designation, redevelopment or rehabilitation plan approval, or other such or further relief.
- C. This section shall not apply to any sites or specific zones otherwise identified in the City's Settlement Agreement with FSHC dated November 1, 2022, approved by Court Order dated January 20, 2023, or in the City's Housing Element and Fair Share Plan, for which density and set-aside standards shall be governed by the specific standards set forth therein.
- D. The requirements of this section shall not apply to residential expansions, additions, renovations, replacements, or any other type of residential development that does not result in a net increase in the number of dwellings of five (5) or more.
- E. In the event that the inclusionary set-aside percentage (20%) of the total number of residential units does not result in a full integer, the developer shall round the set-aside upward to construct a whole additional affordable unit.

SECTION 2. The City Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Bergen County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15 and 40:55D-62.1. The City Clerk shall execute any necessary Proofs of Service of the notices required by this section, and shall keep any such proofs on file along with the Proof of Publication of the notice of the required public hearing on the proposed change.

SECTION 3. After introduction, the City Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the City Council, within thirty-five (35) days after referral, a report including identification of any provision in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

SECTION 4. If any paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 5. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. This ordinance shall take effect immediately upon: (i) adoption; and (ii) publication in accordance with the laws of the State of New Jersey.

ORDINANCE #26-05

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ENGLEWOOD BY
REPEALING AND REPLACING ARTICLE XVII, AFFORDABLE HOUSING**

RECORD OF VOTE

FIRST READING DATE: February 3, 2026

COUNCIL	MOTION	VOTE
David		Y
Rosenzweig		Y
Tokayer		Y
Wilson		Y
Wisotsky	X	Y

DATE PUBLISHED IN THE RECORD: February 11, 2026

DATES PUBLIC HEARINGS HELD: March 9, 2026

DATE SECOND READING HELD: March 13, 2026

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
David		Y		Y		Y
Rosenzweig		Y		Y		Y
Tokayer		Y		Y		Y
Wilson		Y		Y		Y
Wisotsky	X	Y	X	Y	X	Y

Y=YES

N=OPPOSED

A=ABSTAINED

AB=ABSENT

PRESENTED TO MAYOR: (Mayor Recused)

APPROVED _____

REJECTED _____ (VETO)

MAYOR MICHAEL WILDES

DATE SIGNED: _____

I do hereby certify that the foregoing is a true and exact copy of
an Ordinance adopted and approved by the City
Council of the City of Englewood on March 13, 2026.

Yancy Wazirmas, RMC
City Clerk