Minutes
March 5, 2026
Open Session
7:30pm

BOROUGH OF BOGOTA
Mayor and Council Work Session Meeting

Meeting of the Borough of Bogota Mayor and Council meeting held on this date March 5, 2026 in Borough Hall, 375 Larch Ave, Bogota, New Jersey at 7:30 P.M

PLEDGE OF ALLEGIANCE

Councilman Mitchell led the Pledge of Allegiance.

MAYOR'S ANNOUNCEMENT

In accordance with the Open Public Meetings Act, N.J.S.A. 10:4-1, et. seq. the notice for this meeting's time, date, location, and agenda fulfilled the requirements by a copy of the Annual Notice of Meetings being sent to the newspapers officially designated for 2026, filing a copy in the Borough Clerk's Office, and posting it on the Borough bulletin board.

Mayor Fede- requested that cell phones be put away during the meeting.

ROLL CALL

Mayor Fede	Present
Council President Kohles	Present
Councilwoman Carpenter	Present
Councilman Hordern	Present
Councilman McHale	Present
Councilman Mitchell	Present
Councilwoman Vergara	Absent

Also attending were Borough Administrator O'Malley, Borough Attorney Betesh, and Deputy Clerk Baque.

CITIZEN REMARKS: One (5) minute time limit per person

Motion: Councilman Mitchell made a motion to open Citizen Remarks. Seconded by Councilwoman Carpenter. The motion passed with a voice vote.

Joe Wynman- asked about the Rescue Squad status, a meeting with the seniors with Councilman Mitchell, fines issued under the new garbage ordinance, a rumored closing of a firehouse, the Fire Department training budget, the Kennedy Building, and his wife's employment with the Borough as a senior bus driver on the website.

Rebecca Foster- addressed the Borough Attorney's comments during last meeting and said the Rescue Squad is not being taken over by Ridgefield Park. She read a document from Ridgefield Park about commissioner's acceptance of certain individuals as probationary members of their Rescue Squad. She opined on the role of the Borough Attorney in municipal government.

Motion: Councilman Hordern made a motion to close Citizen Remarks. Seconded by Councilwoman Carpenter. The motion passed with a voice vote.

COUNCIL RESPONSE TO CITIZEN REMARKS

Councilman McHale- no fines have been issued under the garbage pail law; residents do not know about the law yet and it is unfair to fine people until they are alerted about the law.

Councilwoman Carpenter- is not aware of anything to do with Ridgefield Park. She asked whether other information was OPRA'd, which would give some reference to be able to answer those questions.

Borough Administrator O'Malley- the Borough did not hire a bus driver; it is likely a clerical error on the website and will be fixed.

Borough Attorney Betesh- responded to questions that were asked at the prior Council meeting. He had the information and does his best to respond to questions from residents when they are asked at meetings. The information he shared was public information shared in another meeting of a public body.

Councilwoman Carpenter- has observed council meetings in several other towns, it is common practice for municipal attorneys to answer questions when they arise. Past borough attorneys in Bogota have answered questions during meetings as well.

Council President Kohles- the information shared by the Borough Attorney in the prior meeting was related to the questions being asked. There is insurance coverage concerns for members through the JIF which is impacted depending on whether they are members of Bogota, Ridgefield Park, or both.

Borough Administrator O'Malley- would prefer that Borough Attorney answer questions that come up during a meeting.

Councilwoman Carpenter- requested the Clerk to advise who OPRA'd Alex Breuss' email.

INTRODUCTION OF ORDINANCES

Ordinance 1655 – 2026 Salary Ranges for Certain Non-Union and Supervisory Personnel

Motion: Councilman Mitchell made a motion to introduce Ordinance 1655. Seconded by Councilwoman Carpenter. All Councilmembers present voted yes.

PUBLIC HEARING AND ADOPTION OF ORDINANCE

Ordinance 1653 – Amending Chapter 3 of the Bogota Code, entitled "Police Regulations" – Increase Snow Removal Penalty around Fire Hydrants

Motion: Councilman Mitchell made a motion to open the public hearing on Ordinance 1653. Seconded by Council President Kohles. The motion passed with a voice vote.

No one from the public wished to speak.

Motion: Councilwoman Carpenter made a motion to close the public hearing on Ordinance 1653. Seconded by Councilman McHale. The motion passed with a voice vote.

Motion: Councilwoman Carpenter made a motion to adopt Ordinance 1653. Seconded by Council President Kohles. All Councilmembers present voted yes, except for Councilman Hordern who recused himself.

Ordinance 1654 – Amending Chapter 2 of the Bogota Code, entitled "Administration" – Modify the "Purposes" section of the Bogota Fire Department

Prior to consideration of Ordinance 1654, Mayor Fede left the dais and Council President Kohles presided over the meeting.

Motion: Councilman McHale made a motion to open the public hearing on Ordinance 1654. Seconded by Councilwoman Carpenter. No vote was taken.

Mayor Fede- had stepped down from the dais for the hearing and addressed the governing body from the audience as a member of the public, expressing concerns regarding the proposed ordinance and the reassignment of certain responsibilities to other departments. The language in the ordinance as requested is not clear on the party to make the request. As stated in a recent public meeting The Fire Department mainly wants to concentrate on put out fires and does not want to be micromanaged or handle all the other tasks during a working fire.

Motion: Councilwoman Carpenter made a motion to close the public hearing on Ordinance 1654. Seconded by Councilman McHale. No vote was taken.

Motion: Councilwoman Carpenter made a motion to adopt Ordinance 1654. Seconded by Councilman Mitchell. All Councilmembers present voted yes, except for Councilman Hordern who recused himself.

Council President Kohles- the Fire Department attended the last Council meeting and they did not say they would not take over any of the duties. She would like to know more about who said they were not going to take over any of the duties and which duties they were.

Mayor Fede returned to the dais and resumed presiding over the meeting.

CONSENT AGENDA

Resolutions

2026-81 Endorsing the Amended Round 4 Housing Element and Fair Share Plan Adopted by the Planning Board
2026-82 Resolution of Intent to Bond or Take Such Other Steps as May Be Necessary to Fully Fund Its Housing Element and Fair Share Plan
2026-83 Adopting the Affirmative Marketing Plan Prepared by Piazza and Associates
2026-84 Adopting the Affordable Housing Manuals for the Rehabilitation of Owner Occupied and Rental Units
2026-85 Agreement for Professional Services – Municipal Stormwater Management Plan and Stormwater Pollution Prevention Plan – Neglia Group
2026-86 Approve DPW Hire Full-Time Laborer – Corey Mueger

Motion: Councilman Mitchell made a motion to approve the consent agenda. Seconded by Councilwoman Carpenter. Council President Kohles recused herself from 2026-86 and voted yes on the remainder of items. Councilmembers Carpenter, Hordern, McHale, and Mitchell voted yes on all items.

Resolutions to be Voted on Separately

2026-87 Authorizing the Sale of 13 E. Fort Lee Road

Motion: Councilman Mitchell made a motion to adopt resolution 2026-87. Seconded by Councilman Hordern. Council President Kohles and Councilmembers Hordern, McHale, Mitchell voted yes. Councilmember Carpenter voted no.

PC26-04 Payment of Claims

Motion: Councilwoman Carpenter made a motion to approve PC26-04. Seconded by Councilman Mitchell. Council President Kohles recused herself on any items related to the DPW or Superintendent Kohles and voted yes on the remainder of items. Councilman Hordern recused himself on any items related to the Bogota Fire Department and voted yes on the remainder of items. Councilmembers Carpenter, McHale, and Mitchell voted yes.

APPROVALS

Regular Meeting Minutes – February 19, 2026

Motion: Councilman Hordern made a motion to approve the Regular Meeting Minutes–February 19, 2026. Seconded by Council President Kohles. All Councilmembers present voted yes.

Closed Session Minutes – February 19, 2026

Motion: Councilwoman Carpenter made a motion to approve the Closed Session Minutes – February 19, 2026. Seconded by Councilman McHale. All Councilmembers present voted yes, except for Councilman Mitchell who abstained.

Boot Drive Fundraiser for the Bogota Junior Police Academy – Saturday, May 9, 2026 from 9 AM – 2 PM at the intersection of Palisade Avenue and East Main Street.

Motion: Councilwoman Carpenter made a motion to approve the Boot Drive Fundraiser. Seconded by Councilman McHale. All Councilmembers present voted yes.

MAYORAL APPOINTMENTS

Appointment of Olumide Ojo as a new member of the Recreation Committee for a 3-year term expiring December 31, 2028

Motion: Councilman Mitchell made a motion to approve the appointment of Olumide Ojo to the Recreation Committee. Seconded by Councilman Hordern. All Councilmembers present voted yes.

2nd CITIZEN REMARKS: One (5) minute time limit per person

Motion: Councilman Mitchell made a motion to open 2nd Citizen Remarks. Seconded by Councilman Hordern. The motion passed with a voice vote

Rebecca Foster- played the portion of a prior Bogota Council meeting audio in which the Borough Attorney reported on a text regarding the Ridgefield Park meeting and the vote on rescue squad members, and provided comments on it.

Joe Wynman- spoke about OPRA and garbage pail law enforcement. He asked about the cost savings from the closing of the Rescue Squad, the Fire Department training budget, and the Kennedy Building

Motion: Councilman Hordern made a motion to close 2nd Citizen remarks. Seconded by Council President Kohles. The motion passed with a voice vote.

COUNCIL RESPONSE TO 2nd CITIZEN REMARKS

Borough Administrator O'Malley- explained the reasoning and strategy concerning enforcement of the garbage pail law. There are legalities surrounding the merger of the Rescue Squad; there are no set plans for the Kennedy Building at this point. It will take about a month as the budget is worked on to determine the Fire Department training budget.

Councilwoman Carpenter- it is impossible to determine within two months any cost savings from the Rescue Squad merger; the end of the year is a more realistic time frame. The Council approved fire training for one person at a prior meeting.

Councilman Hordern- suggested looking to a quarterly newsletter to keep the public updated about new ordinances.

The Mayor and Council discussed strategies and practices to get information about new ordinances out to residents most effectively, including a welcome packet with pertinent information for new residents.

Councilwoman Carpenter- offered a reminder of her request for the St. Joe's rock throwing report from the last meeting.

CLOSED EXECUTIVE SESSION

2026-88C Closed Session – Litigation & Personnel

Motion: Councilman Mitchell made a motion to adopt resolution 2026-88C and enter closed session. Seconded by Councilwoman Carpenter. The motion passed with a voice vote.

OPEN SESSION

Motion: Council President Kohles made a motion to promote Jon Gallipoli to rank of sergeant. Seconded by Councilman McHale. All Councilmembers present voted yes.

Motion: Council President Kohles made a motion to promote Ryan Ward to rank of sergeant. Seconded by Councilwoman Carpenter. All Councilmembers present voted yes.

ADJOURMENT

Being no further business before the governing body**, Councilwoman Carpenter** made a motion to adjourn the meeting, which was seconded by **Councilman McHale**. The motion passed with a voice vote at 9:31 PM.

I hereby certify that this is a true copy of the minutes.



Melissa Baque, Deputy Clerk

BOROUGH OF BOGOTA

ORDINANCE NO. 1655 **INTRODUCTION** **DATE: 03-05-2026**

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
L. Kohles			✓				
C. Carpenter		✓	✓				
W. Hordern			✓				
P. McHale			✓				
J. Mitchell	✓		✓				
D. Vergara							✓

AN ORDINANCE ESTABLISHING SALARY RANGES FOR CERTAIN NON-UNION AND SUPERVISORY PERSONNEL

BE IT ORDAINED, by the Mayor and Council of the Borough of Bogota, New Jersey, located in Bergen County thereof, as follows:

Section 1. Salary Ranges for Non-Union and Supervisory Personnel

The Salary ranges for the following Non-Union and Supervisory Personnel effective January 1, 2026 - until subsequently amended, are hereby established as follows:

	Range		Minimum	Maximum
GENERAL ADMINISTRATION				
Mayor	Part-Time	Salaried	$ 3,000.00	$ 8,500.00
Council	Part-Time	Salaried	$ 2,500.00	$ 6,500.00
Business Administrator	Full-Time	Salaried	$120,000.00	$ 160,000.00
MUNICIPAL CLERK				
Borough Clerk	Full-Time	Salaried	$ 65,000.00	$ 115,000.00
Deputy Clerk	Full-Time	Salaried	$ 55,000.00	$ 80,000.00
Clerical Assistat	Part-Time	Salaried	$ 10,000.00	$ 20,000.00
Public Communications Manager	Part-Time	Stipend	$ 5,000.00	$ 10,000.00
Grant Reporting Assistant	Part-Time	Stipend	$ 5,000.00	$ 10,000.00
Assistant to the Borough Clerk	Part-Time	Hourly	$ 16.00	$ 35.00
FINANCIAL ADMINISTRATION				
Chief Financial Officer	Part-Time	Salaried	$ 15,000.00	$ 45,000.00
Qualified Purchasing Agent	Part-Time	Salaried	$ 2,500.00	$ 5,000.00
REVENUE ADMINISTRATION				
Tax Collector	Part-Time	Salaried	$ 10,000.00	$ 20,000.00
TAX ASSESSMENT ADMINISTRATION				
Tax Assessor	Part-Time	Salaried	$ 15,000.00	$ 30,000.00

PLANNING/ZONING BOARD				
Secretary	Part-Time	Salaried	$ 2,500.00	$ 7,000.00
UNIFORM CONSTRUCTION CODE ENFORCEMENT				
Technical Assistant to Construction Official	Full-Time	Salaried	$ 45,000.00	$ 80,000.00
Technical Assistant to Construction Official	Part-Time	Hourly	$ 20.00	$ 35.00
Construction Official, Zoning Code Official	Part-Time	Salaried	$ 25,000.00	$ 50,000.00
Sub-Code Official - Electrical	Part-Time	Salaried	$ 8,000.00	$ 20,000.00
Sub-Code Official - Plumbing	Part-Time	Salaried	$ 7,000.00	$ 20,000.00
Sub-Code Official - Fire	Part-Time	Salaried	$ 6,000.00	$ 12,000.00
CCO Inspector	Part-Time	Salaried	$ 6,000.00	$ 10,000.00
Property Maintenance Official			$ 22.00	$ 35.00
POLICE DEPARTMENT				
Police Chief	Full - Time	Salaried	$ 180,000.00	$ 200,000.00
Captain	Full - Time	Salaried	$ 165,000.00	$ 190,000.00
Safety Coordinator	Part-Time	Stipend	$ 3,000.00	$ 6,000.00
POLICE DISPATCHING			Minimum	Maximum
Dispatcher - Full Time	Full - Time	Salaried	$ 40,000.00	$ 65,000.00
Dispatcher - Part Time	Part-Time	Hourly	$ 16.00	$ 30.00
CROSSING GUARDS				
Crossing Guards	Part-Time	Hourly	$ 15.00	$ 28.00
OEM				
Coordinator	Part-Time	Stipend	$ 2,000.00	$ 5,000.00
Deputy Coordinator	Part-Time	Stipend	$ 1,000.00	$ 4,000.00
UNIFORM FIRE SAFETY				
Fire Official	Part-Time	Salaried	$ 12,000.00	$ 17,500.00
Fire Marshall	Full - Time	Salaried	$ 60,000.00	$ 85,000.00
Inspector	Part-Time	Hourly	$ 25.00	$ 30.00
Secretary	Part-Time	Hourly	NJ Min. Wage	$ 25.00
PUBLIC WORKS				
Superintendent	Full-Time	Salaried	$ 110,000.00	$ 145,000.00
Assistant Superintendent	Full-Time	Salaried	$ 5,000.00	$ 15,000.00
Foreman	Full-Time	Salaried	$ 5,000.00	$ 10,000.00
Sewer Operator	Part-Time	Salaried	$ 4,000.00	$ 7,000.00
Shade Tree - Secretary	Part-Time	Stipend	$ 3,000.00	$ 6,000.00
Part-Time/Summer Help	Part-Time	Hourly	$ 15.00	$ 28.00

HEALTH AND HUMAN SERVICES				
Registrar of Vital Statistics	Part-Time	Salaried	$ 5,000.00	$ 8,500.00
Board of Health Secretary	Part-Time	Salaried	$ 2,500.00	$ 6,000.00
RECREATION SERVICES AND PROGRAMS				
Recreation Director	Full-Time	Salaried	$ 65,000.00	$ 90,000.00
Senior Citizen Bus Driver	Part-Time	Hourly	$ 22.00	$ 27.00
Senior Citizen Bus Driver	Part-Time	Salaried	$ 5,000.00	$ 8,000.00
Counselors Part-Time	Part-Time	Hourly	NJ Min. Wage	$ 25.00
MUNICIPAL COURT				
Judge	Part-Time	Salaried	$ 20,000.00	$ 30,000.00
Prosecutor	Part-Time	Salaried	$ 8,000.00	$ 15,000.00
Public Defender	Part-Time	Salaried	$ 5,000.00	$ 10,000.00

CERTIFICATION

✓

ATTEST: _____

Borough Clerk

APPROVED: _____

Mayor

I, Melissa Baque, Deputy Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of an Ordinance Introduction adopted by the Borough of Bogota at a meeting held on 03-05-2026.

BOROUGH OF BOGOTA

ORDINANCE NO. 1653 **PUBLIC HEARING & ADOPTION** **DATE: 03-05-26**

AN ORDINANCE AMENDING CHAPTER 3 OF THE BOGOTA CODE, ENTITLED "POLICE REGULATIONS"

Increase Snow Removal Penalty around Fire Hydrants

PUBLIC HEARING OPENED

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
Council President L. Kohles		✓	✓				
Councilmember C. Carpenter			✓				
Councilmember W. Hordern			✓				
Councilmember P. McHale			✓				
Councilmember J. Mitchell	✓		✓				
Councilmember D. Vergara							✓

COMMENTS: NONE

PUBLIC HEARING CLOSED

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
Council President L. Kohles			✓				
Councilmember C. Carpenter	✓		✓				
Councilmember W. Hordern			✓				
Councilmember P. McHale		✓	✓				
Councilmember J. Mitchell			✓				
Councilmember D. Vergara							✓

ADOPTION:

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
Council President L. Kohles		✓	✓				
Councilmember C. Carpenter	✓		✓				
Councilmember W. Hordern					✓		
Councilmember P. McHale			✓				
Councilmember J. Mitchell			✓				
Councilmember D. Vergara							✓

AN ORDINANCE AMENDING CHAPTER 3 OF THE BOGOTA CODE, ENTITLED "POLICE REGULATIONS"

Increase Snow Removal Penalty around Fire Hydrants

WHEREAS, Chapter 3 of the Bogota Code sets forth the police regulations for the Borough; and,

WHEREAS, Section 3-5.1 sets forth the regulations for removing snow and ice throughout the Borough; and,

WHEREAS, Section 3-5.1(g) of Chapter 3 requires the owners of property abutting a fire hydrant to clear the fire hydrant of snow within 24 hours of snow coverage; and

WHEREAS, Section 3-5.1(g) further provides that failure to clear the snow around a fire hydrant within that time period may result in a penalty not to exceed Seventy Five ($75.00) Dollars; and,

WHEREAS, the Borough's Code Enforcement Officer has recommended that the aforementioned penalty be increased to One Hundred and Fifty ($150.00) Dollars to encourage compliance; and,

WHEREAS, the Mayor and Council have accepted the recommendation of the Code Enforcement Officer, and wish to increase the penalty in Section 3-5.1(g) to One Hundred and Fifty ($150.00) Dollars.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Bogota, that Section 3-5.1 of Chapter 3 of the Bogota Code is hereby amended, revised and supplemented as follows:

SECTION 1: AMENDMENT TO SECTION 3-5.1, ENTITLED "REMOVAL OF SNOW AND ICE REQUIRED".

Sub-part "g" of Section 3-5.1, entitled "Removal of Snow and Ice Required" is hereby amended, revised and supplemented as follows:

> g. The owner of any real property abutting any fire hydrant shall clear such fire hydrant of snow, within 24 hours of snow coverage. If the owner fails to perform the required clearance within the specified time, the

Borough may perform the clearance and bill the owner in accordance with the provisions of Subsection 3-5.4 below, in an amount not to exceed $*150*. All penalties collected in connection with this subsection shall be dedicated for use by the Bogota Fire Department, and shall be maintained by the Chief Financial Officer or Comptroller of the Borough of Bogota in an account dedicated for such purpose.

SECTION 2: SEVERABILITY.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION 3: INCONSISTENCY.

Any and all ordinances, or parts thereof, in conflict or inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent.

SECTION 4: EFFECTIVE DATE

This ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

CERTIFICATION

✓

ATTEST:

Deputy Clerk

APPROVED:

Mayor

I, Melissa Baque, Deputy Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of an Ordinance adopted by the Borough of Bogota at a meeting held on 03-05-26.

BOROUGH OF BOGOTA

ORDINANCE NO. 1654 **PUBLIC HEARING & ADOPTION** **DATE: 03-05-26**

AN ORDINANCE AMENDING CHAPTER 2 OF THE BOGOTA CODE, ENTITLED "ADMINISTRATION"

Modify the "Purposes" section of the Bogota Fire Department

PUBLIC HEARING OPENED

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
Council President L. Kohles							
Councilmember C. Carpenter		✓					
Councilmember W. Hordern							
Councilmember P. McHale							
Councilmember J. Mitchell	✓						
Councilmember D. Vergara							✓

COMMENTS:

- Mayor Fede stepped down from the dais for the hearing and addressed the governing body from the audience as a member of the public, expressing concerns regarding the proposed ordinance and the reassignment of certain responsibilities to other departments. The language in the ordinance as requested is not clear on the party to make the request.

PUBLIC HEARING CLOSED

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
Council President L. Kohles							
Councilmember C. Carpenter	✓						
Councilmember W. Hordern							
Councilmember P. McHale		✓					
Councilmember J. Mitchell							
Councilmember D. Vergara							✓

ADOPTION:

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
Council President L. Kohles			✓				
Councilmember C. Carpenter	✓		✓				
Councilmember W. Hordern					✓		
Councilmember P. McHale			✓				
Councilmember J. Mitchell		✓	✓				
Councilmember D. Vergara							✓

AN ORDINANCE AMENDING CHAPTER 2 OF THE BOGOTA CODE, ENTITLED "ADMINISTRATION"

Modify the "Purposes" section of the Bogota Fire Department

WHEREAS, Chapter 2 of the Bogota Code sets forth the administrative rules and regulations applicable within the Borough; and,

WHEREAS, Section 2-10 of Chapter 2 sets forth the rules and regulations applicable to the Bogota Fire Department; and,

WHEREAS, following the recommendations of a report prepared by the Audit Committee established by the Mayor and Council on April 3, 2025, the Bogota Council adopted Resolution #2025-251 at its regularly scheduled meeting of December 4, 2025, which, *inter alia*, transferred the responsibilities of the Bogota Rescue Squad to the Bogota Fire Department; and,

WHEREAS, the Mayor and Council wish to amend Section 2-10.3 of Chapter 2 of the Bogota Code, to formally incorporate the purposes of the Bogota Rescue Squad into The Fire Department Ordinance of the Borough of Bogota.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Bogota, that Chapter 2 of the Bogota Code is hereby amended as follows:

SECTION 1: AMENDMENT OF SECTION 2-10.3, ENTITLED "PURPOSE OF THE DEPARTMENT". Section 2-16, entitled "Purpose of the Department" is hereby amended, revised and supplemented as follows:

> The *Fire D*epartment shall be responsible for the protection from fire of life and property in the borough, *and shall respond to all emergency situations when requested, and provide for the protection of life and property in that capacity. The Fire Department shall comply with all applicable State and Federal laws, codes, rules and regulations.*

SECTION 3: SEVERABILITY.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION 4: INCONSISTENCY.

Any and all ordinances, or parts thereof, in conflict or inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent.

SECTION 5: EFFECTIVE DATE

This ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

CERTIFICATION

✓

ATTEST:

Deputy Clerk

APPROVED:

Council President

I, Melissa Baque, Deputy Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of an Ordinance adopted by the Borough of Bogota at a meeting held on 03-05-26.

RESOLUTION # 2026-81

DATE: 03-05-2026

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
L. Kohles			✓				
C. Carpenter		✓	✓				
W. Hordern			✓				
P. McHale			✓				
J. Mitchell	✓		✓				
D. Vergara							✓
Mayor D. Fede (Tie Vote Only)							

A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF BOGOTA ENDORSING THE AMENDMENT TO THE HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY THE PLANNING BOARD

WHEREAS, the Borough of Bogota is constitutionally obligated to address its affordable housing obligations as established by the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. and other applicable law (commonly referred to as "the Mount Laurel doctrine"); and

WHEREAS, N.J.S.A. 40:55D-28(b)(3) charges the Planning Board of the Borough of Bogota (hereinafter "Planning Board") with adopting a Housing Element as part of the Borough's Master Plan to set forth the municipality's affordable housing obligation and to explain how the obligation will be addressed; and

WHEREAS, the Planning Board adopted a Housing Element and Fair Share Plan in June of 2025 and the Borough endorsed that plan in June as well (hereinafter "2025 Plan"); and

WHEREAS, the Borough filed the 2025 Plan with the Program, an entity created pursuant to the Fair Housing Act amended in 2024 (hereinafter "FHA II"); and

WHEREAS, in the process established by FHA II, Fair Share Housing Center, Inc. (FSHC) filed an objection to Bogota's efforts to secure approval of its 2025 Plan; and

WHEREAS, the objection triggered a mediation process; and

WHEREAS, mediation culminated in a Mediation Agreement in December 2025 between Bogota and FSHC; and

WHEREAS, the Mediation Agreement includes the Borough's commitment to make changes to the 2025 Plan in order to secure a favorable recommendation by the Program Judge to the county-level judge; and

WHEREAS, the Borough's affordable housing planner has prepared an amendment to the 2025 Plan to effectuate the Mediation Agreement (hereinafter "Amendment"); and

WHEREAS, on February 24, 2026, the Planning Board adopted the Amendment; and

WHEREAS, the Borough Council has reviewed the Amendment and desires to formally endorse it in order to advance the Borough's efforts to secure judicial approval of its affordable housing compliance; and

RESOLUTION # 2026-81

DATE: 03-05-2026

WHEREAS, the Borough remains subject to court oversight with respect to its affordable housing obligations and must take all reasonable and necessary steps to secure approval of its Housing Element and Fair Share Plan, as amended, and to implement the amended plan.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Bogota, County of Bergen, State of New Jersey, as follows:

1. The Borough Council hereby endorses and approves the Amendment to the Housing Element and Fair Share Plan.

2. The Borough authorizes its professionals to provide supplemental information, clarifications, or certifications as may be reasonably required in connection with judicial review of the Borough's 2025 Plan as amended.

3. The Borough authorizes its professionals to make any non-substantive or de minimis revisions or clarifications necessary to effectuate the intent of this resolution and facilitate judicial review and approval of the Amended Plan.

4. The Borough Clerk is directed to transmit copies of this Resolution, together with the Amendment to Affordable Housing Counsel so that Counsel may file the Amendment promptly.

5. This Resolution shall take effect immediately upon adoption.

CERTIFICATION

I, Melissa Baque, Deputy Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Council at a meeting held on 03-05-2026.

Melissa Baque, Deputy Clerk

BOROUGH OF BOGOTA MASTER PLAN

AMENDMENT TO THE

HOUSING ELEMENT AND FAIR SHARE PLAN

Prepared for:

Planning Board
Borough of Bogota
375 Larch Avenue
Bogota, New Jersey 07603

Prepared by:

Phillips Preiss Grygiel Leheny Hughes LLC
Planning and Real Estate Consultants
70 Hudson Street, Suite 5B
Hoboken, New Jersey 07030

January 2026, Adopted February 24, 2026

The original copy of this document was signed and sealed
in accordance with N.J.S.A. 45:14 A-1 et seq.

Paul Grygiel
New Jersey Professional Planner License #5518

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I. Introduction

This Amendment to the 2025 Housing Element and Fair Share Plan has been prepared on behalf of the Borough of Bogota, Bergen County, in accordance with the New Jersey Municipal Land Use Law per N.J.S.A. 40:55D-28b(3) and the Fair Housing Act (N.J.S.A. 52:27D-301, et seq.). This document amends the Borough's 2025 Housing Element and Fair Share Housing Plan, which was adopted on June 17, 2025, hereinafter referred to as the "Borough's 2025 Housing Plan."

The Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., requires that a municipal master plan include a Housing Element in order for the municipality to exercise the power to zone and regulate land use. The Housing Element and Fair Share Plan is adopted by the Borough Planning Board and endorsed by the governing body. It is intended to achieve the goal of meeting the Borough's obligations to plan and regulate land use to provide for a fair share of the regional need for affordable housing.

Bogota remains committed to meeting its constitutional obligation to provide through its land use regulations a realistic opportunity for a fair share of the region's present and prospective needs for housing for low- and moderate-income families. Fair Share Housing Center challenged the Borough's 2025 Housing Plan. Subsequently, the Borough entered into a Mediation Agreement with Fair Share Housing Center through the Affordable Housing Dispute Resolution Program.[1] This Amendment to the Housing Element and Fair Share Plan document outlines how the Borough will satisfy its affordable housing obligations based on the Mediation Agreement with Fair Share Housing Center.

[1] "In the Matter of the Application of the Borough of Bogota, County of Bergen, Docket No. BER-L-405-25"

II. Fair Share Plan

Affordable Housing Obligations

Present Need

Bogota's Present Need is 26.

Prospective Need

Bogota's Fourth Round Prospective Need is 85.

Vacant Land Analysis

There remains limited land in Bogota that is vacant or underutilized and therefore available for inclusionary development. Indeed, after applying the protocols established by COAH regulations (N.J.A.C. 5:93-4.2), the Borough is entitled to adjust its Fourth Round obligation of 85 to one. That means that the Borough's realistic development potential is one and its unmet need is 84.

The text, tables and figures in Appendix 2: Vacant Land Adjustment provide the basis for the conclusion that the Borough's realistic development potential or RDP is one. The vacant land inventory (VLI) is based on the most recent and accurate quantitative and qualitative data and information available to the Borough. The Vacant Land Adjustment analysis performed followed the criteria outlined in N.J.A.C. 5:93-4.

Proposed Compliance Mechanisms

Bonus Credits

For the Fourth Round and beyond, a municipality shall not receive more than one type of bonus credit for any unit, and a municipality shall not be permitted to satisfy more than 25 percent of its prospective need obligation through the use of bonus credits. Therefore a maximum of 21.25 bonus credits may be granted (25 percent of the Prospective Need of 85 units).

Realistic Development Potential and Unmet Need

Bogota's Fourth Round Realistic Development Potential (RDP) of one and Unmet Need obligation of 84 units will be addressed through the following compliance mechanisms:

Surplus Credits: Bogota has five surplus credits from its Prior Round and Third Round compliance, which can be applied to the Fourth Round obligation. One credit will address RDP, and the remainder will be applied to Unmet Need.

The Gabriel: This recently constructed project created five affordable units plus 2.5 bonus credits, for a total of 7.5 credits that can be applied to the Fourth Round Unmet Need obligation.

Inclusionary Overlay Zones: In order to create additional affordable housing opportunities in locations where redevelopment would be appropriate and consistent with sound planning, new inclusionary housing overlay zones are proposed in two locations in the Borough.

The first area consists of three parcels on the north side of West Fort Lee Road (Block 3, Lots 1. 1.01 and 2) located across the street from the Atwater inclusionary development. These parcels are approximately 7.3 acres in area and occupied by industrial and commercial uses, which is why they were not considered redevelopable in the vacant land adjustment analysis. These sites remain occupied but are developed with land uses that are not as compatible with new residential and commercial development in the vicinity that replaced former heavy industrial uses. If all three parcels were to be included in a new overlay zone, approximately 29 affordable units could be created through zoning permitting mixed-use development with a residential density of 20 units per acre.

The second area consists of two blocks between Leonia Avenue, East Fort Lee Road, Linwood Avenue and West Shore Avenue. These blocks are approximately 1.4 acres in area and occupied by commercial, residential and institutional uses, which is why they were not considered redevelopable in the vacant land adjustment analysis. These sites remain occupied. However, this area would be an appropriate location for new housing given its proximity to the Borough's downtown and transportation routes. If these two blocks were to be included in a new overlay zone, approximately 4 affordable units could be created through zoning permitting mixed-use development with a residential density of 15 units per acre.

Extension of Affordability Controls – Silver Maple Gardens:
The two **Silver Maple Gardens** age-restricted affordable housing complexes were constructed in 1993 and 1996. Therefore, the standard 30-year period of affordability controls for these developments have recently passed or will soon. HDC's mission is to provide affordable housing, as noted above, and it is standard procedure to extend controls. As these developments will continue to be restricted to occupancy by low- and moderate-income households, the 20 units provided 20 credits that can be applied to the Fourth Round obligation.

Inclusionary Zoning Requirements: In the event there is any redevelopment, the Affordable Housing Controls section of the Borough's General Ordinances that were amended in 2023 create the following new Subsection 22B-1.5a.3:

> Rezonings and Variances.
>
> Notwithstanding the provisions of subsection 22B-1.5a1(b), or any other section in this Chapter, any residential development consisting of five or more dwelling units, at a density

above six units per acre, that is permitted pursuant to a variance or rezoning shall produce low- and moderate-income housing on-site or elsewhere in the Borough or pay a fee in lieu of providing affordable units. The number of affordable units to be provided or in lieu payment shall be equal to 20% of the residential units in the development, or 15% for affordable rental units. The amount of the payment in lieu of providing housing shall be as determined by the appropriate rules of the New Jersey Council on Affordable Housing and any other relevant state regulations.

There are existing inclusionary zoning requirements in Chapter 22B of the Borough's General Ordinances, which pertain to the River Road Redevelopment Area and the 57 West Fort Lee Road property discussed above. Section 22B-1.7a.2 includes standards for rental developments. At present, the presumptive minimum density is 12 units per acre, which may be increased to 20 units per acre with a 20 percent set-aside of low- and moderate-income units.

Summary of Credits and Bonuses

The Borough's Fourth Round compliance mechanisms and the credits and bonuses associated with them are summarized in Table 1.

Table 1. Fourth Round Credits

CREDITS APPLIED TOWARDS FOURTH ROUND UNMET NEED OBLIGATION (2025-2035) OF 84				
Affordable Development	*Type*	*Units/ Credits*	*Bonus Credits*	*Total Credits Plus Bonuses*
Surplus Credits		5		5
The Gabriel	Inclusionary Development	5	2.5	7.5
Silver Maple Gardens	Extension of Controls	20	N/A	20
Proposed overlay zone – Leonia Avenue	Inclusionary	4	TBD	TBD
Proposed overlay zone – West Fort Lee Road	Inclusionary	29	TBD	TBD
Inclusionary zoning		TBD		TBD
TOTAL		**63**	**2.5**	**32.5**

Spending Plan

The Borough of Bogota has a development fee ordinance (Chapter 22A) which provides a dedicated revenue source for affordable housing. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund for the purposes

of affordable housing. These funds shall be spent for purposes including a housing rehabilitation program, costs associated with affordable housing construction, providing affordability assistance to low-income households and professional services related to the planning for affordable housing. The proposed Spending Plan is included in the Appendix 3.

III. Consistency with the State Development and Redevelopment Plan

The New Jersey State Development and Redevelopment Plan (SDRP) was originally adopted in 1992. The purpose of the SDRP according to the State Planning Act at N.J.S.A. 52:18A-200(f) is to:

> *Coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination.*

The State Plan is not a regulation, but a policy guide, and is meant to coordinate planning activities and development throughout the state. At the municipal level, master plans are required to be evaluated and, if necessary, modified to reflect policies of the State Plan. The State Plan is also important when the State makes infrastructural and other investment decisions, i.e., in determining where available State funds should be expended.

A revised version of the plan was adopted by the State Planning Commission in 2001. While required by the State Planning Act to be revised and re-adopted every three years, the SDRP has only been readopted once during the 32 years since its original adoption. A new State Strategic Plan (SSP) was proposed in 2011 as the revision to the 2001 SDRP, but it has not been advanced in recent years. The State Office of Planning Advocacy started the process of preparing a new State Plan in 2023 and the State Planning Commission has been engaging with stakeholders. As part of the update process, the State Planning Commission approved the Preliminary State Development and Redevelopment Plan on December 4, 2024, and was undertaking the Cross-Acceptance process (i.e., review of the plan at the county level) at the time this HEFSP was first adopted. The new State Development and Redevelopment Plan was subsequently adopted in December 2025.

Spatially, the last adopted State Plan utilizes planning areas, centers, and environs as a framework for implementing Statewide goals and policies. The State Plan Map indicates that the Borough of Bogota is located within the Metropolitan Planning Area (PA1). For the Metropolitan Planning Area, the State Plan has four major aims, as follows: (1) to provide for much of the state's future redevelopment; (2) to revitalize cities and towns and promote growth in compact forms; (3) to stabilize older suburbs and redesign areas of sprawl; and (4) to protect the character of existing stable communities.

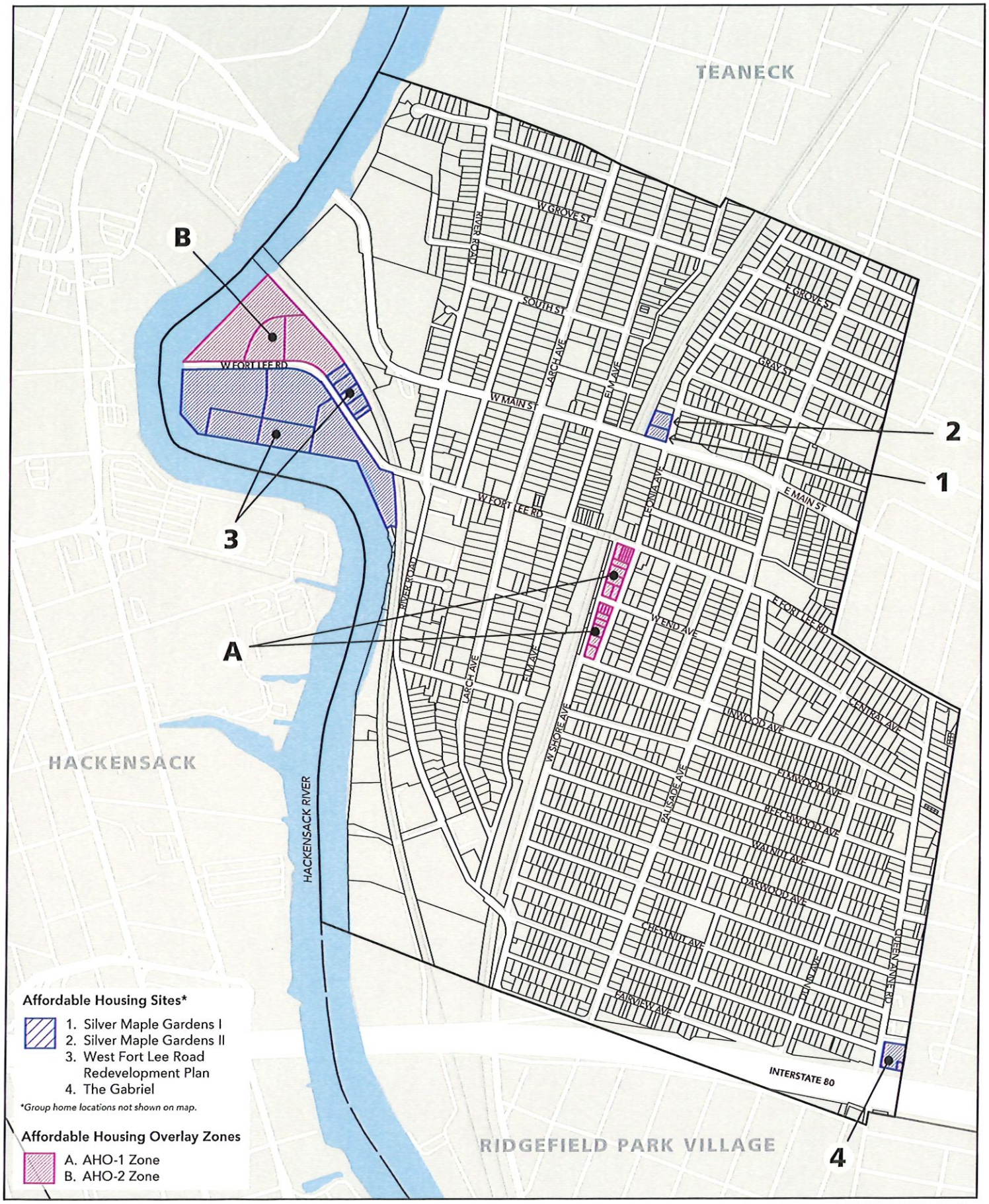
The land use policy objectives of the Metropolitan Planning Area are to:

1. Promote redevelopment and development in cores and neighborhoods through cooperative regional planning efforts;
2. Promote diversification of land uses, including housing where appropriate, in single-use developments and enhance their linkages to the rest of the community; and
3. Ensure efficient and beneficial utilization of scarce land resources throughout the Planning Area to strengthen its existing diversified and compact nature.

The Borough has satisfied its responsibilities through Round 3 and taken appropriate measures to satisfy its unmet need in Round 4

Appendices

Appendix 1: Affordable Housing Sites
Appendix 2: Vacant Land Adjustment
Appendix 3: Spending Plan
Appendix 4: Adopted Ordinance Amendments



Appendix 1: Affordable Housing Sites

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, New York State, Maxar

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Appendix 2: Vacant Land Adjustment

Vacant Land Adjustment

There is limited land in the Borough that is vacant or otherwise developable for affordable and/or inclusionary housing. Pursuant to the requirements of the amended Fair Housing Act, set forth at N.J.S.A. 52:27D-310.1, the Borough of Bogota is entitled to a Vacant Land Adjustment (VLA) to determine the Borough's Fourth Round RDP, based on the amount of vacant and/or developable land that is suitable for inclusionary development. As such, a VLA has been conducted, which determined that Bogota's Fourth Round RDP is zero units. After subtracting this number from the Fourth Round Prospective Need of 85 units, Bogota has a Fourth Round Unmet Need of 85 units. The vacant land inventory (VLI) is based on the most recent and accurate quantitative and qualitative data and information available to the Borough.

Using the most recent tax assessment data for Bogota, obtained from the state of New Jersey's assessment records, all Class 1 (vacant) and Class 15C (public land) property parcels were extracted to create a preliminary list of potentially developable properties in the Borough. There were no properties in the Borough assessed with a property class of 3B (farmland).

MOD IV Tax Assessment data and corresponding parcel shapefile data were obtained from the New Jersey Geographic Information Network (NJGIN), which serves as the Geographic Information Systems (GIS) data warehouse for New Jersey. The parcel shapefile was used in GIS to analyze environmental constraints, spatial relationships between vacant parcels, etc. In the event that there were discrepancies between the MOV IV data and the 2024 tax assessment records referenced above, data from the 2024 tax assessment records was used.

Eliminating Parcels from Consideration

Parcels were initially eliminated from the preliminary list of potentially developable properties based on the following:

a) any land that is owned by a local government entity that as of January 1, 1997, has adopted, prior to the institution of a lawsuit seeking a builder's remedy or prior to the filing of a petition for substantive certification of a housing element and fair share plan, a resolution authorizing an execution of agreement that the land be utilized for a public purpose other than housing;

b) any land listed on a master plan of a municipality as being dedicated, by easement or otherwise, for purposes of conservation, park lands or open space and which is owned, leased, licensed, or in any manner operated by a county, municipality or tax-exempt, nonprofit organization including a local board of education, or by more than one municipality by joint agreement pursuant to P.L.1964, c.185 (C.40:61-35.1 et seq.), for so long as the entity maintains such ownership, lease, license, or operational control of such land;

c) any vacant contiguous parcels of land in private ownership of a size which would accommodate fewer than five housing units based on appropriate standards pertaining to housing density (parcels less than 0.83 acres in size);

d) historic and architecturally important sites listed on the State Register of Historic Places or National Register of Historic Places prior to the date of filing a housing element and fair share plan pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1) or initiation of an action pursuant to section 13 of P.L.1985, c.222 (C.52:27D-313);

e) agricultural lands when the development rights to these lands have been purchased or restricted by covenant;

f) sites designated for active recreation that are designated for recreational purposes in the municipal master plan;

g) and environmentally sensitive lands where development is prohibited by any State or federal agency, including, but not limited to, the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), for lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities.

It should be noted that the rules of NJAC 5:93-4.2 were utilized, where still applicable, in order to complete the analysis of lands which may be excluded from consideration.

Tax assessment data, aerials and the NJDEP Recreation and Open Space Inventory (ROSI) were also consulted to determine those Class 15C (public) properties that were not available for development (i.e., parklands, utilities, municipal buildings, etc.).

With regard to item c) above, the limited vacant sites throughout the municipality are isolated small parcels and/or located in single-family residential neighborhoods. Even if a higher density than six units per acre were to be assigned to such lots, given their limited size (less than 0.83 acres), the cost of construction and the need to provide adequate parking for multifamily residential development would mean there is still no realistic potential for the redevelopment of such parcels with inclusionary residential development.

There is one site to which a higher density has been applied. Block 64.01, Lots 6.01, 6.02 and 6.03 are three contiguous small vacant lots with street addresses of 316, 310 and 300 River Road, respectively. These parcels are in separate ownership, but given their location on a main road outside of a residential neighborhood, they are being treated as a single parcel of 0.347 acres for VLA purposes. A density of 15 units per acre has been applied to this parcel, which is a realistic figure given the need to be able to provide parking for the number of units on the site. This density would permit a five-unit development, including one affordable dwelling unit. Therefore, Bogota's Realistic Development Potential (RDP) is one.

Environmental Constraints

Environmentally sensitive lands per N.J.A.C. 5:93-4.2(e)2 were then mapped and deducted on those Class 1 and 15C parcels that were not eliminated from consideration based on the above criteria. To start, GIS shapefiles were obtained for the following environmental constraints:

- Wetlands and water bodies derived from the NJDEP 2020 state land use/land cover dataset

- FEMA flood hazard areas, inclusive of the 100-year floodplain. It should be noted that construction within the floodway itself is severely restricted as per NJAC 7:13-et seq, and therefore excluded. Furthermore, flood hazard areas (defined as the 100-year design flood as per NJAC 7:13-et seq) were also excluded.

- Steep slope areas exceeding 15 percent greater than 5,000 square feet as per 10-foot digital elevation model lidar data

In this analysis, these constraints were then consolidated to determine the environmentally constrained areas contained within each of the properties which had not yet been eliminated from consideration for potential development for the reasons stated above. The environmentally constrained lands layer was processed such that the constraints would not be "double-counted" in the event that they overlapped one another. Using GIS, the acreage of environmentally constrained lands was calculated for each property. The area of environmentally constrained lands was then subtracted from the property's overall acreage, leaving the remaining developable area of each property. As stated above, those properties with less than 0.83 acres of developable area remaining were eliminated from the list of potentially developable properties.

Plan Area and Sewer Service Area

Following the aforementioned steps in the VLA analysis, there were no remaining parcels available for development consideration. Nonetheless, it was determined that the entire Borough of Bogota is within a Sewer Service Area as per the Statewide Sewer Service Area for New Jersey Authoritative GIS layer obtained from the New Jersey Department of Environmental Protection Bureau of GIS. Additionally, it was found that the entire Borough is also located within a Planning Area 1 (metropolitan planning area) per the New Jersey State Plan Policy Map.

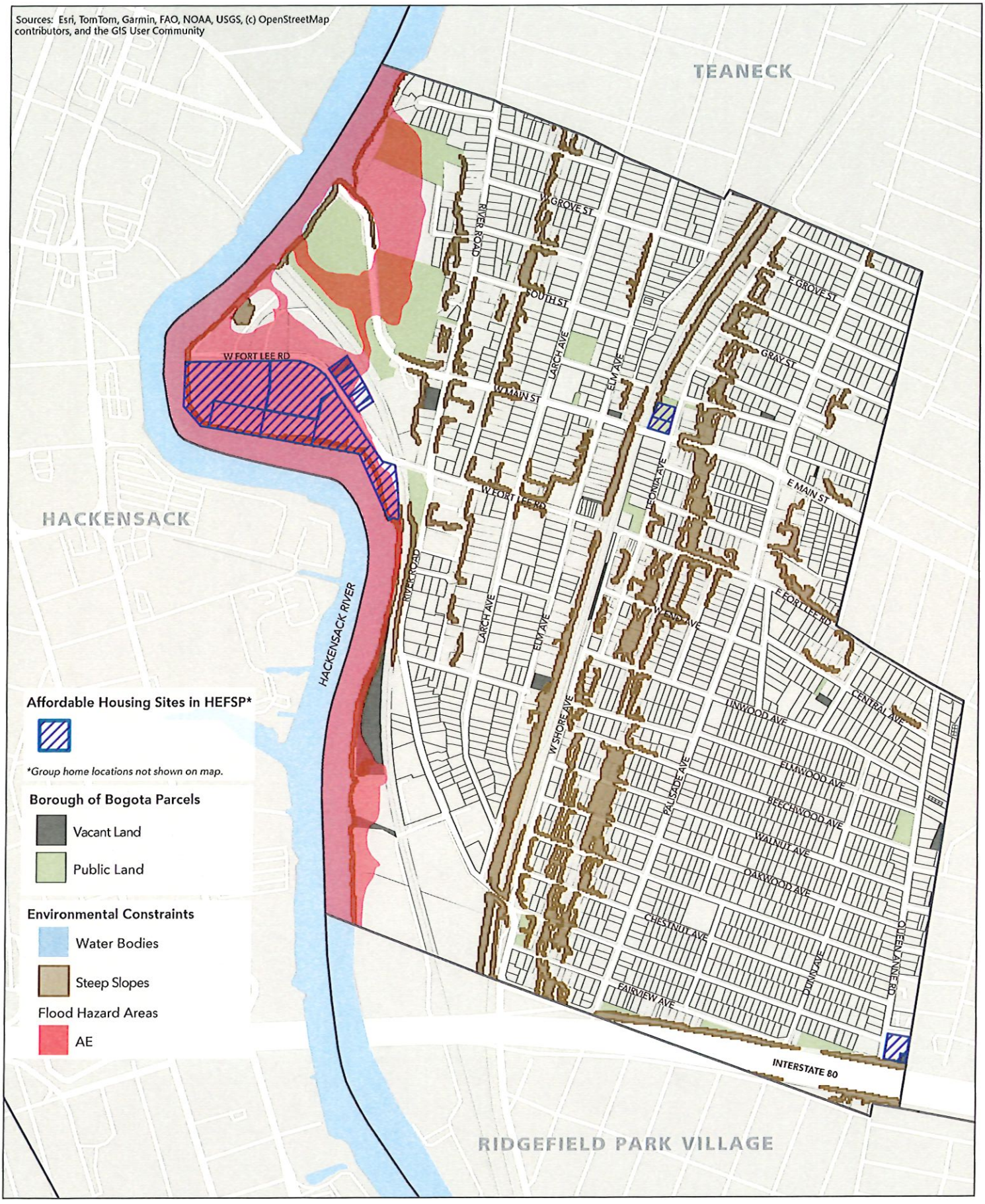
Conclusion

There is one available parcel which can be considered a realistic candidate for development of affordable/inclusionary housing as established within the criteria outlined above. The Borough's RDP is one based on the analysis of this VLA.

Block	Lot	Property Location	Property Class	Owner's Name	Zone	Acreage	Environmentally Constrained Acreage	Constraint Description	Remaining Acreage	Remaining Acreage > 0.83 (Y/N)	Dev Acreage	Notes
1	5.01	REAR 468-476 RIVER	15C	BOROUGH OF BOGOTA	R1A	0.36			0	N	0	Lot size less than 0.83 acres.
1	25.01	REAR 362-348 RIVER RD	15C	BOROUGH OF BOGOTA	R1	0.059			0	N	0	Lot size less than 0.83 acres.
1	30	WEST MAIN ST	15C	BOROUGH OF BOGOTA	P	5.27			0	N	0	Oscar E. Olsen Park as designated in 1989 Master Plan.
1	30.02	REAR 468 RIVER RD	15C	BOROUGH OF BOGOTA	P	1			0	N	0	Swim Club as designated in 1989 Master Plan.
1	30.03	452 FELLER PLACE	15C	BOGOTA SWIM CLUB	P	2.2			0	N	0	Swim Club parking lot for Swim Club designated in 1989 Master Plan.
1.01	1	WEST MAIN ST	15C	BOROUGH OF BOGOTA	P	7.141			0	N	0	Oscar E. Olsen Park as designated in 1989 Master Plan.
3	3	229 WEST FORT LEE RD	1	WENESCO BOGOTA REALTY UR REN LLC	I	0.875	0.232883	Flood hazard areas	0.642117	N	0	Eliminated due to environmental contraints leaving less than 0.83 developable acres.
4	11.03	156 LARCH AVENUE	1	TIERNEY, MARK D. & LAURA A.		0			0	N	0	Assessed in Teaneck, less than 0.83 acres.
4	13	ASSESSED IN TEANECK	1	ASSESSED IN TEANECK	R1	0			0	N	0	Assessed in Teaneck, less than 0.83 acres.
4	14	ASSESSED IN TEANECK	1	ASSESSED IN TEANECK	R1	0			0	N	0	Assessed in Teaneck, less than 0.83 acres.
4	15	ASSESSED IN TEANECK	1	ASSESSED IN TEANECK	R1	0			0	N	0	Assessed in Teaneck, less than 0.83 acres.
4	16	ASSESSED IN TEANECK	1	ASSESSED IN TEANECK	R1	0			0	N	0	Assessed in Teaneck, less than 0.83 acres.
4	17	ASSESSED IN TEANECK	1	ASSESSED IN TEANECK	R1	0			0	N	0	Assessed in Teaneck, less than 0.83 acres.
4	18	ASSESSED IN TEANECK	1	ASSESSED IN TEANECK	R1	0			0	N	0	Assessed in Teaneck, less than 0.83 acres.
4	19	ASSESSED IN TEANECK	1	ASSESSED IN TEANECK	R1	0			0	N	0	Assessed in Teaneck, less than 0.83 acres.
4	20	ASSESSED IN TEANECK	1	ASSESSED IN TEANECK	R1	0			0	N	0	Assessed in Teaneck, less than 0.83 acres.
4	21	ASSESSED IN TEANECK	1	ASSESSED IN TEANECK	R1	0			0	N	0	Assessed in Teaneck, less than 0.83 acres.
4	22	ASSESSED IN TEANECK	1	ASSESSED IN TEANECK	R1	0			0	N	0	Assessed in Teaneck, less than 0.83 acres.
7	16.02	REAR 137 SOUTH ST	15C	BOROUGH OF BOGOTA	R1	0.016			0	N	0	Lot size less than 0.83 acres.
10	16	ASSESSED IN TEANECK	1	ASSESSED IN TEANECK	R1	0			0	N	0	Assessed in Teaneck, less than 0.83 acres.
11	15	ASSESSED IN TEANECK	1	ASSESSED IN TEANECK	R2	0			0	N	0	Assessed in Teaneck, less than 0.83 acres.
12	1.01	481 LINDEN AVE, C0481	1	MOHIUDDIN, PEER & SYEDA		0			0	N	0	Assessed in Teaneck, less than 0.83 acres.
15	7.01	315 PINE STREET	1	NEGRON, CARMEN		0			0	N	0	Assessed in Teaneck, less than 0.83 acres.
21	8.01	142 CANE ST	1	SINGH, KULDIP & KAUR, JASBIR	R1	0.044			0	N	0	Lot size less than 0.83 acres.
23	15	ASSESSED IN TEANECK	1	ASSESSED IN TEANECK		0			0	N	0	Assessed in Teaneck, less than 0.83 acres.
24	6.01	115 HIGHVIEW PL REAR	15C	BOROUGH OF BOGOTA	R1	0.005			0	N	0	Lot size less than 0.83 acres.
25	14.01	73 E BROAD ST	1	73 E BROAD STREET LLC	R1	0.075			0	N	0	Lot size less than 0.83 acres.
30	7.01	375 LARCH AVE	15C	BOROUGH OF BOGOTA	R1	0.744			0	N	0	Borough Hall not developable.
31	5.01	69 WEST MAIN ST	15C	BOROUGH OF BOGOTA	B1	0.072			0	N	0	Kennedy Emergency Services Building not developable.
32	5	337 ELM AVE	1	KLINK,HERMAN J&CLAIRE,P	B1	0.069			0	N	0	Lot size less than 0.83 acres.
32	6.01	45 WEST MAIN ST	1	HACKENSACK WATER CO., C/O ALTUS	B1	0.023			0	N	0	Lot size less than 0.83 acres.
34	1	362-364 LEONIA AVE	15C	BOROUGH OF BOGOTA	R4	0.128			0	N	0	Listed as "Mill's Playground" along Broad Street in 1989 Master Plan.
34	2.01	354 LEONIA AVE	15C	HOUSING DEV CORP OF BERGEN COUNTY	R4	0.275			0	N	0	Existing Silver Maple Gardens II senior housing.
34	4.01	348 LEONIA AVE	15C	HOUSING DEVELOPMENT CORP	R4	0.204			0	N	0	Existing Silver Maple Gardens II senior housing.
35	1	361 LEONIA AVE	15C	BOROUGH OF BOGOTA	R1	0.065			0	N	0	Lot size less than 0.83 acres.
36	5	120 HIGHVIEW PL	1	EDZ CORPORATION	R1	0.037			0	N	0	Lot size less than 0.83 acres.
39	7.01	297 PALISADE AVE	1	297 PALISADES URBAN RENEWAL, LLC	R1	0.666			0	N	0	Lot size less than 0.83 acres; lot eliminated as it is developed with multifamily residential building.
41	7.01	REAR OF 282 LEONIA	15C	BOROUGH OF BOGOTA	R1	0.09			0	N	0	Narrow rear parcel developed with Bogota DPW and residence. Not developable.
41	8	282 LEONIA AVE	15C	BOROUGH OF BOGOTA	R1	0.158			0	N	0	Bogota DPW, not developable.
41	9	13 EAST FORT LEE RD	15C	BOROUGH OF BOGOTA	B1	0.076			0	N	0	Bogota DPW, not developable.
41	10	9 EAST FORT LEE RD	15C	BOROUGH OF BOGOTA	B1	0.092			0	N	0	Bogota DPW, not developable.
55	5.01	164 CENTRAL AVE	15C	BOROUGH OF BOGOTA	R2	0.078			0	N	0	Bogota Fire Dept Engine Co. 2, not developable.
55	6.01	200 JAMES ST	1	RAUH, STEPHEN F.	R2	0.115			0	N	0	Lot size less than 0.83 acres.
60.01	2	200 WEST SHORE AVE	1	229 W SHORE AVE MGMT LLC	B2	0.085			0	N	0	Lot size less than 0.83 acres.

60.01	3.01	WEST SHORE AVE	1	WEST SHORE LLC	B2	0.045			0	N	0	Lot size less than 0.83 acres.
60.01	3.02	WEST SHORE AVE	1	TERESI, NANCY	B2	0.045			0	N	0	Lot size less than 0.83 acres.
64.01	1	WEST MAIN ST	15C	BOROUGH OF BOGOTA	B3	0.289			0	N	0	Lot size less than 0.83 acres.
66	21.01	REAR OF LARCH AVE	15C	BOROUGH OF BOGOTA	R2	0.003			0	N	0	Lot size less than 0.83 acres.
67	13	283 ELM AVE	1	PARK, HYUN JOO CHUNG	R2	0.063			0	N	0	Lot size less than 0.83 acres.
68	20	151 ELM AVE	1	HOYT ENTERPRISES NJ	R1	0.294			0	N	0	Lot size less than 0.83 acres.
72	1	2000 WEST FORT LEE ROAD	1	RCB URBAN RENEWAL LLC		4.029			0	N	0	Completed West Fort Lee Road Redevelopment. Atwater Apartments. Lot eliminated as it is developed with residential & mixed-use development.
72	2	3000 WEST FORT LEE ROAD	1	RCB URBAN RENEWAL LLC		1.4			0	N	0	Completed West Fort Lee Road Redevelopment. Atwater Apartments. Lot eliminated as it is developed with residential & mixed-use development.
72	3	4000 WEST FORT LEE ROAD	1	RCB URBAN RENEWAL LLC		1.04			0	N	0	Completed West Fort Lee Road Redevelopment. Atwater Apartments. Lot eliminated as it is developed with residential & mixed-use development.
72	4	1000 WEST FORT LEE ROAD	1	RCB URBAN RENEWAL LLC		3.55			0	N	0	Completed West Fort Lee Road Redevelopment. Atwater Apartments. Lot eliminated as it is developed with residential & mixed-use development.
72	8	WEST OF NYS & WRR	15C	BOROUGH OF BOGOTA	PD1	0.045	0.024821	Flood hazard areas, steep slopes, water bodies	0.020179	N	0	Eliminated due to environmental contraints leaving less than 0.83 developable acres.
72	8.01	WEST OF NYS & WRR	1	PERRY, WILLIAM	PD1	0.053	0.031837	Flood hazard areas and steep slopes	0.021163	N	0	Eliminated due to environmental contraints leaving less than 0.83 developable acres.
72	9	WEST OF NYS & WRR	15C	BOROUGH OF BOGOTA	PD1	0.108	0.108	Flood hazard areas, steep slopes, water bodies	0	N	0	Eliminated due to environmental contraints leaving less than 0.83 developable acres.
72	9.01	WEST OF NYS & WRR	15C	BOROUGH OF BOGOTA	PD1	0.149	0.12762	Flood hazard areas, steep slopes, water bodies	0.02138	N	0	Eliminated due to environmental contraints leaving less than 0.83 developable acres.
72	9.02	WEST OF RR	15C	BOROUGH OF BOGOTA	PD1	0.139	0.110302	Flood hazard areas, steep slopes, water bodies	0.028698	N	0	Eliminated due to environmental contraints leaving less than 0.83 developable acres.
72	10	WEST OF RR	15C	BOROUGH OF BOGOTA	PD1	0.184	0.096068	Flood hazard areas, steep slopes, water bodies	0.087932	N	0	Eliminated due to environmental contraints leaving less than 0.83 developable acres.
72.01	1	246 RIVER RD	15C	BOROUGH OF BOGOTA	P	0.576			0	N	0	Designated for parks, recreation, and open space in 1989 Master Plan.
72.01	2	216 RIVER RD	15C	BOROUGH OF BOGOTA	R1	0.083			0	N	0	Designated for parks, recreation, and open space in 1989 Master Plan.
72.01	4.01	208 RIVER RD	15C	BOROUGH OF BOGOTA	R1	0.17			0	N	0	Designated for parks, recreation, and open space in 1989 Master Plan.
74	8	168 QUEEN ANNE RD	15C	BOROUGH OF BOGOTA	R2	0.503			0	N	0	Pagano Park as designated in 1989 Master Plan.
75	4.01	195 OAK ST	1	LOPES, MARCO	R2	0.039			0	N	0	Lot size less than 0.83 acres.
75.01	2	R 177 QUEEN ANNE RD	1	KHAN, MOHAMMAD J.	R2	0.06			0	N	0	Lot size less than 0.83 acres.
75.01	4	163 QUEEN ANNE RD	1	MAZIL, MARIE M	R2	0			0	N	0	Assessed in Teaneck, less than 0.83 acres.
81	3	194 OAK ST	1	BEH 194 OAK LLC	R2	0.029			0	N	0	Lot size less than 0.83 acres.
94	17	REAR 230-258 CYPRESS	15C	NEW JERSEY DEPT OF TRANSPORTATION	R1	0.497			0	N	0	Lot size less than 0.83 acres.
95	1.02	R 35 QUEEN ANNE RD	1	QUEEN ANNE ROAD REALTY LLC NJ	B1	0.073			0	N	0	Lot size less than 0.83 acres.
98	15	150 FAIRVIEW AVE	15C	BOROUGH OF BOGOTA	R1	0.009			0	N	0	Lot size less than 0.83 acres.
98	19	166 FAIRVIEW AVE	15C	BOROUGH OF BOGOTA	R1	0.073			0	N	0	Lot size less than 0.83 acres.
98	20	174 FAIRVIEW AVE	15C	BOROUGH OF BOGOTA	R1	0.055			0	N	0	Lot size less than 0.83 acres.
98	53	7 PALISADE AVE	15C	N J STATE HIGHWAY DEPT	R1	0.293			0	N	0	Lot size less than 0.83 acres.
105	1	39 WEST SHORE AVE	15C	BOROUGH OF BOGOTA	R1	0.223			0	N	0	Bogota Fire Dept Engine Co. 3, not developable.
105	17.01	31 FAIRVIEW AVE	15C	BORO OF BOGOTA	R1	0.172			0	N	0	Bogota Fire Dept office building, not developable.

113	1	WEST OF NYS & WRR	1	RIVER ROCK EQUITIES, INC.	PD1	1	0.849856	Flood hazard areas, steep slopes, water bodies	0.150144	N	0	Contiguous with Block 113, Lots 1-4. Although contiguous developable acreage greater than 0.83 acres exists, are is narrow wooded space landlocked between railroad and Hackensack River. Not developable.
113	2	WEST OF NYS & WRR	1	RIVER ROCK EQUITIES, INC.	PD1	0.5	0.085908	Flood hazard areas and steep slopes	0.414092	N	0	
113	3	WEST OF NYS & WRR	1	RIVER ROCK EQUITIES, INC.	PD1	0.087	0	None	0.087	N	0	
113	4	WEST OF NYS & WRR	1	RIVER ROCK EQUITIES, INC.	PD1	1.1	0.669728	Flood hazard areas and steep slopes	0.430272	N	0	
Block	**Lot**	**Property Location**	**Property Class**	**Owner's Name**	**Zone**	**Acreage**	**Environmentally Constrained Acreage**	**Applicable Density (units/acre)**	**Dev Acreage**	**Total Units**	**Affordable Units**	**Notes**
64.01	6.01	316 RIVER RD	1	BLOCK 64.01 LOT 6.01 LLC	B3	0.113	0	15	0.347	5.205	1.041	
64.01	6.02	310 RIVER RD	1	BLOCK 64.01 LOT 6.02 LLC	B3	0.114	0					
64.01	7.01	300 RIVER RD	1	BLOCK 64.01 LOT 7.01 LLC	B3	0.12	0					
											0.347	**TOTAL DEVELOPABLE ACREAGE**
											1	**TOTAL RDP**



Borough of Bogota Vacant Land Adjustment

PHILLIPS PREISS GRYGIEL LEHENY KELLER LLC 2025

FEET
0 500 1,000

Affordable Housing Trust Fund Spending Plan
Borough of Bogota
February 2026

INTRODUCTION

The Borough of Bogota, Bergen County has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301), and N.J.A.C. 5:99. A development fee ordinance creating a dedicated revenue source for affordable housing was approved by COAH and the Superior Court and adopted by the municipality in 2018. The ordinance establishes the Bogota affordable housing trust fund for which this spending plan is prepared.

As of December 31, 2024, the Bogota affordable housing trust fund had a balance of $118,949. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in an account with TD Bank for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:99 as described in the sections that follow.

The Borough reserves the right and authority to further amend or modify the within spending plan to address or take into account changes which may be warranted due to new rules or rule amendments or judicial determinations, which may change standards or establish new criteria for the Borough to address its affordable housing obligation.

1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the Fourth Round, Bogota considered the following:

(a) Development fees, in accordance with N.J.A.C. 5:99-3.1 through 3.4, including:

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development. Residential development fees collected in the past five years have averaged approximately $8,000 per year, and no nonresidential development fees were collected during that period.

(b) Payments-in-lieu (PIL):

Actual and committed payments in lieu (PIL) of construction from developers as follows: none.

(c) Other funding sources:

Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income and proceeds from the sale of affordable units. No other funds have been or are anticipated to be collected.

(d) Projected interest:

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

It is noted in January 2025 a nonresidential development fee was collected for a single large project, a light industrial/warehouse development on Cross Street. The amount of this fee is included in the "Approved Development" category for 2026. No other large development projects are anticipated in the coming years due to the lack of vacant and developable land in Bogota.

SOURCE OF FUNDS	PROJECTED REVENUE SCHEDULE JANUARY 1, 2025-JUNE 30, 2035				
	2026	**2027**	**2028**	**2029**	**2030**
(a) Development fees:					
1. Approved Development	$144,000	$0	$0	$0	$0
2. Development Pending Approval	$0	$0	$0	$0	$0
3. Projected Development	$8,500	$8,500	$8,500	$8,500	$8,500
(b) Payments in Lieu of Construction	$0	$0	$0	$0	$0
(c) Other Funds (Specify source(s))	$0	$0	$0	$0	$0
(d) Interest	$2,500	$2,500	$2,500	$2,500	$2,500
Total	**$155,000**	**$11,000**	**$11,000**	**$11,000**	**$11,000**

	2031	**2032**	**2033**	**2034**	**2035**	**Total**
(a) Dev. fees:						
1. Appr.	$0	$0	$0	$0	$0	**$144,000**
2. Pending	$0	$0	$0	$0	$0	**$0**
3. Projected	$8,500	$8,500	$8,500	$8,500	$8,500	**$85,000**
(b) In Lieu	$0	$0	$0	$0	$0	**$0**
(c) Other	$0	$0	$0	$0	$0	**$0**
(d) Interest	$2,500	$2,500	$2,500	$2,500	$2,500	**$25,000**
Total	**$11,000**	**$11,000**	**$11,000**	**$11,000**	**$11,000**	**$254,000**

Bogota projects a total of $254,000 in revenue to be collected between January 1, 2025 and June 30, 2035. All interest earned on the account shall accrue to the account to be used only for the purposes of eligible affordable housing activities included in this Spending Plan or an emergent opportunity authorized by the Division.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

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

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with Bogota's development fee ordinance for both residential and non-residential developments in accordance with N.J.A.C. 5:99-3.1 et seq., and monitoring fees shall be conducted in accordance with N.J.A.C. 5:99-5.3 and 5:99-5.4.

(b) Distribution of development fee revenues:

The disbursement of monies in Bogota's affordable housing trust fund will be coordinated by its Municipal Housing Liaison. In some instances, funds will be provided to other entities, such as an entity responsible for administering a rehabilitation program, for eventual disbursement.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) Rehabilitation program (N.J.A.C. 5:99-2.3(a)1)

Bogota will dedicate $186,564 for rehabilitation purposes, including through the Bergen County Home Improvement 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.

(b) Affordability Assistance (N.J.A.C. 5:99-2.3(a)12 and 5:99-2.5)

The Borough reserves the right to utilize up to 30 percent of its trust fund monies for affordability assistance :

Actual development fees and other income through 12/31/2024		$118,949
Development fees projected 2025-2035	+	$229,000
Interest projected 2025-2035	+	$25,000
Total	=	$372,949
30 percent	x 0.30 =	$111,885
Less Affordability assistance expenditures through 12/31/2024	-	$0
PROJECTED Affordability Assistance 1/1/2025 through 6/30/2035	=	$111,885
PROJECTED Very Low-Income Affordability Assistance 1/1/2025 through 6/30/2035	÷ 3 =	$37,295

Bogota will dedicate up to $111,885 from the affordable housing trust fund to provide affordability assistance to render housing units more affordable to very low-, low-, and moderate-income households, pursuant to N.J.S.A 52:27D-329.1, including $37,295 to render units more affordable to very low-income households. Affordability assistance activities include, but are not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner's association or condominium fees and special assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code. For very low-income households, affordability assistance 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 Borough's fair share plan to make them affordable to very low-income households, including special needs and supportive housing opportunities.

(c) Administrative Expenses (N.J.A.C. 5:99-2.4)

Bogota projects that $74,500 will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

- Costs reasonably related to the determination of the fair share obligation and the development of a municipal housing element and fair share plan, including 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 municipality of resolving a challenge pursuant to the Program;
- 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; and
- 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.
- Administering the Borough's participation in the Bergen County Home Improvement Program.

(d) **Other Expenditures (N.J.A.C. 5:99-2.8)**

The Borough of Bogota does not anticipate collecting or expending affordable housing trust funds in accordance with the optional activities listed at N.J.A.C. 5:99-2.8, including the collection and distribution of barrier-free escrow fees; the collection of payments-in-lieu of constructing affordable units on-site; or the use of recaptured funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines and application fees, the implementation of a market-to-affordable program, or any other funds collected by the municipality in connection with its affordable housing programs.

4. EXPENDITURE SCHEDULE

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

Program	PROJECTED EXPENDITURE SCHEDULE JANUARY 1, 2025-JUNE 30, 2035				
	2026	2027	2028	2029	2030
Rehabilitation	$18,656	$18,656	$18,656	$18,656	$18,656
Affordability Assistance	$11,188	$11,188	$11,188	$11,188	$11,188
Administration	$7,450	$7,450	$7,450	$7,450	$7,450
Total	**$37,295**	**$37,295**	**$37,295**	**$37,295**	**$37,295**

	2031	2032	2033	2034	2035	Total
Rehab.	$18,656	$18,656	$18,656	$18,656	$18,656	**$186,564**
Aff. Asst.	$11,188	$11,188	$11,188	$11,188	$11,188	**$111,885**
Admin.	$7,450	$7,450	$7,450	$7,450	$7,450	**$ 74,500**
Total	**$37,295**	**$37,295**	**$37,295**	**$37,295**	**$37,295**	**$372,949**

5. EXCESS OR SHORTFALL OF FUNDS

In accordance with N.J.A.C. 5:99-5.6, in the event there is a shortfall in funding for a proposed affordable housing delivery technique, then the Division may require the governing body of Bogota to enact a resolution appropriating funds from general revenue or its resolution of intent to bond.

In accordance with N.J.A.C. 5:99-4.1, in the event of excess funds, the Borough may request authorization from the Division for expenditure of excess affordable housing trust funds on emergent affordable housing opportunities not included in the municipal fair share plan. The request shall be made in the form of a resolution from the governing body of the Borough and shall include:

1. Documented proof that the excess funds are not accounted for in the Borough's spending plan approved by the Program or a court of competent jurisdiction;
2. A description of the affordable housing activity in accordance with N.J.A.C. 5:99-4.1(b) and 5:99-2.3;
3. Documentation demonstrating that the entire municipal trust fund balance will be spent and/or committed for expenditure within four years, as set forth at N.J.A.C. 5:99-5.5, shall be submitted to the Division with the request; and
4. A certification that the affordable housing opportunity is consistent with the Act and information describing the proposed affordable housing mechanism. The certification shall demonstrate that the proposal does not alter the spending plan approved by the Program or court of competent jurisdiction.

SUMMARY

Bogota intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:99-2.3 through 2.5 and consistent with the housing programs outlined in its housing element and fair share plan.

Bogota had a balance of $118,287 as of December 31, 2024 and anticipates an additional $254,000 in revenues from 2025 to 2035. The municipality will dedicate $186,564 towards rehabilitation, $111,885 to render units more affordable, and $74,500 to administrative costs. Any shortfall of funds will be offset by funds appropriated from general revenue. The municipality will dedicate any excess funds toward providing affordability assistance, aiding with the rehabilitation of units and/or encouraging provision of affordable accessory apartments.

SPENDING PLAN SUMMARY		
Balance as of December 31, 2024		$118,949
PROJECTED REVENUE 2025-2035		
Development fees	+	$229,000
Payments in lieu of construction	+	$0
Other funds	+	$0
Interest	+	$25,000
TOTAL REVENUE	=	$372,949
EXPENDITURES		
Funds used for Rehabilitation	-	$186,564
Affordability Assistance	-	$111,885
Administration	-	$74,500
TOTAL PROJECTED EXPENDITURES	=	$372,949
REMAINING BALANCE	=	$0

BOROUGH OF BOGOTA

ORDINANCE NO. 1649 **PUBLIC HEARING & ADOPTION** **DATE: 02-05-26**

AN ORDINANCE AMENDING CHAPTER 21A OF THE BOGOTA CODE, ENTITLED "ZONING"

PUBLIC HEARING OPENED

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
Council President L. Kohles			✓				
Councilmember C. Carpenter	✓		✓				
Councilmember W. Hordern		✓	✓				
Councilmember P. McHale			✓				
Councilmember J. Mitchell			✓				
Councilmember D. Vergara			✓				

COMMENTS:

- Borough Attorney provided a brief summary.
- A member of the public asked about the town's obligation to pass or implement these ordinances.

PUBLIC HEARING CLOSED

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
Council President L. Kohles			✓				
Councilmember C. Carpenter		✓	✓				
Councilmember W. Hordern			✓				
Councilmember P. McHale	✓		✓				
Councilmember J. Mitchell			✓				
Councilmember D. Vergara			✓				

ADOPTION:

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
Council President L. Kohles			✓				
Councilmember C. Carpenter	✓		✓				
Councilmember W. Hordern			✓				
Councilmember P. McHale		✓	✓				
Councilmember J. Mitchell			✓				
Councilmember D. Vergara			✓				

AN ORDINANCE AMENDING CHAPTER 21A OF THE BOGOTA CODE, ENTITLED "ZONING"

WHEREAS, Chapter 21A of the Bogota Code, entitled "Zoning", sets forth the zoning and development regulations applicable within the Borough, and;

WHEREAS, the Mayor and Council seek to amend the language in Chapter 21A to conform it to the terms of a settlement reached between the Borough of Bogota and Fair Share Housing Center.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Bogota, that Chapter 21A of the Bogota Code is hereby amended, revised and supplemented as follow:

SECTION 1: ESTABLISHMENT OF A NEW SECTION 21A-10.17, ENTITLED "AHO-1 AFFORDABLE HOUSING OVERLAY ZONE"

A new Section 21A-10.17 is hereby established, entitled "AHO-1 Affordable Housing Overlay Zone" which shall read as follows:

§ 21A-10.17 AHO-1 Affordable Housing Overlay Zone.

a. Properties Included. The AHO-1 Affordable Housing Overlay Zone shall include the following properties:

   Block 45, all lots.

   Block 60, all lots.

b. Principal Permitted Uses. In the AHO-1 Affordable Housing Overlay Zone, in addition to any use permitted in the underlying zone district, the following uses are permitted:

   Multifamily residential development.

   Mixed-use development.

c. Permitted Accessory Uses. Off-street parking, recreation facilities, fences and walls, signs, and other customary accessory uses which are clearly incidental to the principal use.

d. Area and Bulk Requirements.

   1. Minimum Lot Area: 10,000 square feet.
   2. Minimum Lot Width: 75 feet.
   3. Minimum Front Yard: 0 feet.
   4. Minimum Side Yard: 0 feet.
   5. Minimum Rear Yard: 15 feet.

6. Maximum Density: 15 dwelling units per acre.
7. Minimum Building Coverage: 75 percent.
8. Maximum Imperious Coverage: 90 percent.
9. Maximum Building Height: 3 stories/40 feet.

e. Affordable Housing Requirements. Low- and moderate-income dwelling units shall be provided in accordance with this subsection. The minimum affordable housing set-aside shall be 20% of the dwelling units in the development. Low- and moderate-income housing units shall be governed by the standards set forth in the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., and shall comply with any other relevant state statutes and regulations. All development including affordable dwelling units shall also be subject to Chapter 22B, Affordable Housing, of the Revised General Ordinances of the Borough of Bogota. In the event of any conflict between Chapter 22B, Affordable Housing, of the Revised General Ordinances of the Borough of Bogota and the regulations of the New Jersey Housing and Mortgage Finance Agency (HMFA), the HMFA regulations shall control.

SECTION 2: ESTABLISHMENT OF A NEW SECTION 21A-10.18, ENTITLED "AHO-2 AFFORDABLE HOUSING OVERLAY ZONE"

A new Section 21A-10.18 is hereby established, entitled "AHO-2 Affordable Housing Overlay Zone" which shall read as follows:

§ 21A-10.18 AHO-2 Affordable Housing Overlay Zone.

a. Properties Included. The AHO-2 Affordable Housing Overlay Zone shall include the following properties:

Block 3, Lot 1

Block 3, Lot 1.01

Block 3, Lot 2

b. Principal Permitted Uses. In the AHO-2 Affordable Housing Overlay Zone, in addition to any use permitted in the underlying zone district, the following uses are permitted:

Multifamily residential development.

Mixed-use development. Permitted uses on the ground floor of a mixed-use development shall include retail and service commercial uses.

c. Permitted Accessory Uses. Off-street parking, recreation facilities, fences and walls, signs, and other customary accessory uses which are clearly incidental to the principal use.

d. Area and Bulk Requirements.

1. Minimum Lot Area: 20,000 square feet.
2. Minimum Lot Width: 100 feet.
3. Minimum Front Yard: 25 feet.
4. Minimum Side Yard: 20 feet.
5. Minimum Rear Yard: 25 feet.
6. Maximum Density: 20 dwelling units per acre.
7. Minimum Building Coverage: 60 percent.
8. Maximum Imperious Coverage: 80 percent.
9. Maximum Building Height: 3 stories/40 feet.

e. Affordable Housing Requirements. Low- and moderate-income dwelling units shall be provided in accordance with this subsection. The minimum affordable housing set-aside shall be 20% of the dwelling units in the development. Low- and moderate-income housing units shall be governed by the standards set forth in the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., and shall comply with any other relevant state statutes and regulations. All development including affordable dwelling units shall also be subject to Chapter 22B, Affordable Housing, of the Revised General Ordinances of the Borough of Bogota. In the event of any conflict between Chapter 22B, Affordable Housing, of the Revised General Ordinances of the Borough of Bogota and the regulations of the New Jersey Housing and Mortgage Finance Agency (HMFA), the HMFA regulations shall control.

SECTION 3: INCONSISTENCY.

Any and all ordinances, or parts thereof, in conflict or inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent.

SECTION 4: SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, then such portions shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5: EFFECTIVE DATE.

This ordinance shall take effect twenty (20) days after the first publication thereof after final passage and filing with the Bergen County Planning Board.

CERTIFICATION

✓

ATTEST:

Deputy Clerk

APPROVED:

Mayor

I, Melissa Baque, Deputy Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of an Ordinance adopted by the Borough of Bogota at a meeting held on 02-05-26.

BOROUGH OF BOGOTA

ORDINANCE NO. 1651 **PUBLIC HEARING & ADOPTION** **DATE: 02-05-26**

AN ORDINANCE AMENDING CHAPTER 22A OF THE BOGOTA CODE, ENTITLED "AFFORDABLE HOUSING DEVELOPMENT FEES"

PUBLIC HEARING OPEN

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
Council President L. Kohles			✓				
Councilmember C. Carpenter			✓				
Councilmember W. Hordern		✓	✓				
Councilmember P. McHale	✓		✓				
Councilmember J. Mitchell			✓				
Councilmember D. Vergara			✓				

COMMENTS:

- Borough Attorney provided a brief summary.
- No comments from the public.

PUBLIC HEARING CLOSED

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
Council President L. Kohles			✓				
Councilmember C. Carpenter		✓	✓				
Councilmember W. Hordern			✓				
Councilmember P. McHale	✓		✓				
Councilmember J. Mitchell			✓				
Councilmember D. Vergara			✓				

ADOPTION:

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
Council President L. Kohles			✓				
Councilmember C. Carpenter	✓		✓				
Councilmember W. Hordern			✓				
Councilmember P. McHale			✓				
Councilmember J. Mitchell		✓	✓				
Councilmember D. Vergara			✓				

AN ORDINANCE AMENDING CHAPTER 22A OF THE BOGOTA CODE, ENTITLED "AFFORDABLE HOUSING DEVELOPMENT FEES"

WHEREAS, Chapter 22A of the Bogota Code sets forth the rules and regulations pertaining to the calculation and collection of affordable housing development fees in the Borough; and,

WHEREAS, the Mayor and Council seek to amend the language in Chapter 22A to conform it to the terms of a settlement reached between the Borough of Bogota and Fair Share Housing Center.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Bogota, that Chapter 22A of the Bogota Code is hereby deleted in its entirety and replaced with the following:

SECTION 1: AMENDMENT TO CHAPTER 22A, ENTITLED "AFFORDABLE HOUSING DEVELOPMENT FEES".

Chapter 22A, entitled "Affordable Housing Development Fees" is hereby deleted in its entirety and replaced with the following:

§ 22A-1. PURPOSE.

a. In Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to the then functioning Council on Affordable Housing's (COAH's) adoption of rules as amended from time to time and/or in accordance with the enacted legislation and/or in accordance with directives from the courts.

b. Pursuant to P.L. 2008, c. 46, § 8 (N.J.S.A. 52:27D-329.2), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that were under the jurisdiction of the Council or court of competent jurisdiction and had a COAH-approved spending plan were able to retain fees collected from nonresidential development.

c. In Re: Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), also known as the Mount Laurel IV decision, the Supreme Court remanded COAH's duties to the Superior Court. As a result, affordable housing development fee collections and expenditures from the municipal affordable housing trust funds to implement municipal Third Round Fair Share Plans through July 1, 2025 were under the Court's jurisdiction and were subject to approval by the Court.

d. 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.

e. This article establishes standards for the collection, maintenance and expenditure of development fees pursuant to the 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.

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.

§ 22A-2. 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 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 Bogota, in Bergen 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 permitted pursuant to N.J.S.A. 52:27D-329.2 and 40:55D-8.1 through 40:55D-8.7 and N.J.A.C. 5:99-3.
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 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 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.

§ 22A-3. RESIDENTIAL DEVELOPMENT FEES.
Development fees assessed on new construction shall be based on the equalized assessed value of land and improvements. Development fees assessed on additions and alterations shall be based only on the increase in equalized assessed value that results from the addition or alteration, the expansion, change to a more intense use, or replacement;.

a. Within all zoning districts, residential developers, except for developers of the types of development specifically exempted in § 22A-5 below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted.

b. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) has been permitted, developers shall pay a development fee of 6% of the equalized assessed value for each

additional unit that may be realized. However, 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.

§ 22A-4. NONRESIDENTIAL DEVELOPMENT FEES.

a. The Borough shall impose, collect, retain, and expend fees collected from non-residential development in accordance with the Statewide Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 through 40:55D-8.7 and this chapter.

b. Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee of 2.5% of the equalized assessed value of the land and improvements for all new nonresidential construction on an unimproved lot or lots.

c. Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions or alterations to existing structures to be used for nonresidential purposes.

d. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time the final certificate of occupancy is issued. If the calculation required under this subsection results in a negative number, the nonresidential development fee shall be zero.

e. In all mixed-use projects, developers shall pay to the Brough the 2.5 percent fee generated by the non-residential component of the project unless an exemption of the Statewide Nonresidential Development Fee Act applies.

f. In the event of any conflict between this ordinance and the Statewide Non-Residential Development Fee Act (SNDFA), the SNDFA shall apply

§ 22A-5. ELIGIBLE EXACTIONS, INELIGIBLE EXACTIONS AND EXEMPTIONS.

a. The following types of developments are exempt from the imposition of residential and nonresidential development fees:

1. Affordable housing developments, affordable housing developments where the affordable units are being provided elsewhere in the municipality, and developments where the developer has paid a payment in lieu of on-site construction for all the units in the project shall be exempt from residential development fees. All other forms of new construction shall be subject to development fees, unless exempted below.

2. Developments that have received preliminary or final approval prior to the imposition of a municipal development fee ordinance shall be exempt from development fees unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site

plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

3. Residential structures demolished and replaced as a result of a fire, flood, or any natural disaster or catastrophe shall be exempt from paying a development fee, even if the new structure has an increased equalized assessed value as compared to the previous structure.

4. The development fee shall not apply to the expansion of a single- or two-family home where the net increase in interior floor area is less than 15% of the existing structure. In no event shall the development fee be collected where the total increase in floor area is 500 square feet or less. Upon the request of the Zoning Officer, the property owner shall produce, within 30 days, a set of certified plans, signed by a licensed architect, confirming the amount of previously existing and as-built conditions.

5. Non-profit organizations that have received tax exempt status pursuant to 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.

6. Federal, State, county, and local governments shall be exempt from paying a development fee.

7. All non-residential construction of buildings or structures on property used by churches, synagogues, mosques, and other houses of worship, and property used for educational purposes, that are tax-exempt pursuant to N.J.S.A. 54:4-3.6, shall be exempt from the imposition of a non-residential development fee pursuant to this section, provided that the property continues to maintain its tax exempt status pursuant to that statute for a period of at least three years from the date of issuance of the certificate of occupancy.

8. Parking lots and parking structures, regardless of whether the parking lot or parking structure is constructed in conjunction with a non-residential development, or whether the parking lot is developed as an independent non-residential development;

9. Any non-residential development that is an amenity to be made available to the public, including, but not limited to, recreational facilities, community centers, and senior centers that are developed in conjunction with, or funded by, a non-residential developer;

10. Non-residential construction resulting from a relocation of, or an on-site improvement to, a nonprofit hospital or a nursing home facility;

11. Projects that are located within a specifically delineated urban transit hub, as defined pursuant to N.J.S.A. 34:1B-208;

12. Projects that are located within an eligible municipality, as defined pursuant to N.J.S.A. 34:1B-208, the Urban Transit Hub Tax Credit Act, when a majority of the project is located within a one-half mile radius of the midpoint of a platform area for a light rail system; and

13. Projects determined by the New Jersey Transit Corporation to be consistent with a transit village plan developed by a transit village designated by the New Jersey Department of Transportation.

b. A developer of a mixed use development shall be required to pay the non-residential development fee relating to the non-residential development component of a mixed use development subject to the provisions at N.J.S.A. 52:27D-329.1 et seq.

c. Non-residential construction connected with the relocation of the facilities of a for-profit hospital shall be subject to the fee authorized to be imposed pursuant to this section to the extent of the increase in equalized assessed valuation.

d. A developer of a non-residential development exempted from the non-residential development fee pursuant to this section shall be subject to that fee at such time as the basis for the exemption set forth in this subsection no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.

e. If a property that was exempt from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees in these circumstances may be enforceable by the Borough as a lien against the real property of the owner.

§ 22A-6. COLLECTION OF FEES.

The Borough shall collect 100 percent of the development fee for residential and non-residential development prior to the issuance of the certificate of occupancy. 50% of the development fee will be collected at the time of issuance of the building permit. The remaining portion will be collected at, or prior to, the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy. Developers shall be notified of the fee by the Borough, including when payment is required to be made, at the time of land use board approval or application for a construction permit. After issuance of a building permit, the Construction Official shall refer the plans for the development to the Tax Assessor. The Tax Assessor shall certify to the Construction Official the final equalized assessed value in advance of the issuance of a certificate of occupancy by the Construction Official. The remaining portion of the development fee shall be adjusted to reflect any change in the estimated equalized assessed value so that the total of the two payments shall equal 100% of the total development fee based upon the final equalized assessed value.

§ 22A-7. CONTESTED FEES.

a. A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Collected fees shall be placed in an interest- bearing escrow account by the Borough of Bogota. The local code enforcement official shall thereafter issue the certificate of occupancy provided that the construction is otherwise eligible for a certificate of occupancy. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A.

54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§ 22A-8. AFFORDABLE HOUSING TRUST FUND.

a. There is hereby created a separate, interest-bearing housing trust fund, in a bank utilized by the Borough for its ordinary business purposes, and maintained by the Chief Financial Officer of the Borough, for the purpose of depositing development fees collected from residential and nonresidential developers, any other payments made pursuant to this chapter from residential and nonresidential developers, and proceeds from the sale of units with extinguished controls. The Borough shall provide written authorization, in the form of a three-party escrow agreement between the Borough, the bank or other financial institution, and the Division, to permit the Division to direct the disbursement of the funds, as provided for at N.J.A.C. 5:99-5.6, shall be maintained at all times. This authorization shall be submitted to the Division within 21 days from the opening of the trust fund account and/or within 21 days of any change in banks or other financial institutions in which trust funds are deposited. Bogota's affordable housing trust fund shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Act and N.J.A.C 5:99-1 et seq. All development fees paid by developers pursuant to this chapter shall be deposited into this fund. The Borough shall identify the funds on its monitoring report pursuant to N.J.A.C. 5:99-5 and include a plan for the use of the funds in its spending plan.

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 affordable units;
2. Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible (barrier-free escrow funds);
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. Enforcement fines
8. Unexpended RCA funds remaining from a completed RCA project
9. Any other funds collected in connection with the Borough of Bogota's affordable housing program

§ 22A-9. 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 the approved spending plan dated March 2018 in conjunction with the Borough's application for approval for Round 3 or in accordance with the Fair Housing Act as amended in March 2024. Thereafter, funds shall not be expended to reimburse the Borough for activities that occurred prior to the authorization of the Borough to collect development fees; on attorney fees or court costs to obtain a judgment of compliance or order of repose, including any associated administration costs; on any costs in connection with a challenge to a determination of the Borough's fair share obligation; on any costs in connection with a challenge to the Borough's obligation, housing element, or fair share plan.

c. At least 20% 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 may include 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 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.

§ 22A-10. MONITORING.
Bogota 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.

SECTION 2: SEVERABILITY.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION 3: INCONSISTENCY.
Any and all ordinances, or parts thereof, in conflict or inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent.

SECTION 4: EFFECTIVE DATE
This ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

CERTIFICATION

✓

ATTEST:

Deputy Clerk

APPROVED:

Mayor

I, Melissa Baque, Deputy Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of an Ordinance adopted by the Borough of Bogota at a meeting held on 02-05-26.

BOROUGH OF BOGOTA

ORDINANCE NO. 1652 **PUBLIC HEARING & ADOPTION** **DATE: 02-05-26**

AN ORDINANCE AMENDING CHAPTER 22B OF THE BOGOTA CODE, ENTITLED "AFFORDABLE HOUSING"

PUBLIC HEARING OPENED

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
Council President L. Kohles			✓				
Councilmember C. Carpenter			✓				
Councilmember W. Hordern	✓		✓				
Councilmember P. McHale			✓				
Councilmember J. Mitchell			✓				
Councilmember D. Vergara		✓	✓				

COMMENTS:

- Borough Attorney provided a brief summary.
- A member of the public asked about the town's obligation to pass or implement these ordinances.
- The same resident asked for a brief synopsis of how the ordinances differ from the previous ones.

PUBLIC HEARING CLOSED

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
Council President L. Kohles			✓				
Councilmember C. Carpenter	✓		✓				
Councilmember W. Hordern			✓				
Councilmember P. McHale			✓				
Councilmember J. Mitchell			✓				
Councilmember D. Vergara		✓	✓				

ADOPTION:

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
Council President L. Kohles			✓				
Councilmember C. Carpenter			✓				
Councilmember W. Hordern		✓	✓				
Councilmember P. McHale			✓				
Councilmember J. Mitchell	✓		✓				
Councilmember D. Vergara			✓				

AN ORDINANCE AMENDING CHAPTER 22B OF THE BOGOTA CODE, ENTITLED "AFFORDABLE HOUSING"

WHEREAS, Chapter 22B of the Bogota Code sets forth the rules and regulations pertaining to affordable housing in the Borough; and,

WHEREAS, the Mayor and Council seek to amend the language in Chapter 22B to conform it to the terms of a settlement reached between the Borough of Bogota and Fair Share Housing Center.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Bogota, that Chapter 22B of the Bogota Code is hereby deleted in its entirety and replaced with the following:

SECTION 1: AMENDMENT TO CHAPTER 22B, ENTITLED "AFFORDABLE HOUSING".

Chapter 22B, entitled "Affordable Housing" is hereby deleted in its entirety and replaced with the following:

§ 22B-1. COMPLIANCE WITH REQUIREMENTS FOR AFFORDABLE HOUSING

§ 22B-1.1. Purpose.

The purpose of this section is to provide for and regulate affordable housing in the Borough of Bogota 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 also established the Affordable Housing Dispute Resolution Program ("Dispute Resolution Program"), which 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 low- and moderate-income households. This chapter shall apply except where inconsistent with applicable law.

§ 22B-1.2. 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 Bogota, in Bergen 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 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).
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.

§ 22B-1.3. 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 Bogota 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.

§ 22B-1.4. Programs to Address Present Need.
The Borough of Bogota has determined that it will use the following mechanisms to satisfy its present need affordable housing obligations:

a. Rehabilitation program.

1. Bogota shall continue to participate in the Bergen County Home Improvement Program (HIP), including marketing the program in physical and digital formats.

2. Bogota shall continue to participate in the County of Bergen CDBG rehabilitation program, which shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28 and the requirements of the Rehabilitation Subcode, N.J.A.C. 5:23-6, as applicable.

3. All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.

4. The Borough of Bogota shall designate, subject to the approval of the Division, one or more administrative agents to administer the rehabilitation program in accordance with N.J.A.C. 5:99. The administrative agent(s) shall provide a rehabilitation manual for the owner occupancy rehabilitation program and a rehabilitation manual for the rental-

occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of the Dispute Resolution Program. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the administrative agent(s).

5. Units in a rehabilitation program shall be exempt from the Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:

   (a) If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to the Court and UHAC.

   (b) If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to the UHAC.

   (c) Rents in rehabilitated units may increase annually based on the standards established by UHAC.

   (d) Applicant and/or tenant households shall be certified as income-eligible in accordance with the UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

§ 22B-1.5. Inclusionary Zoning.

a. The regulations of the AHO-1 and AHO-2 Affordable Housing Overlay Zones are set forth in § 21A-10.17 and § 21A-10.18.

b. Borough-wide Mandatory Setaside.

Notwithstanding the provisions of subsection 22B-1.5a, or any other section in this Chapter, any residential development consisting of five or more dwelling units, at a density above six units per acre, shall reserve at least 20% of the units in the project for low- and moderate-income households.

§ 22B-1.6. 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.

§ 22B-1.7. 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.

§ 22B-1.8. 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 obligation 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 Bogota 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 Bogota'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 Bogota 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 Bogota 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, to the extent possible, low- and moderate-income units shall be integrated with the market units.

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 FreddieMac 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.

§ 22B-1.9. 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.

§ 22B-1.10. 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.

§ 22B-1.11. 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.

§ 22B-1.12. 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 22B-1.15a.

§ 22B-1.13. 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.

§ 22B-1.14. 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).

§ 22B-1.15. 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.

§ 22B-1.16. 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).

§ 22B-1.17. 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.

§ 22B-1.18. 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.

§ 22B-1.19. Municipal Housing Liaison.

a. Bogota shall adopt an ordinance creating 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 Bogota, including the following responsibilities, which may not be contracted out to the administrative agent:

1. Serving as Bogota'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 Bogota'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.

§ 22B-1.20. 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 Amended Fair Housing Act and the Dispute Resolution Program. 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 Bogota and the provisions of N.J.A.C. 5:80-26.16; and

   b) 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 low- or moderate-income household Providing written notification to each applicant as to the determination of eligibility or noneligibility;

   c) 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.;

   d) 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

e) Employing a random selection process as provided in the Affirmative Marketing Plan of the Borough of Bogota 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.

f) 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 Bergen 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 rerentals:

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 rerental; and

b) Instituting, maintaining, and documenting an effective means of communicating information to 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 Committee, 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.

§ 22B-1.21. Affirmative Marketing Requirements.

a. The Borough of Bogota 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 2016 settlement agreement with FSHC, the Affirmative Marketing Plan shall require the notification to the New Jersey State NAACP, the Latino Action Network, Fair Share Housing Center and the Bergen County chapter of the NAACP of affordable housing opportunities. It is a continuing program that directs marketing activities toward Housing Region 1 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 1, comprised of Bergen, Hudson, Passaic and Sussex 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 rerentals. The administrative agent designated by the Borough of Bogota 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.

§ 22B-1.22. 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.

§ 22B-1.23. 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.

SECTION 2: SEVERABILITY.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION 3: INCONSISTENCY.

Any and all ordinances, or parts thereof, in conflict or inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent.

SECTION 4: EFFECTIVE DATE

This ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

CERTIFICATION

✓

ATTEST:

Deputy Clerk

APPROVED:

Mayor

I, Melissa Baque, Deputy Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of an Ordinance adopted by the Borough of Bogota at a meeting held on 02-05-26.

RESOLUTION # 2026-82

DATE: 03-05-2026

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
L. Kohles			✓				
C. Carpenter		✓	✓				
W. Hordern			✓				
P. McHale			✓				
J. Mitchell	✓		✓				
D. Vergara							✓
Mayor D. Fede (Tie Vote Only)							

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF BOGOTA OF THE COUNTY OF BERGEN, STATE OF NEW JERSEY, STATING ITS INTENT TO BOND OR TAKE SUCH OTHER STEPS AS MAY BE NECESSARY TO FULLY FUND ITS HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, in June of 2025, the Planning Board for the Borough of Bogota adopted a housing element and fair share plan ("HEFSP") and the Borough endorsed that Plan (hereinafter "the 2025 Plan"); and

WHEREAS, the Planning Board recently adopted an amendment to the 2025 Plan and the Borough endorsed that Amendment; and

WHEREAS, the Borough seeks approval of its 2025 Plan, as amended; and

WHEREAS, to secure approval of its amended plan, applicable laws require the Borough to ensure that the plan is fully funded; and

WHEREAS, the Borough has amassed over $118,000 in trust fund monies through the lawful imposition of affordable housing fees on residential and nonresidential developers; and

WHEREAS, the Borough anticipates receiving additional contributions to its trust fund through June 30, 2035; and

WHEREAS, the Borough anticipates that there will be sufficient funding to implement its 2025 Plan, as amended; and

WHEREAS, in the event there is still a shortfall in funding despite the measures described above, the Borough is committed to provide sufficient funds to address the shortfall through bonding or other lawful means.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Bogota, County of Bergen, that the Borough will ensure that its amended HEFSP is fully funded through bonding or other legal means in the event there is a shortfall in funding after all the measures set forth above.

BE IT FURTHER RESOLVED that the Borough may repay debt through future collections of development fees, as such funds become available.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are authorized and designated to execute any and all necessary documents in order to implement the intent of this Resolution.

CERTIFICATION

I, Melissa Baque, Deputy Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Council at a meeting held on 03-05-2026.

Melissa Baque, Deputy Clerk

RESOLUTION # 2026-83

DATE: 03-05-2026

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
L. Kohles			✓				
C. Carpenter		✓	✓				
W. Hordern			✓				
P. McHale			✓				
J. Mitchell	✓		✓				
D. Vergara							✓
Mayor D. Fede (Tie Vote Only)							

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF BOGOTA, COUNTY OF BERGEN, STATE OF NEW JERSEY, ADOPTING THE AFFIRMATIVE MARKETING PLAN PREPARED BY PIAZZA AND ASSOCIATES

WHEREAS, the Planning Board for the Borough of Bogota has adopted a Housing Element and Fair Share Plan in June of 2025 and amended the Plan in February of 2026; and

WHEREAS, the Borough of Bogota endorsed the Housing Element and Fair Share Plan in June of 2025 and endorsed the amendment in 2026 (hereinafter "the Amended Plan"); and

WHEREAS, the Borough is required to administer its affordable housing programs in accordance with the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq., the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et seq., applicable court orders, and the Borough's Court-approved Housing Element and Fair Share Plan; and

WHEREAS, the proper implementation of affordable housing programs requires that housing opportunities be affirmatively marketed to low- and moderate-income households in compliance with State regulations, including targeted outreach to racial and ethnic minorities, persons with disabilities, and other protected classes; and

WHEREAS, the Borough appointed Piazza & Associates to serve as an Administrative Agent to implement the Amended Plan; and

WHEREAS, the Administrative Agent has prepared an Affirmative Marketing Plan to implement the Amended Plan in accordance with applicable law; and

WHEREAS, the Borough has reviewed the Affirmative Marketing Plan and supports implanting its plan in accordance therewith

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Bogota, County of Bergen, State of New Jersey, as follows:

1. The Borough Council hereby adopts the Affirmative Marketing Plan, as prepared by Piazza and Associates, to implement its Amended Plan.

2. The Borough hereby directs its Administrative Agent to follow the policies and procedures contained in the Affirmative Marketing Plan to implement the Amended Plan.

3. The Affirmative Marketing Plan may be updated from time to time to ensure ongoing compliance with State law, court-ordered requirements, and the Borough's Housing Element and Fair Share Plan, provided such updates are approved by the Borough Council.

4. This Resolution shall take effect immediately upon adoption.

CERTIFICATION

I, Melissa Baque, Deputy Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Council at a meeting held on 03-05-2026.

Melissa Baque, Deputy Clerk

AFFIRMATIVE FAIR HOUSING MARKETING PLAN
For Affordable Housing in the BOROUGH OF BOGOTA **(REGION 1)**

I. APPLICANT AND PROJECT INFORMATION
(Complete Section I individually for all developments or programs within the municipality.)

Administrative Agent Name, Address, Phone Number	Development or Program Name, Address
Frank Piazza Piazza & Associates, Inc. 201 Rockingham Row Princeton, NJ 08540 (609) 786-1100, ext. 301	

Number of:	Affordable Rental Units	Affordable For-Sale Units
Affordable Units Total		
Affordable Age Restricted Units		
Affordable Non-Age Restricted Units		
Affordable Supportive Housing Units		

Price or Rental Range	Approximate Starting Dates
From: To:	Advertising: Occupancy:

Counties:	Preferences, if any: (veteran, regional, NJ)
Bergen, Hudson, Passaic, Sussex	**REGIONAL PREFERENCE: There will be a preference for applicants who live and/or work in Housing Region 1 (Bergen, Hudson, Passaic and Sussex Counties). AS APPLICABLE**

Accessibility Features, if any:
Managing/Sales Agent's Name, Address, Phone Number
Application Fees (if any): No fees will be charged for the affordable housing application.

Attach a copy of the pricing calculator and a spreadsheet with information about all units, including number of bedrooms, income level, accessibility features, and square footage to this plan.

(Sections II through V should be consistent for all affordable housing developments and programs within the municipality and with the municipal Affordable Housing Ordinance. Sections that differ must be described in the approved contract between the municipality and the administrative agent and in the approved Operating Manual.)

II. RANDOM SELECTION

Describe the random selection process that will be used once applications are received.

RENTAL PROCESS

A. An initial deadline date, no less than 45 days after the start of the marketing process, will be established. A lottery may not take place prior to 60 days from the start of marketing. All **online** preliminary applications received by Piazza & Associates, on or before the initial deadline date, shall be deemed received on that date.

B. Households that apply for very low-, low- and moderate-income housing will prescreen themselves

for preliminary income eligibility by comparing their total income and household size to the very low-, low- and moderate-income limits pursuant to the Uniform Housing Affordability Controls, 5:80-26.1 et seq. ("UHAC"). Households will also prescreen themselves for all preferences pursuant to state regulations and local ordinance. All households are notified as to their preliminary status at the time an application is submitted.

C. A drawing (using a web-based randomizer) will be held under the direction of Piazza & Associates to determine the priority order of the pre-qualified applications received on or before the initial deadline date. All preliminary applications received after the initial deadline will be processed on a "first come, first served" basis after the applicants who were in the initial random selection.

D. In order to ensure an adequate supply of qualified applicants, the advertising phase will continue until there are at least ten (10) pre-qualified applicants for each very low-, low- and moderate-income unit available, or until all of the affordable units within the development have been rented.

E. Final applications will be emailed by Piazza & Associates to an adequate number of pre-qualified applicants, in priority order, for each available very low-, low- and moderate- income unit. The final application will require the applicants to supply documents to verify their identity and household composition as well as their income and assets.

F. Completed final applications will be forwarded to Piazza & Associates. Piazza & Associates will make a determination as to their eligibility for a very low-, low- or moderate-income unit. Applicants will receive a notification from Piazza & Associates with respect to the status of their application each time a review is performed.

G. At the same time, applicants will also be subject to any criteria set forth by the Owner, such as credit worthiness, recommendations from former landlords, etc. The criteria shall comply with all fair housing standards and be set forth in a policy statement made available to all applicants in the leasing office. The Owner will be responsible for the assessment of all criteria beyond the income and household size criteria set forth by the Administrative Agent.

H. Subsequent to initial rent-up period, a list of pre-qualified applicants will be maintained by Piazza & Associates on a rental waiting list.

NEW SALE PROCESS:

A. An initial deadline date, no less than 45 days after the start of the marketing process, will be established. A lottery may not take place prior to 60 days from the start of marketing. All online preliminary applications received by Piazza & Associates, on or before the initial deadline date, shall be deemed received on that date.

B. Households that apply for low- and moderate-income housing will be prescreen themselves for preliminary income eligibility by comparing their total income and household size to the low- and moderate- income limits adopted by NJDCA, pursuant to the Uniform Housing Affordability Controls, 5:80-26.1 et seq. ("UHAC"). All households will be notified as to their preliminary status at the time an application is submitted.

C. No less than 15 days after the deadline, a drawing (using a web-based randomizer) will be held under the direction of Piazza & Associates to determine the priority order of the pre-qualified applications received on or before the initial deadline date. All preliminary applications received after the initial deadline will be processed on a "first come, first served" basis after the applicants who were in the initial random selection.

D. In order to ensure an adequate supply of qualified applicants, the advertising phase will continue until there are at least ten (10) pre-qualified applicants for each low- and moderate-income unit available, or until all of the low- and moderate-income units within the development have been sold.

E. Final applications will be emailed by Piazza & Associates to an adequate number of pre-qualified applicants, in priority order, for each available low- and moderate-income unit. The final application will require the applicants to supply documents to verify their identity and household composition as well as their income and assets.

F. Completed final applications will be forwarded to Piazza & Associates. Piazza & Associates will make a determination as to their eligibility for a low- or moderate-income unit. Applicants will

receive a notification from Piazza & Associates with respect to the status of their application each time a review is performed.

G. When submitting final applications, applicants will also be asked to provide a pre-qualification letter from a qualified lending institution.

H. Certified applicants will be given 15 days to sign a sales agreement with the developer. Mortgage contingencies may not be an acceptable term of the agreement.

I. The sales agreement may also limit closing to a reasonable time to be approved by Piazza & Associates in advance of the process.

RESALE PROCESS:

A. The Seller submits a Preliminary Notice with a copy of their recorded deed in order to determine the maximum resale price.

B. We will respond to the Seller in writing, explaining some of the details of the process and informing the Seller of the Maximum Sales Price (based on the change in median income as set forth by the New Jersey Dept. of Community Affairs) as well as the Maximum Income allowed for potential purchasers, as adjusted for family size.

C. The Seller submits a final "Notice of Intent to Sell" to Piazza & Associates.

D. We will email a "Notice of Availability" to households on our waiting list for an affordable home of the same size and income category. At the same time, we will email the seller a copy of a QR code, which directs applicants to an address-specific online application. The Notice will ask interested households to contact the Seller or their agent, directly, to make an appointment to see the affordable home within a two-week time frame. The Seller may want to prepare a flyer for us to distribute with our notice of availability. We reserve the right to limit the number of notices that are mailed, based on the chronological order in which the pre-qualified applications were received. If the notices are limited in this way, applicants receiving notices will have a priority over those who do not. Once the home is marketed, the price may not be increased unless a new marketing period is initiated.

E. We automatically place a notification of the availability on NJHRC.gov. The Seller or their agent may also want to advertise. Ads should include the "Equal Housing Opportunity" logo and should be sent to our office for review prior to distribution.

F. The Seller or their agent, upon showing the home, provides potential buyers with a copy of the QR code. All interested parties must submit the online Preliminary Application, whether or not they have already submitted an application to our office or are on our waiting list. Also, the Seller or their agent must keep a record of the name, address and telephone number of everyone who viewed the home.

G. At the end of the two-week time period, our office reviews all of the Preliminary Applications submitted for a particular home. These applications are prioritized on the basis of a blind selection process or lottery. Preference may be given to households that can utilize all of the bedrooms, as well as handicap accommodations, when applicable.

H. The first two applicants on the prioritized list are emailed a letter which requires them to complete a final application within fourteen days. When an applicant is approved as a buyer, a copy of the approval letter is sent to the Seller and their agent, as applicable.

I. The Seller and the certified interested household (now Buyer) execute a "Contract of Sale". Piazza & Associates ensures the Deed, Recapture Mortgage, Recapture Mortgage Note, and Disclosure Statement (Appendix J) are submitted as part of the closing packet to the attorney responsible for the closing or other closing agent.

J. The remaining applicants are maintained on the waiting list for this home or other homes in the same size and income categories. In the event the potential buyer is not able and/or willing to purchase the affordable home, the next applicant on the prioritized list is notified pursuant to the process described above.

K. When an applicant is in second priority position to purchase an affordable home (the *original* home), and another home of the same size and type in the same municipality (the *next* home) becomes

available within 90 days of the lottery date of the *original* home, the applicant will have the option to transfer priority from the *original* home to the *next* home. The following conditions will apply: This opportunity only applies to the *next* home of the same bedroom number and income category as the *original* home that becomes available within the 90-day period. This offer will be made only one time and only for the *next* home. It does not apply to other similar homes that become available. The applicant must have completed a final application and be pre-qualified for the *original* home in order to be considered. The applicant will be notified by phone that an alternate home is available. The applicant will then have 3 business days in which to view the *next* home and make the determination if he/she would like to pursue that purchase. If so, the applicant would relinquish the secondary priority position for the *original* home. Once the decision to transfer to the *next* home is made, the applicant cannot be reinstated to the secondary position for the *original* home if he/she is unable or unwilling to purchase the *next* home. Conversely, once the decision is made to remain in the secondary position for the *original* home, the applicant cannot then transfer to the *next* home if he/she is unable or unwilling to purchase the *original* home.

L. The Seller must sell the affordable home with the same or comparable appliances and amenities that were in the home when it was first sold as an affordable home.

M. The Seller may NOT charge more than the Maximum Selling Price for any reason, except the addition of a room, the installation of central air conditioning (where there was none before) or comparable upgrade, but ONLY with prior written approval from us. For the most part, condominiums in this program are NOT eligible for such upgrades and/or adjustments to the selling price. The cost of broker fees; municipal inspections and required repairs that may be necessary to receive a Certificate of Occupancy; new appliances, carpeting or other flooring upgrades; and decorating and remodeling projects are NOT eligible costs for an increase in the Maximum Sales Price.

N. A copy of the Sales Contract must be submitted to our office prior to closing.

O. During the final stages of the process, it will be necessary for the Buyer to make arrangement for the Affordable Housing Agreement and Mortgage Note to be satisfied with respect to the Seller and new documents filed with respect to the Buyer. The filing and recording of documents is the responsibility of the seller's or buyer's attorney. Once all documents are filed, recorded and returned to Piazza & Associates, we will process a release of the original documents.

P. A copy of the HUD Closing Statement or Closing Disclosure form required by the TILA-RESPA Integrated Disclosure Rule, as appropriate, must be submitted to our office after the sale of the home.

Q. Note: We do not guarantee that the Buyer can sell an affordable home for the Maximum Sales Price. An affordable home is also susceptible to market conditions, and the Fair Market Value of an affordable home may be lower than the Maximum Selling Price. In this case, the Seller may not be able to sell the home for more than its Fair Market Value

R. Our office is available to both the Seller and the Buyer throughout the process to answer any questions they may have.

III. MARKETING

Direction of Marketing Activity: Based on demographic data from the 2020 census, this table provides a comparison of race and ethnic origin between Housing Region 1 and the Borough of Bogota. The most significant negative differences point to the greatest need for affirmative marketing Overall, the municipality appears to generally reflect the diversity of the region and county, and, in fact, has a higher percentage of Hispanic/Latino Americans (51.3% v. 31.4%).

The U. S. Census Data 2020:

Subject	RACE							HISPANIC OR LATINO	
	Total population	Race alone or in combination with one or more other races: [1]						Total population	
		White	Black or African American	American Indian and Alaska Native	Asian	Native Hawaiian and Other Pacific Islander	Some Other Race	Hispanic or Latino (of any race)	Not Hispanic or Latino
Bergen	955,732	543,849	54,831	4,535	158,630	217	96,383	204,683	751,049
Sussex	144,221	121,879	3,088	336	3,002	20	4,469	14,310	129,911

Hudson	724,854	248,561	79,498	7,388	124,555	417	159,950		293,019	431,835
Passaic	524,118	229,573	57,809	6,383	30,852	195	134,687		224,030	300,088
Region 1	2,346,925	1,143,862	195,226	18,642	317,039	849	395,489		736,042	1,612,883
% Region 1	100%	48.7%	8.3%	0.8%	13.5%	0.0%	16.9%		31.4%	68.6%
Bogota Borough	8,778	2,614	585	15	748	2	93		4,506	4,272
% Bogota	100%	29.8%	6.7%	0.2%	8.5%	0.0%	1.1%		51.3%	48.7%
Difference		-18.9%	-1.6%	-0.6%	-5.0%	0.0%	-15.8%		19.9 %	-19.9%

[1] In combination with one or more of the other races listed, the six numbers may add to more than the total population, and the six percentages may add to more than 100 percent because individuals may report more than one race.

☐ White (non-Hispanic X Black (non-Hispanic) X Hispanic ☐ American Indian or Alaskan Native

X Asian or Pacific Islander ☐ Other group

REQUIRED ***(Piazza & Associates)***

5:80-26.16(g)1 requires you to advertise your project on the New Jersey Housing Resource Center for at least sixty days before conducting the random selection.

X **HOUSING RESOURCE CENTER** (www.NJHRC.gov) A free, online listing of affordable housing

Regional Newspapers ***(Developer)***

5:80-26.16(g)3 requires you to advertise your project in at least one regional newspaper (either online or in print). You may also select several papers with partial regional coverage, as long as all counties in the region are covered.

TARGETS ENTIRE HOUSING REGION 1				**D-Digital or ND-Non-Digital**
X	The Record	https://www.northjersey.com/	Bergen, Hudson, Passaic	
☐	Herald News	https://www.njherald.com/	Passaic	
X	New Jersey Herald	https://www.njherald.com/	Sussex	
TARGETS PARTIAL HOUSING REGION 1				
☐	Bergen County Review	https://www.bergenreview.com/bergen-county-blog	Bergen	
☐	Hudson County View	https://hudsoncountyview.com/	Northern Bergen	
☐	Jersey City Times	https://jcitytimes.com/	Hudson	
☐	The Observer	https://www.theobserver.com/	Hudson	
☐	RLS Media	https://www.rlsmedia.com/	Passaic	
☐	Township Journal	https://www.townshipjournal.com/	Hudson/Sussex	

Housing Search Websites – D – Digital ***(Piazza & Associates)***

*5:80-26.16(g)4 requires you to advertise your project on at least one housing search website in addition to the NJHRC. **"Housing search website"** means any publicly accessible internet-based platform used to advertise residential dwelling units to the general public, including but not limited to:*

- *Online real estate sections of newspapers or news organizations;*
- *Internet websites operated or maintained by a municipal AA or affordable housing service provider that advertise affordable units in one or more municipalities;*
- *Commercial real estate listing platforms; and*
- *Other comparable online platforms customarily used to market rental or ownership housing.*

List below all housing search websites to be used:

www.housingquest.com

ELECTIVES

If you selected a print newspaper(s) as your regional paper above, select TWO additional strategies below with AT LEAST ONE NON-DIGITAL MARKETING STRATEGY.

If you selected a digital newspaper(s) as your regional paper above, select AT LEAST TWO NON-DIGITAL MARKETING STRATEGIES below.

☐ **Specific Radio and Television Stations – ND – Non-Digital**

5:80-26.16(e)1 lists specific radio stations, and television stations throughout the housing region as marketing opportunities. If choosing this option, make sure your proposed stations cover the entire region. You may add more if desired. List the selected publications below or attach a list from the Marketing Outreach Tool.

☐	
☐	
☐	
☐	

AND Paid Targeted Digital Advertising (must be selected in addition to stations above) – D – Digital

5:80-26.16(e)1 offers paid targeted digital advertising as an option. Some common platforms are listed below.

☐	Google Ads
☐	Microsoft Ads
☐	Bing Ads
☐	Other (please list)

X **Specific Newspapers and Other Publications** *(Developer)*

5:80-26.16(e)2 lists "specific newspapers and other publications circulated within the housing region" as an option, including neighborhood-oriented weekly papers, religious publications, and organizational newsletters. If choosing this option, make sure your proposed publications cover the entire region. You may add more if desired. List the selected publications below or attach a list from the Marketing Outreach Tool.

		D-Digital or ND-Non-Digital
☐	Jewish Link NJ | https://www.jewishlinknj.com/	
☐	Jewish Voice and Opinion | https://thejewishvoiceandopinion.com/	
☐	News India Times | http://www.newsindiatimes.com	
☐	PLUS - New Jersey & Pennsylvania | http://www.tygodnikplus.com/	
☐	Zaman Amerika | http://zamanamerika.com	
☐	Jewish Standard | http://jewishstandard.timesofisrael.com	
☐	Arab Voice | http://arabvoice.com	
☐	Catholic Beacon, The | https://rcdop.org/the-beacon	
☐	Ahora News | http://ahoranews.net	
☐	Tri-State Voice | https://www.tristatevoice.com/	

X	El Especial/El Especialito | http://www.elespecialitomk.com / http://elespecial.com	
☐	La Tribuna NJ — Decano de la Prensa Hispana | http://latribunanj.com	

X Employers Throughout the Housing Region – ND – Non-Digital ***(Piazza & Associates)***

5:80-26-16(e)3 offers outreach to regional employers as an option. A comprehensive and regularly updated list of employers is available in the Marketing Outreach Tool. Please reach out to each listed employer in the region; you may add more if desired. If an employer no longer exists or has moved, please inform DCA.

X Community Organizations Throughout the Housing Region – ND – Non-Digital ***(Piazza & Associates)***

5:80-26-16(e)4 offers community and regional organizations as an option, including nonprofit, religious, governmental, fraternal, civic, and other organizations. A comprehensive and regularly updated list of organizations is available in the Marketing Outreach Tool. Please reach out to each listed organization in the region. You may add more if desired. If an organization no longer exists or has moved, please inform DCA.

X Municipal and County Websites – D – Digital ***(Piazza & Associates)***

5:80-26-16(e)5 offers municipal and county website advertising as an option. Insert the URL for the municipality. To ensure regional outreach, advertise in all county websites listed below.

Municipality: https://www.bogotaonline.org/
https://www.hcnj.us/
https://bergencountynj.gov/
https://www.passaiccountynj.org/
https://sussex.nj.us/

X Social Media – D – Digital ***(Piazza & Associates)***

5:80-26.16(e)6 offers social media as an option. Some common platforms are listed below. You may place ads on these platforms or market for free on your own page.

X	Facebook
☐	TikTok
X	Instagram
☐	Reddit
☐	YouTube
☐	Snapchat
X	HousingQuest.com Newsletter (email blast) -90,000+ Recipients

☐ Public Transit Stops – ND – Non-Digital

A comprehensive and regularly updated list of NJ Transit stops is available at https://www.nj.gov/dca/hmfa/about/has/, or in map form at njogis-newjersey.opendata.arcgis.com. Note that you **must** get permission from NJ Transit to post flyers.

☐ Other Advertising Efforts to Groups Least Likely to be Reached

IV. SUMMARY

Non-Digital Outreach	Digital Outreach

V. APPLICATIONS *(Piazza & Associates)*

Applications for affordable housing or notices thereof, if offered online, for the above units will be available in all County Administration Buildings and Libraries for all counties in the housing region

	BUILDING	LOCATION
X	Sussex County Administration Building	1 Spring Street, Newton, NJ 07860 (973)579-0200
X	Sussex County Main Library	125 Morris Turnpike, Newton, NJ 07860 (973)948-3660
X	Hudson County Administration Building	595 Newark Avenue, Jersey City, NJ 07306 (201) 795-6000
X	Passaic County Administration Building	401 Grand Street, Paterson, NJ 07505 (973) 225-3632
X	Passaic County Library	195 Gregory Avenue, Passaic, NJ 07055 (973) 779-0474
X	Bergen County Administration Building	One Bergen County Plaza, Hackensack, NJ 07601 (201)336-6000
X	Bergen County	21-00 Route 208 South, Suite 130, Fair Lawn, NJ 07410 bccls@bccls.org

4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)

Borough of Bogota
375 Larch Avenue
Bogota, NJ 07603
(201) 342-1736
admin@bogotaonline.org

Bogota Public Library
375 Larch Avenue
Bogota, NJ 07603
(201) 488-7185
bogtcirc@bccls.org

4c. Sales/Rental Office for units (if applicable)

V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the (select one: Municipality's substantive certification or DCA Balanced Housing Program funding or HMFA UHORP/MONI/CHOICE funding).

Frank Piazza, Jr.
Name (Type or Print)

Administrative Agent, Borough of Bogota
Title/Municipality



2 March 2026

Signature Date

RESOLUTION # 2026-84

DATE: 03-05-2026

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
L. Kohles			✓				
C. Carpenter		✓	✓				
W. Hordern			✓				
P. McHale			✓				
J. Mitchell	✓		✓				
D. Vergara							✓
Mayor D. Fede (Tie Vote Only)							

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF BOGOTA, COUNTY OF BERGEN, STATE OF NEW JERSEY, ADOPTING THE AFFORDABLE HOUSING MANUALS FOR THE REHABILITATION OF OWNER OCCUPIED AND RENTAL UNITS

WHEREAS, the Planning Board for the Borough of Bogota (Planning Board) adopted a Housing Element and Fair Share Plan in June of 2025 and amended that plan on February 24, 2026; and

WHEREAS, the Borough of Bogota ("Borough") endorsed the Housing Element and Fair Share Plan adopted by the Planning Board in June of 2025 and endorsed the Amendment adopted by the Planning Board in February 24, 2026; and

WHEREAS, the Housing Element and Fair Share Plan as amended provides that the Borough will satisfy its rehab obligation, also known as its Present Need, through participation with the Bergen County Home Improvement Program and the Community Development Block Grant program; and

WHEREAS, the Borough and Fair Share Housing Center, Inc (FSHC) entered into a Mediation Agreement in December of 2025; and

WHEREAS, the Mediation Agreement provides that "[t]he Borough will address its Present Need via continued participation in the Bergen County Home Improvement Program (HIP), including marketing the program in physical and digital formats, and in the Community Development Block Grant program"; and

WHEREAS, on January 28, 2026, the Program Judge, Judge Miller, identified how the Borough would satisfy its rehab obligation in the Mediation Agreement as set forth above and approved the Mediation Agreement; and

WHEREAS, the County program upon which the Borough relies only targets ownership units occupied by low or moderate income households in need of rehab; and

WHEREAS, the Borough also wishes to make its rehab program available for rental units; and

RESOLUTION # 2026-84

DATE: 03-05-2026

WHEREAS, the Borough's Administrative Agent, Piazza and Associates, has prepared a manual for the rehab of rental units attached hereto; and

WHEREAS, the Borough remains committed to addressing its rehab obligation through continued participation in the Bergen County Home Improvement Program (HIP) and continued participation in the Community Development Block Grant program and, in addition, wishes to expand its rehab program to make it available for rental units.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Bogota, County of Bergen, State of New Jersey, as follows:

1. The Borough hereby asserts and repeats its commitment to satisfying its rehab obligation through continued participation in the Bergen County Home Improvement Program (HIP) and continued participation in the Community Development Block Grant program.
2. The Borough hereby approves the rehab manual for rental units and declares its desire to expand its rehab program to address rental units.
3. The Borough hereby directs its affordable housing counsel to file this resolution with the county level judge to satisfy its rehab obligation in accordance with the Mediation Agreement and the Housing Element and Fair Share Plan as amended and to demonstrate how the Borough will expand its rehab program to address rental housing.
4. This Resolution shall take effect immediately upon adoption.

CERTIFICATION

I, Melissa Baque, Deputy Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Council at a meeting held on 03-05-2026.

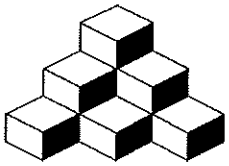
Melissa Baque, Deputy Clerk

Borough of Bogota

Affordable Housing Services

Operating Manual

RENTAL PROGRAM



Piazza & Associates, Inc. ♦ 201 Rockingham Row ♦ Princeton, NJ 08540

T.609.786.1100 ♦ F.609-786-1105 ♦ www.HousingQuest.com

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INTRODUCTION

This Operating Manual has been prepared by Piazza & Associates, Inc., the Administrative Agent for the Borough of Bogota, to assist in the administration of rental units. General questions regarding its content can be addressed to Piazza & Associates, Inc. 201 Rockingham Row, Princeton, NJ 08540; by telephone to 609-786-1100; or by email at info@HousingQuest.com.

This manual describes the basic content and operation of the program, examines program purposes and provides the guidelines for implementing the program. It has been prepared with a flexible format allowing for periodic updates of its sections, when required, due to revisions in regulations and/or procedures. Updates to our manual will be available on our website at: https://www.piazzanj.com/policies/.

This manual explains the steps in the rental process. It describes the eligibility requirements for participation in the program, record keeping and overall program administration.

Implementation of any procedure, even if it is not included in this Operating Manual, shall be in accordance with the Federal Fair Housing Act and Equal Opportunities laws[1], the Uniform Housing Affordability Controls (UHAC) N.J.A.C. 5:80-26.1 et seq.[2], the substantive rules of the Council on Affordable Housing N.J.A.C. 5:96[3] and 5:97[4]and the affordable housing regulations of the Borough of Bogota (hereafter referred to as the "Regulations").

All prior references to COAH have been replaced with references to the New Jersey Fair Housing Act ("NJ-FHA").

FAIR HOUSING AND EQUAL HOUSING OPPORTUNITIES



In accordance with the Federal Fair Housing Act, it is unlawful to discriminate against any person making application to buy or rent a home with regard to age, race, religion, national origin, sex, handicapped or familial status. In addition, New Jersey Law prohibits discrimination in housing on the basis of race, creed, color, national origin, ancestry, nationality, marital or domestic partnership or civil union status, familial status, sex, gender identity or expression, affectional or sexual orientation, disability, source of lawful income or source of lawful rent payment (including Section 8) by all persons including real estate agents or brokers, financial institutions, property owners, landlords, or building superintendents, and their agents and employees with respect to the sale, rental or lease of real property,

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[1] https://www.hud.gov/helping-americans/fair-housing-act-overview

[2] https://www.nj.gov/dca/hmfa/about/uhac/docs/Current_UHAC_Regulations.pdf

[3] https://www.nj.gov/dca/dlps/hss/thirdroundregs/596.pdf

[4] https://www.nj.gov/dca/dlps/hss/thirdroundregs/597.pdf

listing or advertising of real property, receipt or transmittal of offers to purchase or rent real property, application and terms of a mortgage or other loan. See Exhibit A.

FAIR HOUSING PROMISE AND POLICY

Piazza & Associates, Inc. is an Administrative Agent for affordable housing. As such, it is responsible for processing applications for compliance to affordable housing regulations for rental and sale units throughout the State of New Jersey. Most of these affordable units are not owned, operated, managed or sold by Piazza & Associates, Inc. in which case we rely on the owners, sellers, managers, leasing and real estate agents and landlords to screen applications for their own specific units under the terms and conditions of their own selection policies. For example, Piazza & Associates, Inc. may not screen for credit or make a determination as to an applicant's qualifications based on a credit report, which is the responsibility of the leasing agent, manager, landlord, etc.

As a result, Piazza & Associates, Inc. has no authority or ability to transfer tenants from one property to another except as part of the normal application process.

With respect to its responsibility to review, evaluate and process applications for adherence to the parameters of the affordable housing programs it administers, it is the policy and promise of Piazza & Associates, Inc. to comply with the Federal Fair Housing Act, the New Jersey Law Against Discrimination (LAD), N.J.S.A. § 10:5-1 to -49, and the Fair Chance in Housing Act (FCHA).

LAD:

In compliance with the LAD, Piazza & Associates, Inc. ensures that all housing, as well as all terms, conditions, and privileges associated with such housing, are available to all persons without regard to actual or perceived race, creed, religion, color, national origin, nationality, ancestry, pregnancy or breastfeeding, sex, gender identity or expression, sexual orientation, familial status (defined as having care or custody of a child under age 18 or being pregnant), disability, liability for service in the Armed Forces of the United States, marital status, civil union status, or domestic partnership status. The LAD also prohibits housing discrimination based on the source of lawful income used for rental or mortgage payments (including Section 8 housing choice vouchers, COVID-19 Emergency Rental Assistance Program (CVERAP), State Rental Assistance Programs (SRAP), temporary rental assistance (TRA), Eviction Prevention Program (EPP), unemployment benefits, child support, alimony, and supplemental security income.

This policy means that, among other things, the owners and operators of Piazza & Associates, Inc. do not discriminate against persons in any aspect of the sale, rental, or occupancy of housing on the basis of their actual or perceived membership in an LAD-protected category or their association with someone who is a member of an LAD-protected category, or their source of lawful income. Specifically, they do not and will not:

1. Refuse to sell or rent, refuse to negotiate the sale or rental of, or otherwise make housing unavailable to any person on the basis of an LAD-protected category;

2. Discriminate against any person in the terms, conditions, or privileges of sale, rental, or occupancy, including cost of rental, on the basis of an LAD-protected category;

3. Make, print, or publish any statement, including print advertisements and online postings, expressing any preference for, limitation of, or discrimination based on an LAD-protected category;

4. Steer persons away from their desired housing, or represent that a neighborhood is changing in a way that could lower property values, increase crime, or lower the quality of public services, including schools, because of an LAD-protected category;

5. Refuse to approve an applicant to rent to a prospective tenant or discourage a prospective tenant from renting because they plan to pay with Section 8 housing choice vouchers, COVID-19 Emergency Rental Assistance Program (CVERAP), SRAP (State Rental Assistance Program), TRA (temporary rental assistance), Eviction Prevention Program (EPP), or any other subsidy or voucher provided by federal, state, or local rental-assistance programs; or other sources of income including unemployment benefits, child support, alimony, and supplemental security income; or express any such limitation or refusal in any printed advertisement, oral or written statement, or online posting (for example, statements like "No Section 8," "TRA not accepted," or "This property not approved for Section 8" are all prohibited);

6. Condition a person's housing, or any of the terms, conditions, or privileges thereof, on acceptance of unwanted sexual advances or requests for sexual favors, or engage in unwanted, harassing conduct of a sexual nature that creates an intimidating, hostile, or offensive housing environment, or permit others to do so;

7. Engage in unwanted, harassing conduct based on any LAD-protected category that creates an intimidating, hostile, or offensive housing environment, or permit others to do so;

8. Undertake any of the actions listed in subsections (A) through (I) based on the person's perceived membership in an LAD-protected category or their association with someone who is an actual or perceived member of an LAD-protected category;

9. Impose unreasonable occupancy restrictions to prevent families with children from moving in;

10. Refuse to grant reasonable accommodations and reasonable modifications to a person with a disability as explained further in Addendum A;

11. Selectively inquire about, or request information about and/or documentation of, a prospective tenant's or buyer's immigration or citizenship status because of the person's actual or perceived national origin, race, or ethnicity;

12. Fail to account for a person's receipt and use of rental assistance (such as Section 8 housing choice vouchers, SRAP, or TRA, EPP, unemployment benefits, child support, alimony, or supplemental security income) when applying minimum income requirements to a person's rental application (any minimum income requirement, financial standard, or income standard must be calculated based only on the portion of the rent to be paid by the tenant, rather than the entire monthly rent);

13. Violate the S. Department of Housing and Urban Development's April 2016 Guidance by imposing blanket exclusions on all individuals with any prior arrest or conviction; or

14. se criminal history as a pretext for intentionally discriminating on the basis of race or national origin.

FCHA

In compliance with the FCHA, Piazza & Associates, Inc. affirms that they will not inquire into applicants' criminal histories on initial application materials, or otherwise consider applicants' criminal records in any way., until after a conditional housing offer has been made, except for convictions of drug-related criminal activity for the manufacture or production of methamphetamine on the premises of federally assisted housing, or if the applicant is subject to a lifetime registration on a state sex offender registry.

Nothing about the FCHA requires landlords or housing providers to consider a person's criminal record in housing. If a housing provider does review an applicant's criminal history after a conditional offer, specific restrictions apply. A housing provider must conduct an individualized analysis of an applicant's criminal record and may only deny housing if withdrawing a conditional offer is necessary to fulfill a substantial, legitimate, and nondiscriminatory interest.

Making affordable housing opportunities equally accessible for all persons is our mission and our vocation. Any agent, employee, or designee of Piazza & Associates, Inc. who fails to comply with this policy will be subject to appropriate disciplinary action. Please report any violation of this policy to Frank Piazza Jr. at FPiazza@PiazzaNJ.com or 609-786-1100, ext. 301. You cannot and will not be subjected to retaliation for making a complaint under this policy or for attempting to exercise your rights under this policy, the LAD, or the FCHA.

Any action taken by Piazza & Associates, Inc.'s agent, employee, or designee in violation of the requirements laid out in this policy may constitute a violation of the LAD and/or the FCHA. Any applicant who believes that any owner, agent, employee, or designee of Piazza & Associates, Inc. has violated any of the above may contact the New Jersey Division on Civil Rights at www.NJCivilRights.gov or **(866) 405-3050.** A complaint must be filed with the New Jersey Division on Civil Rights within 180 days of the allegedly discriminatory conduct. DCR has a number of fair housing fact sheets that are available at https://www.nj.gov/oag/dcr/housing.html.

Addendum A: Reasonable Accommodations and Modifications for Persons with a Disability

In most cases, physical accommodations will be the responsibility of the owner, seller, landlord or manager, which has control over the subject property. Although Piazza & Associates, Inc. ("P&A") does not have control over the physical accommodations of the affordable homes, P&A will grant reasonable accommodations to its rules, policies, practices, procedures, or services when such accommodations are possible and necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling and when the accommodation will not cause an undue hardship to or conflict with the responsibility to make affordable units open to the general public as required by law. If P&A cannot grant the requested accommodation or modification because it does not have control over the physical property, we will refer your request to the owner, landlord, manager, as appropriate. Generally, P&A is unable to grant priority access to one property to accommodate an applicant who is unable to acquire an accessible unit at another property.

To request a reasonable accommodation or reasonable modification, contact Frank Piazza Jr. at FPiazza@PiazzaNJ.com or 609-786-1100, ext. 301. To process your request, P&A may require supporting documentation from a treating doctor or mental health professional to confirm that you have a disability as defined by the LAD and that the requested accommodation or modification is necessary to provide you with an equal opportunity to use and enjoy the dwelling. All requests and information related to a request, including medical information, will be kept confidential unless disclosure is required by law.

P&A will make a prompt decision on your request and will provide that decision in writing. If P&A cannot grant the requested accommodation or modification, we will refer your request to the owner, landlord, manager, as appropriate. You cannot and will not be subjected to retaliation for requesting an accommodation or modification under this policy or for attempting to exercise your rights under this policy or under the LAD. Any person who believes a request for an accommodation or modification has been unlawfully denied or unreasonably delayed may contact the New Jersey Division on Civil Rights at www.NJCivilRights.gov or 1-866-405-3050. A complaint must be filed with the New Jersey Division on Civil Rights within 180 days of the housing provider's denial of the accommodation request.

WHAT IS AFFORDABLE HOUSING?

Affordable housing, unlike market rate housing, has affordability controls limiting the price for at least 30 years. The Regulations consider housing "affordable" if the household pays approximately 30% or less of the household's gross income on housing costs. Affordable housing is priced to be affordable to households earning up to 80% of the area median income for the region in which the affordable housing is located.

WHO QUALIFIES FOR AFFORDABLE HOUSING?

In order to be eligible for affordable housing in New Jersey, a household's income will be below the income limit for the region in which the affordable housing is located, for very

low-, low-, or moderate-income levels. A moderate-income household is classified as earning more than 50 percent and less than

80 percent of the area median income. A low-income household is classified as earning 50 percent or less of area median income. A very low-income household is classified as earning 30 percent or less of area median income. Municipalities shall decide what projects will be required to help meet this obligation. Depending on when a property is placed into service, rental projects may have an obligation to provide 13% of the affordable units as very low-income units at 30% of the AMI and reserved for very low-income households.

The Affordable Housing Regional Income Limits Chart (Exhibit B) provides information about income limits for each of the six housing regions Each region has different calculated median incomes, which are adjusted periodically. The Borough of Bogota is located in Bergen County, which is part of Region 1, together with Hudson, Passaic, and Sussex Counties.

LOCAL AFFORDABLE HOUSING PROGRAMS FOR RENT

The following affordable housing rental programs are currently being administered by Piazza & Associates, Inc. for the Borough of Bogota:

1. **The Atwater:** Included in this rental property are 42, studio, one-, two- and three-bedroom affordable apartments.

A copy of the Borough of Bogota's Housing Element and Fair Share Plan is available at the municipal building, located at: 375 Larch Avenue, Bogota, NJ 07603.

OTHER AFFORDABLE HOUSING PROGRAMS AND OPPORTUNITIES

In addition to affordable rental opportunities, the Borough of Bogota may have purchase opportunities. Please contact Piazza & Associates, Inc. for further information:

Affordable housing throughout the State of New Jersey is administered by a wide variety of organizations and agencies. Further information can be found at https://nj.gov/njhrc/.

Individuals interested in applying for affordable housing should contact the Municipal Housing Liaison in the municipality in which they are interested in living. Each municipality has a Municipal Housing Liaison who is responsible for administering the municipality's affordable housing program. Some municipalities administer their own affordable housing and have their own application process. If not, the Municipal Housing Liaison can direct applicants to developers, nonprofit agencies, State agencies or consultants that may administer the affordable housing within the municipality. A list of Municipal Housing Liaisons can be found at:
http://www.nj.gov/dca/divisions/lps/hss/admin_files/muniliaisons.pdf

The New Jersey Housing and Mortgage Finance Agency has established New Jersey's Housing Resource Center, an on-line, searchable database of affordable housing in the

State. The Housing Resource Center provides a listing posted by developers, landlords, and municipalities of available affordable housing. Available units are listed with contact and application information. Look for the Housing Resource Center at www.njhrc.gov.

The New Jersey Guide to Affordable Housing, which can be found at https://www.nj.gov/dca/codes/publications/guide.shtml, is a listing compiled by the New Jersey Department of Community Affairs Division of Codes and Standards. It lists all types of affordable housing by county. The housing units on the list have a variety of qualification requirements, including age-restricted housing and housing for the developmentally disabled. **Applicants who do not have access to the Internet should call 211 for assistance.**

Piazza & Associates, Inc. also provides information on many affordable housing programs throughout the state of New Jersey. Detailed information about these affordable housing opportunities can be found at www.HousingQuest.com.

OVERVIEW OF THE AFFORDABLE HOUSING ADMINISTRATION PROCESS FOR NEW RENTALS AND RE-RENTALS

- The Municipal Housing Liaison serves as an initial point of contact for unsolicited calls to the municipality about affordable housing and where appropriate directs applicants to an Administrative Agent, who may be developers, nonprofit agencies, State agencies or consultants that may administer the affordable housing within the municipality.

- The Administrative Agent implements the municipality's Affirmative Marketing Plan.

- The Administrative Agent serves as the initial point of contact for all inquiries generated by the affirmative marketing efforts and sends out pre-applications to interested callers.

- An initial deadline date, no less than 45 days after the start of the marketing process (90 days for those projects with a Veterans' Preference), will be established. All of the preliminary applications received by the Administrative Agents, on or before the initial deadline date, shall be deemed received on that date.

- Households that apply for very low-, low- and moderate-income housing will pre-screen themselves for preliminary income eligibility by comparing their total income and household size to the very low-, low- and moderate-income limits pursuant to the Uniform Housing Affordability Controls, 5:80-26.1 et seq. ("UHAC"). All households will be notified as to their preliminary status.

- No less than 15 days after the deadline, a drawing (using a web-based randomizer) will be held under the direction of Piazza & Associates to determine the priority order of the pre-qualified applications received on or before the initial deadline date. All preliminary applications received after the initial deadline will be

processed on a "first come, first served" basis after the applicants who were in the initial random selection.

- In order to ensure an adequate supply of qualified applicants, the advertising phase will continue until there are at least ten (10) pre-qualified applicants for each very low-, low-, and moderate-income unit available, or until all of the very low-, low- and moderate-income units within the development have been rented.

- When units become available, final applications will be emailed by Piazza & Associates to an adequate number of pre-qualified applicants, in priority order, for each available very low-, low- and moderate-income unit. The final application will require the applicants to supply documents to verify their identity and household composition as well as their income and assets.

- Completed final applications will be forwarded to the Administrative Agent, who will make a determination as to their eligibility for a very low-, low-, or moderate-income unit. Applicants will receive notification from the Administrative Agent with respect to the status of their application each time a review is performed.

- When submitting final applications, applicants will also be asked to make an appointment to visit the leasing office.

- Rental applicants will be subject to the Tenant Selection Criteria set forth by the Landlord.

- Certified applicants will be given a pre-determined amount of time to sign a lease with the landlord or developer.

- For rental units, Piazza & Associates will provide certifications that must be signed and notarized by the applicant.

- The certified household moves into the affordable rental unit.

- Subsequent to the initial rent-up period, a list of pre-qualified applicants will be maintained by Piazza & Associates on a rental waiting list.

ROLES AND RESPONSIBILITIES

Responsibilities of the Municipal Housing Liaison or MHL

The Municipal Housing Liaison shall be approved by municipal resolution and is responsible for coordinating all the activities of the municipal government as it relates to the creation and administration of affordable housing units, in conjunction with the Municipal Attorney, where appropriate (see **Responsibilities of the Municipal Attorney**). The primary purpose of the MHL to ensure that all affordable housing projects are established and administered according to the Regulations as outlined in an Operating Manual. The duties of the MHL include the following duties and may include the

responsibilities for providing administrative services as described in the next Section, under **Responsibilities of an Administrative Agent.**

Monitor the status of all restricted units in the municipality's Fair Share Plan. Regardless of any arrangements the municipality may have with one or more Administrative Agents, it is the Municipal Housing Liaison's responsibility to know the status of all restricted units in their community.

Serve as the municipality's primary point of contact for all inquiries from the State, Administrative Agents, developers, affordable housing sponsors, owners, property managers, and interested households. The MHL serves as the municipality's primary point of contact on affordable housing issues. Interested applicants should be provided with information on the types of affordable units within the municipality and, where applicable, the name of the Administrative Agent that manages the units and the contact information for the Administrative Agent.

Compile, verify and submit annual reporting. Administrative Agents are responsible for collecting much of the data that is ultimately included in an annual NJDCA monitoring report. However, it is the Municipal Housing Liaison's responsibility to collect and verify this data and consolidate it into the annual report to NJDCA. Any requests from NJDCA for additional information or corrections will be directed to the MHL.

Coordinate meetings with Administrative Agents and Developers/Affordable Housing Sponsors/Owners. When a new affordable unit or series of units is in the planning process, the MHL should coordinate a meeting between the Administrative Agent and the developer, affordable housing sponsor or owner. The developer, affordable housing sponsor or owner may serve as their own Administrative Agent, if they meet the applicable requirements and are approved by the municipality and NJDCA. The purpose of this initial meeting is to develop a clear division of labor between the parties and to transmit any components of the Operating Manual – including copies of all NJDCA-related local ordinances -- that have already been adopted by the municipality.

It is the responsibility of the Municipal Housing Liaison, in conjunction with the Municipal Attorney, to have the affordable housing provisions of any Master Deed and Public Offering reviewed for consistency with NJDCA and UHAC regulations before they are recorded and submitted to DCA for approval.

Provide Administrative Services, unless those services are contracted out. The responsibilities for providing administrative services are described in the next Section under, **Responsibilities of an Administrative Agent.**

Responsibilities of an Administrative Agent

The primary responsibility of an Administrative Agent is to establish and enforce affordability controls and ensure that units in the Administrative Agent's portfolio are sold to eligible households. Administrative Agents will:

Secure written acknowledgement from all developers, affordable housing sponsors and owners that no restricted unit can be offered or in any other way committed to any person other than a household duly certified by the Administrative Agent.

Create and adhere to an Operating Manual. All Administrative Agents are required to follow the policies and procedures of an Operating Manual, as applicable to the scope of services they have been contracted to perform.

Implement the municipality's Affirmative Marketing Plan. The Administrative Agent, the developer, affordable housing sponsor or owner could be responsible for implementing the Affirmative Marketing Plan adopted by the municipality. At the first meeting with the Municipal Housing Liaison, Administrative Agent and the developer, affordable housing sponsor or owner, this responsibility should be discussed. Affirmative marketing includes conducting regional outreach and advertising for available affordable units. Advertising costs are the responsibility of the developer or current owner.

Accept applications from interested households. In response to marketing initiatives or by referral from the Municipal Housing Liaison, interested households will contact the Administrative Agent. The Administrative Agent will supply applicants with applications, provide additional information on available units and accept completed applications.

Conduct random selection of applicants for rental of restricted units. The Administrative Agent is responsible for conducting the random selection in accordance with the Affirmative Marketing Plan and any related local ordinances, and as described in the Operating Manual.

Create and maintain a pool of applicant households. This includes reaching out to households in the applicant pool to determine continued interest and/or changes in household size and income.

Determine eligibility of households. The task of collecting application materials and documentation from applicant households and analyzing it for eligibility is the responsibility of an Administrative Agent. A written determination on a household's eligibility will be provided within twenty (20) days of the Administrative Agent's determination of eligibility or non-eligibility. Whether or not the household is determined to be eligible for a unit, it is an Administrative Agent's responsibility to secure all information provided by the household in individual files and to maintain strict confidentiality of all information regarding that household. An Administrative Agent is required to ensure that all certified applicants execute a Disclosure Statement acknowledging the rights and requirements of owning an affordable unit, in the form of Appendix K of UHAC.

Establish and maintain effective communication with property managers and landlords. Property managers and landlords of restricted units should be instructed and regularly reminded that the Administrative Agent is their primary point of contact. The Administrative Agent must immediately inform all property managers and landlords of any changes to the Administrative Agent's contact information or business hours.

Property managers and landlords should be instructed to immediately contact the Administrative Agent:

- Immediately upon learning that an affordable rental unit will be vacated.

- For review and approval of annual rental increases.

Provide annual notification of maximum rents. Each year when the New Jersey Housing and Mortgage Finance Agency releases its very low-, low-, and moderate-income limits, rental households must be notified of the new maximum rent that may be charged for their unit. The Administrative Agent's contact information must be included on such notification in case the tenant is being overcharged.

Serve as the custodian of all legal documents. An Administrative Agent is responsible for maintaining originals of all legal instruments for the units in their portfolio. Throughout the duration of a control period, an Administrative Agent must maintain a file containing its affordability control documents. This includes, but is not limited to, the recorded Declarations of Covenants, Conditions and Restrictions, Deed Restrictions, Deeds, Recapture Mortgages, Recapture Mortgage Notes and Appendix J and K.

Serve as point of contact on all matters relating to affordability controls. It is recommended that the Administrative Agent develop a system to be notified by lenders when a unit is at risk of foreclosure. In the event of a foreclosure, the Administrative Agent should work with the foreclosing institution to ensure that the affordability controls are maintained. The Administrative Agent should seek the counsel of the municipality's attorney on legal matters that threaten the durability of the affordability controls.

Provide annual activity reports to Municipal Housing Liaison for use in the annual monitoring report. An Administrative Agent is responsible for collecting the reporting data on each unit in the Administrative Agent's portfolio.

Maintain and distribute information on HUD-approved Housing Counseling Programs.

Responsibilities of the Municipal Attorney

The Municipal Attorney assists the municipality with developing, administrating, and enforcing affordability controls, including but not limited to:

- Assisting the Municipal Housing Liaison with the review of the affordable housing provisions of any Master Deed and Public Offering for consistency with DCA/NJHMFA and UHAC regulations before they are recorded and submitted to DCA for approval.

- Providing all reasonable and necessary assistance in support of the Administrative Agent's efforts to ensure compliance with the housing affordability controls,

including reviewing legal documents and legal actions required on foreclosures and violations.

Responsibilities of Developers

When a new affordable unit or series of units is in the planning process, the developer of affordable housing should contact the Municipal Housing Liaison, who shall coordinate a meeting with the Administrative Agent, where applicable, and the developer, affordable housing sponsor or owner.

The purpose of this initial meeting is to develop a clear division of labor between the parties and to transmit any components of the Operating Manual – including copies of all affordable-related local ordinances -- that have already been adopted by the municipality.

If provided for by ordinance and made a condition of the approval of the planning board or zoning board of adjustment, the developer may be responsible for the costs of advertising affordable units.

The Administrative Agent will secure from the developer written acknowledgement that no restricted unit can be offered or in any other way committed to any person other than a household duly certified by the Administrative Agent.

Responsibilities of Owners of Rental Developments

Open and direct communication between the Owners of rental developments, the Municipal Housing Liaison and the Administrative Agent is essential to ongoing administration of affordability controls. Although the Administrative Agent is required to serve as the primary point of contact with households, the Owner must provide the Municipal Housing Liaison and Administrative Agent with information on vacancies. Owners of rental developments are also responsible for working with the Administrative Agent to ensure that the Municipal Housing Liaison has all necessary information to complete the annual reporting.

Responsibilities of Landlords and Property Managers

Landlords and property managers must place a notice in all rental properties annually informing residents of the rent increase for the year and the contact information for the Administrative Agent.

AFFIRMATIVE MARKETING

Overview of the Requirements of an Affirmative Marketing Plan

All affordable units are required to be affirmatively marketed using the Municipality's Affirmative Marketing Plan (AMP). The AMP is designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, English speaking ability, 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 pursuant to 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 50, to housing units which are being marketed by an Administrative Agent or a developer, sponsor, owner or property manager of affordable housing. The primary objectives of an AMP are to target households who are least likely to apply for affordable housing and to target households throughout the entire housing region in which the units are located.

Every Affirmative Marketing Plan will include all of the following:

- A listing of the available affordable housing units on the New Jersey Housing Resource Center (HRC) at least 60 days before the random selection process and within one day of accepting or soliciting applications.

- Publication of at least one advertisement in a regional print or digital newspaper;

- Advertisement on at least one housing search website, in addition to HRC, which will be HousingQuest.com;

- At least two additional regional marketing strategies, with at least one non-digital strategy if the newspaper was in print, or at least two non-digital strategies if the newspaper was digital such as: a neighborhood newspaper, religious publication, organizational newsletter, advertisement(s) with major employer(s), or notification through community and regional organizations such as non-profit, religious and civic organizations.

For each affordable housing opportunity within the municipality, the Affirmative Marketing Plan will include the following information:

- The name and location of the housing project;

- An address sufficient to find directions to the housing units;

- A range of prices or rent for the affordable housing units;

- The sizes, as measured in number of bedrooms and square footage, of the affordable housing units;

- The types (family, age-restricted, or supportive) and number of affordable units available;

- The number of units available to very low-, low-, and moderate-income households within the pertinent eligible income ranges;

- The accessibility features, if any, of the affordable housing units;

- The maximum income permitted to qualify for the affordable housing units;
- The population(s), if any, given preference in the selection process;
- Where applications (paper and online) for the affordable housing units may be found;
- The expected lease up/closing date(s) for the affordable housing units;
- A description of the random selection process that will be used to select occupants of affordable housing units and the expected date of the random selection;
- The business hours when interested households may obtain paper applications;
- Contact information, including an email address and phone number for the Administrative Agent;
- The name of the sales agent and/or rental manager; and
- Application fees, if any.

Advertisements will contain the same information contained in the AMP, listed above, for each affordable housing opportunity.

Regional Preference

The Borough of Bogota has by ordinance provided that households that live or work in Housing Region 1, comprising Bergen Hudson, Passaic and Sussex Counties, shall be selected for an affordable housing unit before households from outside this region. Units that remain unoccupied after households who live or work in the region are exhausted, may be offered to the households outside the region. (as applicable)

Regional Preference is screened at the Preliminary Application stage of the process.

Implementation of the Affirmative Marketing Plan

The affirmative marketing process for new affordable units shall begin at least four months prior to expected occupancy. In implementing the marketing program, the Administrative Agent shall undertake all of the strategies outlined in the Borough of Bogota's Affirmative Marketing Plan. Advertising and outreach shall take place during the first week of the marketing program and each month thereafter until all the units have been sold. Applications for affordable housing shall be available in several locations in accordance with the Affirmative Marketing Plan. The time period when applications will be accepted will be posted with the applications. Applications shall be mailed to prospective applicants upon request.

An applicant pool will be maintained by the Administrative Agent for re-rentals.

When a re-rental affordable unit becomes available, the applicants will be selected from the applicant pool and, if necessary, the unit will be affirmatively marketed as described above.

The selection of applicants from the applicant pool is described in more detail in this manual under Random Selection & Applicant Pool(s).

Developer, Affordable Housing Sponsor

The developer or affordable housing sponsor may be responsible for advertising the affordable housing in accordance with the municipality's adopted Affirmative Marketing Plan. Prior to publication or broadcast, draft copies of the marketing material will be submitted to the Administrative Agent for approval. Proof of publication will be submitted, including a copy of the final advertisements with a copy of the paid bill. Public Service Announcements shall be submitted by the Administrative Agent.

RANDOM SELECTION & APPLICANT POOL(S)

Applicants are selected at random before income-eligibility is determined, regardless of household size or desired number of bedrooms. The process is as follows:

After advertising is implemented, preliminary applications are accepted for 45 days (90 days for those projects with a Veterans' Preference). Applicants are required to determine their eligibility based upon information provided at the time of application. Confirmation that the Preliminary Application was properly submitted is indicated on the webpage at the time the Application is submitted. Applicants that are deemed, at this stage, to be ineligible are notified at the time they submit their online application.

Applications are entered into a database and sorted by the unit size and affordability type that is appropriate. Applicants may check their eligibility on our webpage for the property prior to the random selection process.

At the end of the 45-day (or 90-day) period, the Administrative Agent arranges a time and date for the random selection process to take place. The MHL and a representative of the developer are invited and encouraged to attend. An announcement of the time and date is made by way of an email blast to those applicants who have submitted a preliminary application by the deadline date.

It is important to note that applicants need not be present at the random selection, and that there is no advantage given those applicants who do attend.

At the random selection, a website is used to generate a random list of numbers. The numbers are applied to the list in the order that was prearranged. A copy of the random numbers and the final list are sent to the MHL for verification and file.

All applicants are assigned a random number. Priority numbers will be posted on the property page after the random selection and are available for applicants to review if they provide the required security information. A random number does not guarantee that the applicant will be deemed eligible. Applicants who submit more than one application and receive more than one priority number will forfeit the lower number with the highest priority.

When units become available, final applications are emailed in the prioritized order as specified previously. The Administrative Agent can keep the applicant pool open after the initial lottery and add names to the existing list based on time and date of submission. On-going marketing is done primarily through www.HousingQuest.com.

If there are sufficient names remaining in the pool to fill future re-rentals, the applicant pool shall be closed.

When the applicant pool is close to being depleted, the Administrative Agent will re-open the pool and conduct a new random selection process after fulfilling the affirmative marketing requirements. The new applicant pool will be added to the remaining list of applicants.

For future re-rentals only, the Administrative Agent can keep the applicant pool open after the initial lottery and add names to the existing list based on time and date of submission. Ongoing marketing is done primarily through www.HousingQuest.com.

MATCHING HOUSEHOLDS TO AVAILABLE UNITS

In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to implement the following policies:

- Ensure each bedroom is occupied by at least one person, except for age-restricted units;
- Provide a bedroom for every two adult occupants;
- For occupants under the age of 18, accommodate the household's requested arrangement, except that such an arrangement may not result in more than two minor occupants occupying any bedroom; and
- Avoid placing a one-person household into a unit with more than one bedroom.

A household is placed only on one unit list for eligibility. A household may choose to change the unit type for which they are eligible within the scope of the program.

APPLICATION FEES

The Administrative Agent does not charge a fee to applicants. Application fees assessed by the landlord (including the charge for any credit check) may not exceed five percent of the monthly rent of the applicable restricted unit.

HOUSEHOLD CERTIFICATION

Before any household can lease a restricted unit, the Administrative Agent will certify the household as eligible. Certification of a household involves the verification of two critical pieces of data: 1) Household size and composition, including gender; and 2) The total income and assets for all household members 18 years of age or older. The certification process begins with the applicant completing an application in its entirety and providing the required backup documentation. Once eligibility documents and data have been collected, the Administrative Agent can begin the process of calculating the household's income.

Household Composition and Circumstances

Generally, a Household is defined as everyone who intends to reside in the affordable unit. Temporarily absent members of a household will be counted in very limited circumstances, such as a member of the military in active duty. Unborn children and children in the process of being adopted shall be counted as members of the household.

The following are generally excluded from the household for the purposes of income qualifying but may be considered by the Administrative Agent for the purposes of determining the size of the unit: live-in aid, foster children and children who live in the household with less than 50% joint physical custody.

The following are various records for documenting household information:

- Social Security records or cards. Either individual Social Security card or letter from Social Security Administration
- Adoption papers, or legal documents showing adoption in process
- Income Tax Return
- Driver's License
- Birth Certificate or Passport
- Alien Registration Card
- Divorce Decree and Settlement Agreement
- Adoption Agency / Legal Correspondence and/or Certification
- Correspondence / Certification from Foster Care Services
- Doctor's Authorization for Live-in Aid.

- The Administrative Agent always reserves the right to require any other such documentation that, in its sole discretion, it deems necessary to verify composition.

Procedure for Income-Eligibility Certification

To calculate income, the current gross income of the applicant is used to project that income over the next 12 months. Applicants may NOT change or modify their situation relative to their income once they have submitted a Final Application.

Through the submission of the Final Application, the Administrative Agent shall require each member of an applicant household who is 18 years of age or older to provide documentation to verify their income. The application and a schedule of required documentation can be found in the Exhibits. Generally, the documentation required is as follows:

- Four current consecutive pay stubs, including bonuses, overtime or tips, or a signed and dated letter from the employer stating the present annual income figure or if self-employed, a current Certified Profit & Loss Statement and Balance Sheet.

- Copies of Federal and State income tax returns for each of the preceding three tax years - A Form 1040 Tax Summary for the past three tax years can be requested from the local Internal Revenue Service Center or by calling 1-800-829-1040.

- A letter or appropriate reporting form verifying current monthly benefits such as

    - Social Security or SSI – Award letter or computer print out letter

    - Unemployment – verification of Unemployment Benefits

    - Welfare -TANF[5] current award letter

    - Disability - Worker's compensation letter

    - Pension income – a pension letter.

- A letter or appropriate reporting form verifying any other sources of income claimed by the applicant, such as alimony, child support and education stipends.

- Current reports of savings and checking accounts (bank statements and passbooks) and income reports from banks or other financial institutions holding or managing trust funds, money market accounts, certificates of deposit, stocks or bonds.

- Evidence or reports of income from directly held assets, such as real estate or businesses.

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[5] TANF – Temporary Assistance for Needy Families

- Interest in a corporation or partnership – Federal tax returns for each of the preceding three tax years.

- Current reports of assets – Market Value Appraisal or a contract with a real estate broker which sets forth the price of the property and Bank/Mortgage Co. Statement indicating Current Mortgage Balance. For rental property, attach copies of all leases.

- The Administrative Agent always reserves the right to require any other such documentation that, in its sole discretion, it deems necessary to verify household income.

The following is a list of various types of wages, payments, rebates and credits. Those that are considered as part of the household's income are listed under Income. Those that are not considered as part of the household's income are listed under Not Income.

Income

1. Wages, salaries, tips, commissions
2. Alimony
3. Regularly scheduled overtime
4. Pensions and regular distributions from retirement accounts
5. Social security benefits
6. Unemployment compensation
7. TANF
8. Verified regular child support
9. Disability benefits
10. Net income from business or real estate
11. Actual interest income from assets such as savings, certificates of deposit, money market accounts, mutual funds, stocks, bonds
12. Imputed interest (using a current average annual rate of two percent) from non-income producing assets, such as checking accounts, cash on hand, and equity in non-income producing real estate.
13. Net rental income from real estate
14. Non-tuition stipends for living expenses for students

15. Non-Governmental financial support

16. Any other forms of regular income reported to the Internal Revenue Service

17. Regular financial support from any source.

Not Income

1. Rebates or credits received under low-income energy assistance programs

2. Food stamps

3. Payments received for foster care

4. Relocation assistance benefits

5. Income of live-in attendants

6. Scholarships

7. Student loans

8. Personal property such as automobiles

9. Lump-sum additions to assets such as inheritances, lottery winnings, gifts, insurance settlements

Student Income

The administrative agent shall require each member of an applicant household who is 18 years of age or older, except full-time students under the age of 26 and those under the age of 26 participating in a registered apprenticeship program, who are dependents of the household (not the head of household, spouse or co-head), to provide documentation to verify the member's income, including income received by adults on behalf of minor children for their benefit. Household members 18 years of age or older who do not receive income or who qualify for the full-time student or apprenticeship exemption must produce documentation as to their current status.

The Asset Limit

If the applicant household possesses net household assets valued at an amount greater than the net asset limit, defined as the median home equity held by New Jersey homeowners as determined annually by the United States Census Bureau's Survey of Income and Program Participation and published by the Census Bureau in "State-Level Wealth, Asset Ownership & Debt of Households Tables" series, available at https://www.census.gov/topics/income-poverty/wealth/data/tables.html, the Administrative Agent shall deny the certificate of eligibility. The household net assets will be calculated in accordance with the procedure for calculating "net family assets"

stipulated at 24 CFR 5.603(b), as it may be updated from time to time. Exclusions to the asset limit may apply, pursuant to N.J.A.C. 5:80-26.17(b)3.

Income from Real Estate

If real estate owned by an applicant for affordable housing is a rental property, the net revenue is considered income. Specifically, rent from real estate is considered income, after deduction of any mortgage payments, real estate taxes, property owner's insurance and reasonable property management expenses as reported to the Internal Revenue Service. Other expenses are not deductible. If actual rent is less than fair market rent, the administrative agent shall impute a fair market rent.

If an applicant owns real estate with mortgage debt, which is not to be used as rental housing, the Administrative Agent should determine the imputed interest from the value of the property. The Administrative Agent should deduct outstanding mortgage debt from the documented market value established by a market value appraisal. Based on current HUD Passbook Savings Rate, interest will be imputed on the determined value of the real estate.

Minimum Income

The annual rent and utility allowance as determined by the Administrative Agent shall not exceed 35% of the applicant's gross annual income unless the applicants' liquid assets exceed 100 times the monthly rent.

Housing Counseling

The Administrative Agent will provide referrals for counseling, as a part of its services. Although housing counseling is recommended, a household is only required to attend counseling if their monthly housing expense exceeds UHAC standards. A HUD-approved housing counseling agency, or a counseling agency approved by the NJ Department of Banking and Insurance, meets UHAC's requirements for an experienced Housing Counseling Agency. This counseling to low- and moderate-income housing applicants will focus on subjects such as budgeting, credit issues, and mortgage qualification, and is free of charge. A list of non-profit counselors approved by HUD and/or the New Jersey Department of Banking and Insurance is included on NJDCA's website and is available from the Administrative Agent.

In addition, the Administrative Agent will:

- Confirm and update all information provided on the application.

- Explain program requirements, procedures used to verify information, and penalties for providing false information. Ask the head of household, co-head, spouse and household members 18 years of age or older to sign the Authorization for Release of Information forms and other verification requests.

- Review the applicant's identification and financial information and documentation, ask any questions to clarify information on the application, and obtain any additional information needed to verify the household's income.

- Seek to ensure, to a reasonable degree, that the applicant has reported all sources for earned and benefit income and assets (including assets disposed of for less than fair market value in the past two years). Require the applicant to give a written certification as to whether any household member did or did not dispose of any assets for less than fair market value during the past two years.

Approving or Rejecting a Household

Administrative Agents will notify applicant households of their eligibility within twenty (20) days of the Administrative Agent's determination.

Households with a verified total household income that exceeds 80 percent of the regional income limit for the appropriate family size are ineligible for purchase or rental of restricted units. A letter rejecting the household's application shall be mailed to the household.

Similarly, households with a verified total household income that is within the income limits, but too low to afford any of the units administered by the Administrative Agent shall be sent a letter rejecting the household's application, and/or referring them to housing counseling.

Households with a verified total household income of less than 80 percent shall be issued a letter certifying eligibility. This certification is valid for 180 days. If the applicant does not sign a Lease Agreement within that time frame, an extension may be granted once the household's eligibility is updated and verified.

Once the applicant is certified and matched to an available unit, the Administrative Agent will secure from the applicant a signed and notarized acknowledgement of their requirements and responsibilities in purchasing a restricted unit. UHAC's Disclosure Statement shall be forwarded to the applicants.

In addition to non-eligibility based on income, the Administrative Agent may deny a certification because of the household's failure or inability to document household composition, income, assets, sufficient funds for down payment, or any other required facts and information. A household may also be denied certification if the Administrative Agent determines that there was a willful or material misstatement of fact made by the applicant.

Dismissal of Applications

Applications can be dismissed for the following reasons:

1. The application is not signed or submitted on time;

2. The applicant's sources of income or household composition changes after the submission of the final application, but before approval;
3. The applicant commits fraud, or the application is not truthful or complete;
4. The applicant cannot or does not provide documentation to verify their income or other required information when due;
5. The household income does not meet the minimum or maximum income requirements for a particular property;
6. The applicant owns assets that exceeds the Asset Limits for deed-restricted properties;
7. The applicant fails to respond to any inquiry in a timely manner;
8. The applicant had a greater chance than any other applicant submitted for a random selection;
9. The applicant is non-cooperative or abusive with our staff, property managers or the sellers of affordable units;
10. The applicant changes address or other contact information without informing us in writing;
11. The applicant is unable to obtain suitable and legitimate financing for a sale unit or fails to verify attendance in a home buyer credit counseling program when required to do so by the program rules;
12. The applicant does not respond to a periodic update inquiry in a timely fashion;
13. The applicant fails to sign the Compliance Certification, Certificate for Applicant; Lease Documents, as may be required; or
14. The applicant, once approved, fails to sign a lease in a timely manner.

Applicants will also be withdrawn from all lists held by us in the Municipality once they have been approved for an affordable unit within that same municipality. However, these applicants may re-apply for other opportunities in that municipality once they have occupied their unit. Applicants withdrawn for fraud may be withdrawn from all programs administered by Piazza & Associates, Inc., and may be subject to prosecution under the law.

Applicants who are withdrawn and who wish to re-apply to that specific program may do so using a new Preliminary Application. The new Preliminary Application will NOT be given preferential treatment but will be processed in the same way that all new Preliminary Applications for that specific program are processed. In the event that an application list is closed when the application is withdrawn, the applicant will be required to wait until the list is re-opened to apply again.

Applicants who are dismissed must re-apply. A minimum time period of six months applies in most situations where the applicant has been withdrawn for fraud, poor credit, uncooperative behavior or other serious matters.

Applications may be held in abeyance for a period not to exceed 90 days if there is an error on the credit report, so that the applicant can correct the error and re-apply. Units will not be held open for that applicant. However, once the credit report is corrected, the applicant will be given a priority for the next opportunity at that property.

Appeals

Appeals from all decisions of an Administrative Agent shall be made in writing to the Municipal Housing Liaison (MHL) for the Borough of Bogota. A decision of the MHL may be appealed to the Executive Director of the New Jersey Housing and Mortgage Finance Agency.

DETERMINING AFFORDABLE RENTS

To determine the affordable rents, the Administrative Agent uses the calculators located at https://nj.gov/dca/hmfa/about/uhac/docs/2025_UHAC_Calculator.xlsm.

Development Considerations and Compliance Issues

There are several regulations that must be considered from the *development perspective* before the rents of individual units can be calculated. These requirements should be discussed at the first meeting between the Municipal Housing Liaison, Administrative Agent and developer or affordable housing sponsor. The following is a summary of the requirements for rental projects.

Bedroom Distribution. The standards on the distribution of unit sizes for affordable developments require that:

- No more than 20% of all restricted units, rounded up or down to the nearest whole number; are efficiency or one-bedroom units;
- At least 30 percent of all restricted units, rounded up or down to the nearest whole number, are two-bedroom units;
- At least 20 percent of all restricted units rounded up or down to the nearest whole number, are three-bedroom units; and
- The remainder, if any, may be allocated at the discretion of the developer in accordance with the municipality's housing element and fair share plan.

Pricing by Household Size. Initial rents are based on targeted "model" household sizes for each size home as determined by the number of bedrooms. Initial rents must adhere to the following rules. These maximum rents are based on the Annual Regional Income Limits Chart at the time of occupancy:

- A studio shall be affordable to a one-person household;

- A one-bedroom unit shall be affordable to a one- and one-half person household;
- A two-bedroom unit shall be affordable to a three-person household;
- A three-bedroom unit shall be affordable to a four- and one-half person household; and
- A four-bedroom unit shall be affordable to a six-person household.

The above rules are only to be used for setting initial rents. They are not guidelines for matching household sizes with unit sizes. The pricing of age-restricted units may not exceed affordability based on a two-person household.

Age-restricted Units. Affordable age-restricted units are not held to these bedroom distribution standards. For affordable age-restricted units, the number of age-restricted very low-, low- and moderate-income bedrooms must be structured such that, at a minimum, the number of bedrooms within the restricted units equals the number of restricted units. In other words, the average bedroom size in an age-restricted development must be equal to or greater than one bedroom per unit. For example, an age-restricted development can meet this standard by creating a two-bedroom unit for each efficiency unit. In affordable developments with 20 or more age-restricted units, at least five percent (5%) of the restricted units must be two-bedroom units

Pricing by Household Size for Age-Restricted Units. Initial rents are based on targeted "model" household sizes for each size home as determined by the number of bedrooms. Initial rents must adhere to the following rules. These maximum rents are based on the Annual Regional Income Limits Chart at the time of occupancy:

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

The above rules are only to be used for setting initial rents. They are not guidelines for matching household sizes with unit sizes. The pricing of age-restricted units may not exceed affordability based on a two-person household.

Additional Regulations for a Rental Development

In addition to the regulations covered earlier in the Section **Development Considerations and Compliance Issues,** rental projects must also comply with the following regulations:

Split Between Low- and Moderate-income Rental Units. At least 50 percent (of the affordable units within each bedroom distribution (unit size) must be low-income units and at least 13 percent of those affordable units must be very low-income units affordable to households earning no more than 30 percent of the regional median income. The remainder of the affordable units must be affordable to moderate-income households.

Affordability Average. The average rent for all affordable units cannot exceed 52 percent of the regional median income. At least one rent for each bedroom type must be offered for very low-income, low-income and moderate-income units. Calculation of the affordability average is available on the New Jersey Department of Community Affairs website.

Maximum Rent. The maximum rent of restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of the regional median income. Other rounding rules may apply.

Additional fees. No additional fees, operating costs, or charges may be added to the approved rent without the express written approval of the Administrative Agent. Operating costs for the purposes of this section include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household. Any fee structure that would remove or limit affordable renters' access to any amenities or services that are required or included for market-rate renters is prohibited. Fees for truly optional, unit-specific, non-communal items that are charged to market rate tenants on an optional basis may be charged to affordable tenants, as applicable, pursuant to N.J.A.C. 5:80-26.13(c).

Determining Rent Increases

Annual rent increases are permitted in affordable units. Rent increases are permitted at the anniversary of tenancy. The maximum increase is based on the consumer price index for housing in the northeast as published by the New Jersey Housing and Mortgage Finance Agency, typically in the Spring. Pursuant to State law, the maximum increase in any given year is 5%. These increases must be filed with and approved by the Administrative Agent. Property managers or landlords who have charged less than the permissible increase may use the maximum allowable rent with the next tenant with permission of the Administrative Agent. The maximum allowable rent would be calculated by starting with the rent schedule approved as part of initial lease-up of the development and calculating the annual increase from the initial lease-up year to the present. Rents may not be increased more than once a year, may not be increased by more than one approved increment at a time, and may not be increased at the time of new occupancy if this occurs less than one year from the last rental. No additional fees may be added to the approved rent without the express written approval of the Administrative Agent.

VIOLATIONS, DEFAULTS AND REMEDIES

In the event of a threatened breach of any of the regulations governing the affordable unit by an Owner, the Administrative Agent shall have all the remedies provided at law or equity, including the right to seek injunctive relief or specific performance, it being recognized by both parties that it will cause irreparable harm to the municipality, in light of the public policies set forth in the Fair Housing Act and the obligation for the provision of low- and moderate-income housing.

Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

MAINTENANCE OF RECORDS AND APPLICANT FILES

Pursuant to N.J.A.C. 5:80-26.15, N.J.A.C. 5:80-26.16(c) and N.J.A.C. 5:80-26.18 current records will be maintained by the Administrative Agent and outdated records will be given to the municipality for safe-keeping. A file will be created and maintained on each restricted unit for its control period.

The Administrative Agent will maintain detailed records on all marketing initiatives.

Files to Be Maintained on Every Applicant

The Administrative Agent will maintain files on every applicant. All files will contain a preliminary application. If an applicant's preliminary application is approved, and the applicant files a formal application, the file will contain at a minimum:

- Application Form.
- Income Verification
- Letter of Certification of Eligibility or Letter of Determination of Ineligibility.

Individual files will be maintained throughout the process..

Files to Be Maintained on Every Unit

The Administrative Agent will maintain files on every unit for the length of the affordability controls. The unit file will contain at a minimum:

- Base rent
- Identification as low- or moderate-income
- Description of number of bedrooms and physical layout
- Floor plan

- Application materials, verifications and certifications of all present owners, pertinent correspondence
- Copy of lease
- Disclosure Statement (Appendix K)

Files to Be Maintained on Every Project

The Administrative Agent will maintain files on every project for the length of the affordability controls. The project file will contain at a minimum:

- Condominium Master Deed
- Condominium Public Offering
- Crediting Information
- Original deed restriction
- Affordability control documents, including Declarations of Covenants, Conditions and Restrictions, Deed Restrictions, Deeds, Recapture Mortgages, Recapture Mortgage Notes, Disclosure Statement (Appendix J)

Files to Be Maintained on The Applicant Pool

- Any changes to the applicant pool
- Any action taken with regard to the applicant pool
- Any activity that occurs that affects a particular applicant
- Current applications for all applicants whose status is active in the applicant pool
- The application, the initial rejection notice, the applicant's reply to the notice, a copy of the Administrative Agent's final response to the applicant, and all documentation of the reason the applicant's name was removed from the applicant pool.

Monitoring

A sample Deed will be submitted for each project. Additionally, the current annual monitoring information required to be maintained and reported annually to the Municipal Housing Liaison can be found on NJDCA's website. The information required for each unit includes but is not limited to:

- A sample Deed for each project.
- Street Address
- Block/Lot/Qualifier/Unit Number
- Housing Type
- Income: Very Low/Low/Moderate
- Initial Rental Price
- % of affordability
- Bedroom Type
- Age-restricted
- Handicap accessible/adaptable

- Co #, date
- Effective date of affordability controls
- Length of affordability controls (yrs)
- Date Affordability controls removed

RESOLUTION # 2026-85

DATE: 03-05-2026

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
L. Kohles			✓				
C. Carpenter		✓	✓				
W. Hordern			✓				
P. McHale			✓				
J. Mitchell	✓		✓				
D. Vergara							✓
Mayor D. Fede (Tie Vote Only)							

AGREEMENT FOR PROFESSIONAL SERVICES

Municipal Stormwater Management Plan and Stormwater Pollution Prevention Plan – Neglia Group

WHEREAS, Borough of Bogota is required by the NJDEP Municipal Stormwater Management Program to update its Municipal Stormwater Management Plan and Stormwater Pollution Prevention Plan; and

WHEREAS, Neglia Group has provided the Borough with an Agreement for Professional Services for this project; and

WHEREAS, the Agreement for Professional Services includes a lump sum cost of $15,285.00 representing Engineering Costs and a cost not to exceed of $350.00 representing Reimbursable Expenses; and

WHEREAS, the CFO has certified that these funds have been appropriately budgeted for; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute the agreement of services for the Municipal Stormwater Management Plan and Stormwater Pollution Prevention Plan project for Neglia Group, 34 Park Avenue, Lyndhurst, New Jersey.

CERTIFICATION OF AVAILABLE FUNDS

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq. and any other applicable requirement, I, Gregory Bock, Chief Financial Officer of the Borough of Bogota, have ascertained that there are available sufficient uncommitted funds in the line item specified below to award the contract specified in the above resolution, in the amount specified below. I further certify that I will encumber these finds upon the passage of this resolution.

04-2150-55-1636-007 PUBLIC BUILDINGS & GROUNDS NTE $15,635.00

Line Item Description Amount

Gregory Bock, CFO 3/5/26

Date

CERTIFICATION

I, Melissa Baque, Deputy Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Council at a meeting held on 03-05-2026.

Melissa Baque, Deputy Clerk

NEGLIA

EXPERIENCED
DEDICATED
RESPONSIVE

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AGREEMENT FOR PROFESSIONAL SERVICES

DATE: **February 13, 2026**

TO: **Mayor and Council**
Borough of Bogota
375 Larch Avenue
Bogota, New Jersey 07603

FROM: **Gregory J. Polyniak, P.E., P.P., C.M.E., C.P.W.M.**

RE: **Revised Municipal Stormwater Management Plan & Stormwater Pollution Prevention Plan**
NJDEP Municipal Stormwater Management Program
Borough of Bogota, Bergen County, New Jersey

Neglia Group has received the following request to provide Engineering Services for the above-referenced project. Per the NJDEP Municipal Stormwater Management Program requirements, the Borough of Rockleigh must update their Municipal Stormwater Management Plan and Stormwater Pollution Prevention Plan to be current with the said requirements. This includes the recently adopted NJDEP's New Jersey's Protecting Against Climate Threats (NJPACT) Resilient Environment and Landscapes (REAL) Rules. These Rules were adopted on January 20, 2026.

Description of Services - See attached Scope of Services.

Requested By: **Borough of Bogota**

Date of Request: **February 2026**

This agreement, when approved by the **Borough of Bogota** will be completed as follows:

1. On a lump sum basis for a cost of **Fifteen Thousand Two Hundred Eighty-Five Dollars ($15,285.00)** representing Engineering Services.
2. On a material basis in accordance with our attached schedule of fees for a cost not to exceed **Three Hundred Fifty Dollars ($350.00)** representing Reimbursable Expenses.

This document constitutes an agreement for services that will be provided subject to the attached Standard Terms and Conditions.

LYNDHURST
34 Park Avenue
PO Box 426
Lyndhurst, NJ 07071
p. 201.939.8805 f. 201.939.0846

MOUNTAINSIDE
200 Central Avenue
Suite 102
Mountainside, NJ 07092
p. 201.939.8805 f. 732.943.7249

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I. BACKGROUND

Neglia Group has received the following request to provide Engineering Services for the above-referenced project. Per the NJDEP Municipal Stormwater Management Program requirements, the Borough of Rockleigh must update their Municipal Stormwater Management Plan and Stormwater Pollution Prevention Plan to be current with the said requirements. This includes the recently adopted NJDEP's New Jersey's Protecting Against Climate Threats (NJPACT) Resilient Environment and Landscapes (REAL) Rules. These Rules were adopted on January 20, 2026.

II. SCOPE OF SERVICES

A. Stormwater Pollution Prevention Plan

Neglia Group will aid in the preparation and submission of the revised Borough's Stormwater Pollution Prevention Plan in accordance with the revised template illustrated on the NJDEP's website, dated July 2025. This report is required due to the Borough's Tier A MS4 NJPDES permit. This will include the implementation of materials specifically listed within the NJDEP Permit and the additional documentation as required by the NJDEP's Nonpoint Source Pollution website. The following sections / subjects will be addressed in the Plan:

1. SPPP Team Members
2. Future Revisions / History
3. Public Involvement and Participation Including Public Notice
4. Public Education and Outreach
5. Post-Construction Stormwater Management in New Development and Redevelopment Program
6. Ordinance
7. Street Sweeping
8. Catch Basin and Storm Drain Inlets
9. Storm Drain Inlet Retrofitting
10. Municipal Maintenance Yards and Other Ancillary Operations
11. Employee Training
12. Outfall Pipes
13. Stormwater Facilities Maintenance
14. Total Maximum Daily Load (TMDL) Information
15. Optional Measures

This task addresses engineering services required to prepare this Plan.

B. Municipal Stormwater Management Plan

Neglia Group will aid in the preparation and submission of the Borough's updated Municipal Stormwater Management Plan. This plan documents the strategy for the Borough to address stormwater-related impacts. The plan addresses groundwater recharge, stormwater quality, and stormwater quantity impacts by incorporating stormwater design and performance standards. The standards are intended to minimize the adverse impact of stormwater runoff on water quantity, on water quality, and the loss of groundwater charge. The plan describes long-term operation and maintenance measures for existing and future stormwater facilities. In addition, it addresses a potential mitigation strategy for when a variance or exemption to design and performance standards are sought. A mitigation plan would be included as part of this document to address and lessen the impact of development.

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III. DELIVERABLES

We will provide with your assistance two hardcopies of the Stormwater Pollution Prevention Plan and Municipal Stormwater Management Plan. In addition to the hardcopies, we will provide PDF files of both Plans which shall be uploaded to the Borough's stormwater section of its website. Mapping and surveying services are not included as part of this proposal.

IV. ANTICIPATED TIME FRAME

Neglia Group is prepared to start the described services immediately, upon receipt of a signed copy of this agreement and the General Conditions. The anticipated timeframe to update these documents is forty business days. We would keep you abreast of any delays. **It shall be noted that these items must be completed and uploaded to the Borough's website no later than January 29, 2027.**

V. PAYMENTS AND COST OF SERVICES

Invoices will be submitted to your attention on a monthly basis to monitor the progress of the project. It shall be noted that these budgets do not include any regulatory, submission, etc. fees and material testing fees.

VI. CONDITIONS AND EXCLUSIONS

This proposal does not include any other site / civil design aspects other than those design items mentioned above. It assumes that off-site utility work / design will not be required for the project and that off-site utilities have sufficient capacity. The proposal does not include any survey and off-site survey, wetland delineation and wetland surveying services, construction stakeout or construction management service, as-built survey work and / or subdivision plat preparation unless otherwise included within the Scope of Services section of this proposal.

This proposal does not include the structural design of retaining walls, bridges, culverts, or any other proposed modified structure not mentioned within the scope unless specifically mentioned above. It also does not include irrigation design and plans unless specifically mentioned above.

This proposal does not include a geotechnical engineering studies / services which include but is not limited to soil borings, test pits and percolation tests, phase one audit, environmental impact statement or assessment, threatened and endangered species studies, flood studies, foundation design, professional planning services, Phase I and Phase II environmental investigations / studies, archeological studies, buoyancy calculations, visual impact assessment, underground garage structure design, environmental remediation, mitigation, UST remediation, asbestos removal, septic system design, holding tank design, pump station design, or other environmental concerns. This proposal does not include air quality studies or glare and noise studies. This proposal does not include any permitting other than those permits mentioned above. In addition, this proposal does not include fire flow test and / or study, any traffic / transportation studies, planning studies and / or testimony, and NJDOT permitting unless otherwise mentioned within the Scope of Services section of this proposal. Meeting time is portal to portal. The proposal has been prepared assuming that your project attorney will prepare all applications excluding those listed above.

Any deviation from the scope of work outlined in this proposal once the detailed engineering work has commenced will be immediately brought to your attention and a separate budget will be provided to you. In addition, revisions to the plans based on input received from public agencies, officials, adjacent property owners,

your office, etc. through the course of the project are unforeseen and the extent is outside of our control. Revisions are also generated from input by the project team and possibly your construction manager. For this reason, revisions will not be completed unless a change order contract is reviewed and approved. In addition, Neglia Group cannot guarantee the approval of any submitted application or package to review agencies or municipal boards.

Reimbursable expenses will be required for this project. They include but are not limited to reproductions for the municipal and regulatory review submittals, express mailings, mileage, and courier service. We have provided an estimated budget for reimbursable expenses for this project which are in addition to the lump sum illustrated on page one of this proposal. Should Neglia Group not require this budget for reimbursable expenses we will not invoice the full budget amount. If additional reimbursable expenses are required, we will invoice your office on an as needed basis without further authorization required. Should any subconsultants be required for this project, Neglia Group will invoice your office at cost plus ten percent. The ten percent cost adjustment has been provided as a maintenance, overhead, and profit fee for the hired sub-consultant. Please be aware that detailed invoices for reimbursable expenses will not be provided but are available if requested. All filing, review, processing, and application fees will be provided by your office.

VII. GENERAL TERMS AND CONDITIONS

ARTICLE I - METHOD OF CHARGING AND PAYMENT CONDITIONS: Compensation for the engineering and related Services ("Services") to be provided by Neglia Group ("Neglia") shall be based on the Schedule of Fees and Charges identified in the Proposal. Neglia shall periodically submit invoices to the Client. Client shall pay each invoice within thirty (30) days of the date of the invoice. However, if Client objects to all or any portion of any invoice, Client shall so notify Neglia in writing of the same within fifteen (15) days from date of invoice, give reasons for the objection, and pay that portion of invoice not in dispute. Client shall pay an additional charge of one and one-half percent (1 1/2%) of the amount of the invoice per month for any payment received by Neglia more than thirty (30) days from the date of invoice. Payment thereafter shall first be applied to accrued interest and then to the unpaid principal. The additional charge shall not apply to any disputed portion of any invoice resolved in favor of Client. In the event of a legal action brought by Neglia against Client for invoice amounts not paid, Attorneys' Fees, Court Costs, and other related expenses shall be paid to the prevailing party by the other party.

ARTICLE II - PROFESSIONAL RESPONSIBILITY: Neglia represents that Services shall be performed, within the limits prescribed by Client, in accordance with the 'Scope of Services' contained in the Proposal and in a manner consistent with that level of care and skill ordinarily exercised by other comparable professional engineering firms under similar circumstances at the time the Services are performed. No other representations to Client, expressed or implied, and no warranty or guarantee is included or intended, hereunder, or in any report, opinion, document, or otherwise.

ARTICLE III - LIMITATIONS OF LIABILITY: The liability of Neglia, its employees, agents, and subcontractors (hereinafter for purposes of this Article III referred to collectively as "Neglia"), for Client's claims of loss, injury, death, damage or expense, including, without limitation, Client's claims of contribution and indemnification with respect to third party claims relating to the Services or to obligations imposed, hereunder, (hereinafter, "Client's Claims") shall not exceed the aggregate: (1) the total sum of Neglia's fee or $ 50,000.00, whichever is greater, for Client's Claims arising out of professional negligence, including errors, omissions or other professional acts, and including unintentional breach of contract; or (2) the total sum of $ 250,000 for Client's Claims arising out of negligence, or other causes for which Neglia has any legal liability, other than as described in (1) above.

In no event shall either Neglia or Client be liable for consequential or indirect damages, including, without limitation, loss of use or loss of profits, incurred by one another or their subsidiaries or successors, regardless of whether such damages are caused by breach of contract, willful misconduct, negligent act or omission, or other wrongful act of either of them.

ARTICLE IV - INDEMNIFICATION: If any claim is brought against Neglia, its employees, agents or subcontractors (hereinafter for purpose of this Article IV referred to collectively as "Neglia") and/or Client by a third party, relating in any way to the Services, the contribution and indemnification rights and obligations of Neglia and Client, subject to the limitations of liability under Article III above, shall be determined as follows: (1) if any negligence, breach of contract, or willful misconduct of Neglia caused any damage, injury or loss claimed by the third party, then Neglia and Client shall each indemnify the other against any loss of judgment on a comparative responsibility basis under comparative negligence principles (Client responsibility to include that of its agents, employees and other contractors); and (2) unless Neglia was guilty of negligence, breach of contract, or willful misconduct which in whole or in part caused damage, injury or loss asserted in the third party claim, Client shall indemnify Neglia against the claim, liability, loss, legal fees, consulting fees and other costs of defense reasonably incurred.

ARTICLE V – INSURANCE: Neglia agrees to maintain (1) Statutory Workers' Compensation; and (2) Comprehensive General and Automobile Insurance Coverage in the sum of not less than $ 1,000,000.

ARTICLE VI - FORCE MAJEURE: Neither party shall hold the other responsible for damages or delays in performance caused by force majeure, acts of God, or other events beyond the control of the other party or that could not have been reasonably foreseen and prevented. For this purpose, such acts or events shall include, but not be limited to, unusual weather affecting performance of the Services, floods, epidemics, war, riots, strikes, lockouts, or other industrial disturbances, protest demonstrations, unanticipated site conditions, and inability, with reasonable diligence, to supply personnel, equipment, or material for the Services. Should such acts or events occur, both parties shall use their best efforts to overcome the difficulties and to resume as soon as reasonably possible the normal pursuit of the Services.

ARTICLE VII - TERMINATION AND SUSPENSION OF WORK: The obligation to provide further Services under this Agreement may be terminated by either party upon fourteen (14) days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. In the event of termination, Neglia shall be paid for all services rendered up to and including the date of termination. The parties agree that Neglia may elect to suspend providing services under this Agreement if payment of any invoice is not made within thirty (30) days of the date of the invoice as provided in Article I. In the event that the termination was initiated by the Client, Client agrees to pay Neglia Group an additional ten percent (10%) of the total fee earned by Neglia Group.

ARTICLE VIII - REUSE OF DOCUMENTS: All documents, including Drawings and Specifications prepared by Neglia pursuant to this Agreement, are instruments of service in respect to the Project. They are not intended or represented to be suitable for reuse by Client or others on extensions of the Project or on any other Project. Any reuse, without written verification of adaptation by Neglia for the specific purpose intended, will be at Client's sole risk and without liability or legal exposure to Neglia; and Client shall indemnify and hold harmless Neglia from all claims, damages, losses, and expenses including Attorneys' fees arising out of or resulting there from. Any such verification or adaptation will entitle Neglia to further compensation at rates to be agreed upon by Client and Neglia.

ARTICLE IX - CONTROLLING LAW: Any element of this Agreement letter held to violate a law or regulation, or whose insurability cannot be confirmed by design professional, shall be deemed void, and all remaining provisions shall continue in force. However, client and design professional will in good faith attempt to replace any such voided element with one

that is enforceable and/or insurable, and which comes as close as possible to expressing the intent of the original provision.

ARTICLE X - SUCCESSORS AND ASSIGNS: Client and Neglia each bind themselves and their Partners, Successors, Executors, Administrators, Assigns, and Legal Representatives to the other party to this Agreement and to the Partners, Successors, Executors, Administrators, Assigns, and Legal Representatives of such other party in respect to all covenants, agreements, and obligations of this Agreement. Neither Client nor Neglia shall assign, sublet, or transfer any rights under, or interest in, this Agreement without the written consent of the other party, except as set forth below. Unless specifically stated to the contrary, in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement. Nothing contained in this paragraph shall prevent Neglia from employing such independent consultants, associates, and subcontractors, as it may deem appropriate, to assist in its performance of services, hereunder. Nothing herein shall be construed to give any rights or benefits hereunder to anyone other than Client and Neglia.

ARTICLE XI - ARBITRATION: All claims, counterclaims, disputes, and other matters in question between the parties, hereto arising out of or relating to this Agreement or the breach thereof, will be decided by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association. This Agreement to arbitrate and any other agreement or consent to arbitrate entered into will be specifically enforceable under the prevailing arbitration law of any court having jurisdiction. Notice of demand for arbitration must be filed in writing with the other parties to this Agreement and with the American Arbitration Association. The demand must be made within a reasonable time after the claim, dispute or other matter in question has arisen. In no event may the demand for arbitration be made after institution of legal or equitable proceedings based on such claim, dispute or other matter in question would be barred by the applicable statute of limitations.

All demands for arbitration and all answering statements thereto, which include any monetary claim, must contain a statement that the total sum or value in controversy as alleged by the party making such demand or answering statement is not more than $ 200,000.00 (exclusive of interest and costs.) The arbitrators will not have jurisdiction, power or authority to consider, or make findings (except in denial of their own jurisdiction) concerning any claim, counterclaim, dispute or other matter in question where the amount in controversy thereof is more than $ 200,000.00 (exclusive of interest and costs) or to render a monetary award in response thereto against any party which totals more than $ 200,000.00 (exclusive of interest and costs.)

No arbitration arising out of, or relating to, this Agreement, may include, by consolidation, joinder, or in any other manner, any person or entity who is not a party to this Agreement.

The award rendered by the arbitrators will be final, not subject to appeal, and judgment may be entered upon it in any court having jurisdiction thereof.

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GENERAL TERMS

1. Client agrees to assist Neglia Group (NEA), by placing to NEA disposal, all available information pertinent to the Project including previous reports, maps, deeds, surveys, easement descriptions, and any other data relative to design or construction of the Project.

2. Client will arrange for access to and make all provisions for NEA to enter upon public and private property, as required for NEA to perform services.

3. Client shall be responsible for such legal services as Client may require or NEA may reasonably request with regard to legal issues pertaining to the Project.

4. In any dispute involving the accuracy of surveying services, NEA will have no liability to anyone if referenced points set by NEA have not been preserved. NEA field notes will govern in any dispute.

5. Client understands that NEA cannot, and does not, assure favorable action or timely action by any governmental entity.

6. Client agrees that any work not specifically included in this proposal or work beyond the scope of this proposal will be classified as extra work. If additional services are required from NEA by the Client, fees for such services will be incurred on the basis of either time and material or on terms that the parties mutually agreed upon. N.E.A. will provide the client with an estimate of the amount anticipated for the extra, prior to commencing any extra work.

7. Suspension of work on this project in excess of 60 days (if directed by Client) will cause NEA to sustain unexpected costs to resume work. Client agrees that additional compensation, as agreed by the parties, will be paid to NEA before such work resumes. The fee for uncompleted portions of the work is subject to re-negotiation after a suspension period of 120 days.

8. The individual(s) executing this contract, if acting on behalf of a municipality, municipal authority, corporation, or funding agency, represent that they have the authority to do so.

9. This proposal is good for sixty (60) days from the submission date.

10. This proposal is subject to a six (6%) percent annual inflation adjustment every January 1st.

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The person signing below has read and understood all of the provisions of this agreement and represents and warrants that they are authorized to sign this agreement on behalf of the **Borough of Bogota**. Please sign one copy of this proposal and return same to this office.

Thank you for affording us the opportunity to be of service. We look forward to working with you on this project. Please call if there are any questions, or if we can be of further assistance.

Very truly yours,
Neglia Group

Gregory J. Polyniak, P.E., P.P., C.M.E., C.P.W.M.
For the Borough Engineer
Borough of Bogota

Attachments: Borough of Bogota Municipal Rates

Accepted this 6th day of March 2026

By: _____

Title: Borough Administrator

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NEGLIA

EXPERIENCED
DEDICATED
RESPONSIVE

negliagroup.com

NEGLIA GROUP
2026 MUNICIPAL
HOURLY BILLING RATES

PRINCIPAL	$247.00
SENIOR ENGINEER / SENIOR MANAGER/SENIOR PROFESSIONAL PLANNER	$235.00
PROFESSIONAL ENGINEER / PROJECT MANAGER / RESIDENT ENGINEER	$225.00
SENIOR DESIGN ENGINEER	$220.00
DESIGN ENGINEER/ENVIRONMENTAL SCIENTIST	$205.00
ENGINEERING ASSISTANT	$135.00
PROFESSIONAL PLANNER	$235.00
PROFESSIONAL LANDSCAPE ARCHITECT	$215.00
LANDSCAPE DESIGN / STAFF PLANNER	$175.00
COMPUTER AIDED DESIGNER	$173.00
CONSTRUCTION DIRECTOR	$225.00
CONSTRUCTION MANAGER	$205.00
TECHNICAL OBSERVER	$175.00
PROFESSIONAL SURVEYOR / PROJECT MANAGER	$225.00
SURVEY PROJECT MANAGER	$205.00
3 MAN SURVEY CREW	$330.00
2 MAN SURVEY CREW	$280.00
1 MAN SURVEY CREW (GPS AND EQUIPMENT)	$245.00
CERTIFIED WETLAND DELINEATOR	$235.00
LICENSED COLLECTION SYSTEM OPERATOR	$225.00
DRONE PILOT AND VISUAL OBSERVER	$295.00
DRONE EDITOR	$205.00
GIS MANAGER	$220.00
GIS SPECIALIST	$200.00
GIS TECHNICIAN	$135.00
REIMBURSABLE EXPENSES	
PAPER PRINTS (All Sizes)	$ 5.25/sheet
MYLARS	$38.50/sheet
COLOR PRINTS	$88.00/sheet
PHOTOCOPIES (Black & White)	$ .37/page
PHOTOCOPIES (Color)	$ .55/page
MILEAGE (Federal Standard Mileage Rate)	$ .70/mile
SUB-CONSULTANTS	10% administrative fee

Notes:

1. Expert testimony for deposition or trial is billed at 1½ standard billing rate.
2. Labor billings include miscellaneous direct costs such as telephone calls, faxes, copying and postage. No charges are levied for use of computers, plotters, or CAD systems.
3. After hour and Holiday Call Outs
    a. 7:00pm to 5:00am – 1.5 times the hourly rate and a 4 hour minimum
    b. Holidays – 2 times the hourly rate and a 4 hour minimum
4. Reimbursable expenses are subject to change annually based on industry fluctuation.

LYNDHURST

34 Park Avenue
PO Box 426
Lyndhurst, NJ 07071
p. 201.939.8805 f. 201.939.0846

MOUNTAINSIDE

200 Central Avenue
Suite 102
Mountainside, NJ 07092
p. 201.939.8805 f. 732.943.7249

RESOLUTION # 2026-86

DATE: 03-05-2026

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
L. Kohles					✓		
C. Carpenter		✓	✓				
W. Hordern			✓				
P. McHale			✓				
J. Mitchell	✓		✓				
D. Vergara							✓
Mayor D. Fede (Tie Vote Only)							

APPROVE DPW HIRE FULL-TIME LABORER - COREY MUEGER

WHEREAS, the Department of Public Works of the Borough of Bogota is in need of a full-time laborer; and

WHEREAS, the Mayor and Council of the Borough seek to hire Corey Mueger to the position of full-time laborer effective March 9, 2026 at an annual salary of $ 41,648.00; and

WHEREAS, the Borough Administrator and Superintendent of the Department of Public Works have reviewed this matter and recommend that Corey Mueger be hired to the position of full-time laborer for the Department of Public Works effective March 9, 2026 at an annual salary of $ 41,648.00.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Bogota, County of Bergen and State of New Jersey, that Corey Mueger be and is hereby hired to the position of full-time laborer for the Bogota Department of Public Works effective March 9, 2026 an annual salary of $41,648.00; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized and directed to forward a copy of this resolution to Corey Mueger and the Department of Public Works upon its passage.

CERTIFICATION

I, Melissa Baque, Deputy Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough of Bogota, Bergen County, New Jersey at a meeting held on 03-05-2026.

Melissa Baque, Deputy Clerk

RESOLUTION # 2026-87

DATE: 03-05-2026

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
L. Kohles			✓				
C. Carpenter				✓			
W. Hordern		✓	✓				
P. McHale			✓				
J. Mitchell	✓		✓				
D. Vergara							✓
Mayor D. Fede (Tie Vote Only)							

AUTHORIZING THE SALE OF 13 E. FORT LEE ROAD

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13, *et seq.*, authorizes municipalities to sell real property no longer needed for public use; and,

WHEREAS, the Borough is the owner of certain real property located at 13 East Fort Lee Road, and designated on the official tax map as Block 41 Lot 9; and,

WHEREAS, the property is located in the B-1 Business/Retail District, and is an undersized lot containing approximately 0.076 acres; and,

WHEREAS, the size of the property is less than the minimum required for development by the Borough's zoning ordinance, but contains capital improvements, and is therefore not required to be offered first to owners of contiguous properties under N.J.S.A. 40A:12-13.2; and,

WHEREAS, the Mayor and Council have determined that this property is no longer needed for public use, and that it is in the best interest of the Borough that the property be sold at public auction to the highest bidder; and,

WHEREAS, N.J.S.A. 40A:12-13.1 provides that the sale of any real property by a municipality not needed for public use may be authorized by resolution, in accordance with the terms set forth in the aforesaid statute; and,

WHEREAS, the Borough has established the fair market value of the property through an appraisal report, and has set $375,000.00 as the minimum bid required to participate in the auction; and,

WHEREAS, the Mayor and Council reserve the right to reject all bids at the conclusion of the auction, as provided for in N.J.S.A. 40A:12-13(a).

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bogota, that the property at 13 East Fort Lee Road, Block 41, Lot 9, will be sold at public auction pursuant to N.J.S.A. 40A:12-13(a), held electronically following publication of the required statutory notices; and,

BE IT FURTHER RESOLVED, that the Borough has set the minimum bid price at $375,000.00 and reserves the right to reject all bids at the conclusion of the auction; and,

BE IT FURTHER RESOLVED, that the Borough shall post a notice on the Borough Hall bulletin board of the property for sale and the minimum price set forth in this resolution, and

the Borough shall also submit for publication a public notice or advertisement of the sale of the property on the Borough's website and in the Borough's official newspaper during two consecutive weeks, with the last publication to not be earlier than seven days prior to the auction date; and,

BE IT FURTHER RESOLVED, that the Mayor, Borough Clerk, Borough Administrator, Borough Attorney and all other necessary Borough officials are hereby authorized to execute any and all documents and take any such other steps necessary to complete the sale of this property.

CERTIFICATION

I, Melissa Baque, Deputy Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Council at a meeting held on 03-05-2026.

Melissa Baque, Deputy Clerk

RESOLUTION # 2026-88C

DATE: 03-05-26

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
L. Kohles			✓				
C. Carpenter		✓	✓				
W. Hordern			✓				
P. McHale			✓				
J. Mitchell	✓		✓				
D. Vergara							✓
Mayor D. Fede (Tie Vote Only)							

CLOSED SESSION

AUTHORIZING MEETING NOT OPEN TO THE PUBLIC, PURSUANT TO NJSA 10:4-12

WHEREAS, The Open Public Meetings Act, NJSA 10:4-12, provides that an executive session, not open to the public, may be lawfully held by a public body in certain circumstances when authorized by a resolution; and

WHEREAS, the Mayor and Council find that it is necessary for the Mayor and Council to discuss, in a session, not open to the public, certain matters related to the item or items authorized by NJSA 10:4-12(b) and designated below as follows:

- ☐ Matters, which, by express provisions of a federal law or state statute or rule of court shall be rendered confidential
- ☐ Matters in which the release of information would impair a right to receive funds from the Government of the United States
- ☐ Matters which, if disclosed, would constitute an unwarranted invasion of Privacy, as further defined by NJSA 10:4-12(b) (3)
- ☐ Collective bargaining agreements or negotiations therefore with public employees and/or their representatives
- ☐ Matters involving the purchase, lease, or acquisition of real property with public funds, the setting of banking rates, or the investment of public funds, where the setting of banking rates or the investment of public funds, where the disclosure could adversely affect the public interest, if the discussion were disclosed
- ☐ Tactics or techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection, and any investigation of violations or possible violations of the law
- ☒ Pending or anticipated litigation or contract negotiations in which the Borough is or may become a party
- ☒ Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation, promotion, or disciplinary action of any specific current or prospective public employee(s), unless all the individual(s) affected request(s) in writing that the matters be discussed at a public meeting

☐ Deliberations of a public body occurring after public hearing that may result in the imposition of a specific civil penalty or the suspension or loss of a license or permit or party as a result of the actions or missions of the party.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Bogota that an executive session, not open to the public shall be held to discuss matters of topic(s) referred to above as permitted by law and the matters so discussed will be disclosed to the public as soon as possible and to the extent that such disclosure can be made without adversely affecting the public interest or without violation of the confidentiality of personnel. A copy of this resolution will be kept on file in the Borough Clerk's office and is available for public inspection during regular business hours.

CERTIFICATION

I, Melissa Baque, Deputy Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Council at a meeting held on 03-05-26.

Melissa Baque, Deputy Clerk

RESOLUTION # 2026-89

DATE: 03-05-26

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
L. Kohles	✓		✓				
C. Carpenter			✓				
W. Hordern			✓				
P. McHale		✓	✓				
J. Mitchell			✓				
D. Vergara							✓
Mayor D. Fede (Tie Vote Only)							

APPROVE POLICE DEPARTMENT PROMOTION – POLICE SERGEANT – OFFICER JON GALLIPOLI

WHEREAS, Section 23-1.4 of the Bogota Code establishes the line of authority of the Bogota Police Department; and,

WHEREAS, the aforementioned Section provides that up to five (5) police officers can hold the rank of Police Sergeant; and,

WHEREAS, two (2) vacancies existed in this rank that needed to be filled; and,

WHEREAS, the Mayor and Council adopted Resolution #2025-140 on or about June 5, 2025, which directed the Chief of Police to announce the promotional process to the Bogota Police Department in accordance with Section 23-1.5 of Borough Code; and,

WHEREAS, the Mayor and Council wish to promote Bogota Police Officers Ryan Ward and Jon Gallipoli to the Rank of Police Sergeant.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bogota, County of Bergen, and State of New Jersey, that the Borough hereby promotes Officers Ryan Ward and Jon Gallipoli to the Rank of Police Sergeant of the Bogota Police Department.

BE IT FURTHER RESOLVED, that the Borough Clerk is to forward a copy of this resolution to Officer Jon Gallipoli and the Bogota Police Department upon its passage.

CERTIFICATION

I, Melissa Baque, Municipal Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough of Bogota, Bergen County, New Jersey at a meeting held on 03-05-26.

Melissa Baque, Deputy Clerk

RESOLUTION # 2026-90

DATE: 03-05-26

COUNCIL	MOTION	SECOND	YES	NO	RECUSE	ABSTAIN	ABSENT
L. Kohles	✓		✓				
C. Carpenter		✓	✓				
W. Hordern			✓				
P. McHale			✓				
J. Mitchell			✓				
D. Vergara							✓
Mayor D. Fede (Tie Vote Only)							

APPROVE POLICE DEPARTMENT PROMOTION – POLICE SERGEANT – OFFICER RYAN WARD

WHEREAS, Section 23-1.4 of the Bogota Code establishes the line of authority of the Bogota Police Department; and,

WHEREAS, the aforementioned Section provides that up to five (5) police officers can hold the rank of Police Sergeant; and,

WHEREAS, two (2) vacancies existed in this rank that needed to be filled; and,

WHEREAS, the Mayor and Council adopted Resolution #2025-140 on or about June 5, 2025, which directed the Chief of Police to announce the promotional process to the Bogota Police Department in accordance with Section 23-1.5 of Borough Code; and,

WHEREAS, the Mayor and Council wish to promote Bogota Police Officers Ryan Ward and Jon Gallipoli to the Rank of Police Sergeant.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Bogota, County of Bergen, and State of New Jersey, that the Borough hereby promotes Officers Ryan Ward and Jon Gallipoli to the Rank of Police Sergeant of the Bogota Police Department.

BE IT FURTHER RESOLVED, that the Borough Clerk is to forward a copy of this resolution to Officer Ryan Ward and the Bogota Police Department upon its passage.

CERTIFICATION

I, Melissa Baque, Municipal Clerk of the Borough of Bogota, Bergen County, New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Borough of Bogota, Bergen County, New Jersey at a meeting held on 03-05-26.

Melissa Baque, Deputy Clerk

R E S O L U T I O N

COUNCIL	YES	NO	RE-CUSE	AB-SENT
W. HORDERN				
P. MCHALE				
J. MITCHELL				
C. CARPENTER				
L. KOHLES				
D.VERGARA				
MAYOR (Tie Vote Only) D.FEDE				

SEE BELOW

DATE March 04, 26

MOTION Carpenter

SECOND Mitchell

Carried ☒ Defeated ☐ Tabled ☐

Meeting: 03-05-26
PC26-04 Payment of Claims

WHEREAS, as required by NJSA 40A:4-57 and any other applicable requirements, the Chief Financial Officer of the Borough of Bogota has certified there are sufficient funds available in the appropriations of the municipal budget line items to make payment too claimants per the payment of claims;

BE IT RESOLVED that the Mayor and Council of the Borough of Bogota authorizes payment in the aggregate amounts of:

Fund	Amount
Total fund 01 CURRENT FUND	1,252,268.34
Total fund 04 General Capital Fund	543,335.43
Total fund 14 Trust Fund - Other	10,644.38
GRAND TOTAL:	1,806,248.15

Motion: Councilmember Carpenter made a motion to approve PC26-04. Seconded by Councilmember Mitchell. Council President Kohles recused herself on any items related to the DPW or Superintendent Gordon Kohles, and voted yes on the remainder of items. Councilman Hordern recused himself on any items related to the Bogota Fire Department and voted yes on the remainder of items. Council members Carpenter, McHale, and Mitchell voted yes. Councilmember Vergara was absent.

Bills List

BOROUGH OF BOGOTA

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PO #	Date	Vendor	Description	Amount	Paid Date
01-1604- - -			**I/F - General Capital Fund I/F - General Capital Fund**		
260288	03/03/26	BOROUGH OF BOGOTA	INTERFUND TRANSFER	750,000.00	03/03/26
Total for			**I/F - General Capital Fund I/F - General**	**750,000.00**	
Department Total:			**I/F - General Capital Fund I/F - General**	**750,000.00**	
01-2010-20-1001-000			**Appropriation Control General Administration - S&W**		
260270	02/25/26	BOROUGH OF BOGOTA	2026-02-27 PR	5,208.33	02/25/26
Total for			**Appropriation Control General Administration -**	**5,208.33**	
Department Total:			**Appropriation Control General Administration -**	**5,208.33**	
01-2010-20-1101-000			**Appropriation Control Mayor & Council - S&W Salary &**		
260270	02/25/26	BOROUGH OF BOGOTA	2026-02-27 PR	1,541.65	02/25/26
Total for			**Appropriation Control Mayor & Council - S&W**	**1,541.65**	
Department Total:			**Appropriation Control Mayor & Council - S&W**	**1,541.65**	
01-2010-20-1102-000			**Appropriation Control Mayor & Council - O/E Other**		
260273	03/02/26	LITHOTONE CO.	INV# 1523; B-CARDS DEP	18.00	03/03/26
Total for			**Appropriation Control Mayor & Council - O/E**	**18.00**	
Department Total:			**Appropriation Control Mayor & Council - O/E**	**18.00**	
01-2010-20-1201-000			**Appropriation Control Municipal Clerk - S&W Salary &**		
260270	02/25/26	BOROUGH OF BOGOTA	2026-02-27 PR	6,540.12	02/25/26
Total for			**Appropriation Control Municipal Clerk - S&W**	**6,540.12**	
Department Total:			**Appropriation Control Municipal Clerk - S&W**	**6,540.12**	
01-2010-20-1202-000			**Appropriation Control Municipal Clerk - O/E Other**		
260265	02/25/26	GANNETT MEDIA CORP	INV# 0007529457; VARIOUS	158.56	03/03/26
260273	03/02/26	LITHOTONE CO.	INV# 1523; B-CARDS DEP	0.00	03/03/26
260273	03/02/26	LITHOTONE CO.	INV# 1523; B-CARDS DEP	18.00	03/03/26
260264	02/25/26	STAPLES ADVANTAGE	INV# 6055809421; PAPER AND	84.98	03/03/26
Total for			**Appropriation Control Municipal Clerk - O/E**	**261.54**	
Department Total:			**Appropriation Control Municipal Clerk - O/E**	**261.54**	
01-2010-20-1301-000			**Appropriation Control Financial Administration - S&W**		
260270	02/25/26	BOROUGH OF BOGOTA	2026-02-27 PR	967.45	02/25/26
Total for			**Appropriation Control Financial Administration**	**967.45**	
Department Total:			**Appropriation Control Financial Administration**	**967.45**	
01-2010-20-1302-000			**Appropriation Control Financial Administration - O/E**		
260274	03/02/26	BATTAGLIA ASSOCIATES,	INV# BO-2026-02; FEB '26	12,625.00	03/03/26
Total for			**Appropriation Control Financial Administration**	**12,625.00**	
01-2010-20-1302-002			**Appropriation Control Financial Administration - O/E**		
260234	02/24/26	ACTION DATA SERVICES	DEMAND DEBIT - 02/24/2026	539.01	02/24/26
Total for			**Appropriation Control Financial Administration**	**539.01**	
Department Total:			**Appropriation Control Financial Administration**	**13,164.01**	
01-2010-20-1352-000			**Appropriation Control Audit Services - O/E Other**		
260203	02/10/26	LERCH, VINCI & BLISS,	43167; ADS PREPARATION	500.00	03/03/26
Total for			**Appropriation Control Audit Services - O/E**	**500.00**	
Department Total:			**Appropriation Control Audit Services - O/E**	**500.00**	

Bills List

BOROUGH OF BOGOTA

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PO #	Date	Vendor	Description	Amount	Paid Date
01-2010-20-1402-001			**Appropriation Control Data Processing - O/E**		
260260	02/25/26	AQUA CHILL PARSIPPANY	INV# 107453; FEBRUARY '26	154.00	03/03/26
260259	02/25/26	RAYMOND DWYER	INV# 26-0202; WEBSITE DEV &	6,000.00	03/03/26
260277	03/02/26	T&G INDUSTRIES INC.	595999377; COPY/PRINTER	594.74	03/03/26
260261	02/25/26	TRI-STATE TECHNICAL	INV# 20927; PD & BORO	556.25	03/03/26
260262	02/25/26	TRI-STATE TECHNICAL	INV# 20990; REMOTE WORK AND	357.00	03/03/26
Total for			**Appropriation Control Data Processing - O/E**	**7,661.99**	
01-2010-20-1402-002			**Appropriation Control Data Processing - O/E Copy Machine**		
260278	03/02/26	DE LAGE LANDEN	MARCH '26 FIREHOUSE COPIER	95.00	03/03/26
Total for			**Appropriation Control Data Processing - O/E**	**95.00**	
Department Total:			**Appropriation Control Data Processing - O/E**	**7,756.99**	
01-2010-20-1451-000			**Appropriation Control Revenue Administration - S&W**		
260270	02/25/26	BOROUGH OF BOGOTA	2026-02-27 PR	492.85	02/25/26
Total for			**Appropriation Control Revenue Administration -**	**492.85**	
Department Total:			**Appropriation Control Revenue Administration -**	**492.85**	
01-2010-20-1452-000			**Appropriation Control Revenue Administration - O/E Other**		
260274	03/02/26	BATTAGLIA ASSOCIATES,	INV# BO-2026-02; FEB '26	8,160.00	03/03/26
260235	02/25/26	TCTA OF NJ	2026 MEMBERSHIP DUES; ANDREA	125.00	03/03/26
Total for			**Appropriation Control Revenue Administration -**	**8,285.00**	
Department Total:			**Appropriation Control Revenue Administration -**	**8,285.00**	
01-2010-20-1501-000			**Appropriation Control Tax Assessment - S&W Salary &**		
260270	02/25/26	BOROUGH OF BOGOTA	2026-02-27 PR	787.75	02/25/26
Total for			**Appropriation Control Tax Assessment - S&W**	**787.75**	
Department Total:			**Appropriation Control Tax Assessment - S&W**	**787.75**	
01-2010-20-1552-001			**Appropriation Control Legal Services - O/E Retainer -**		
260083	01/20/26	BOGGIA & BOGGIA, LLC	MARCH 2026 RETAINER	7,500.00	03/03/26
Total for			**Appropriation Control Legal Services - O/E**	**7,500.00**	
01-2010-20-1552-002			**Appropriation Control Legal Services - O/E Other Matters**		
260281	03/02/26	BOGGIA & BOGGIA, LLC	PROF SRVCS RENDERED THRU	7,670.00	03/03/26
260226	02/17/26	QBE SPECIALTY	CLAIM #QM-2113; RETENTION &	13,626.69	03/03/26
Total for			**Appropriation Control Legal Services - O/E**	**21,296.69**	
Department Total:			**Appropriation Control Legal Services - O/E**	**28,796.69**	
01-2010-20-1652-000			**Appropriation Control Engineering Services - O/E Other**		
260271	02/25/26	NEGLIA ENGINEERING	PROF SRVCS RENDERED THRU	4,250.78	03/03/26
Total for			**Appropriation Control Engineering Services -**	**4,250.78**	
Department Total:			**Appropriation Control Engineering Services -**	**4,250.78**	
01-2010-21-1801-000			**Appropriation Control Planning/Zoning Board - S&W**		
260270	02/25/26	BOROUGH OF BOGOTA	2026-02-27 PR	180.80	02/25/26
Total for			**Appropriation Control Planning/Zoning Board -**	**180.80**	
Department Total:			**Appropriation Control Planning/Zoning Board -**	**180.80**	
01-2010-22-1951-000			**Appropriation Control Construction Code - S&W Salary &**		
260270	02/25/26	BOROUGH OF BOGOTA	2026-02-27 PR	6,533.84	02/25/26

Bills List

BOROUGH OF BOGOTA

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PO #	Date	Vendor	Description	Amount	Paid Date
Total for		Appropriation Control Construction Code - S&W		6,533.84	
Department Total:		Appropriation Control Construction Code - S&W		6,533.84	
01-2010-22-1952-000		**Appropriation Control Construction Code - O/E Other**			
260036	01/13/26	GOVPILOT, LLC	2025-1218-02;	7,500.00	03/03/26
Total for		Appropriation Control Construction Code - O/E		7,500.00	
Department Total:		Appropriation Control Construction Code - O/E		7,500.00	
01-2010-22-2001-000		**Appropriation Control Property Maintenance - S&W Salary**			
260270	02/25/26	BOROUGH OF BOGOTA	2026-02-27 PR	1,710.00	02/25/26
Total for		Appropriation Control Property Maintenance -		1,710.00	
Department Total:		Appropriation Control Property Maintenance -		1,710.00	
01-2010-23-2202-003		**Appropriation Control Group Insurance - O/E Dental**			
260286	03/03/26	DELTA DENTAL PLAN OF	EMPLOYEE DENTAL COVERAGE	5,160.64	03/03/26
Total for		Appropriation Control Group Insurance - O/E		5,160.64	
01-2010-23-2202-004		**Appropriation Control Group Insurance - O/E Life/AD&D**			
260272	02/26/26	BERGEN COUNTY DEPT. OE	2026 EMPLOYEE ASSISTANCE	1,446.25	03/03/26
260269	02/26/26	RELIANCE STANDARD LIFE	FEBRUARY 2026 EMPLOYEE	339.94	02/26/26
Total for		Appropriation Control Group Insurance - O/E		1,786.19	
01-2010-23-2202-092		**Appropriation Control Group Insurance - O/E Medical**			
260285	03/03/26	SHBP - STATE PENSIONS	EE HEALTH BENEFITS MARCH	108,094.17	03/03/26
Total for		Appropriation Control Group Insurance - O/E		108,094.17	
01-2010-23-2202-094		**Appropriation Control Group Insurance - O/E Disability**			
260287	03/03/26	UNUM LIFE INSURANCE CO	MARCH 2026 DISABILITY	1,512.73	03/03/26
Total for		Appropriation Control Group Insurance - O/E		1,512.73	
Department Total:		Appropriation Control Group Insurance - O/E		116,553.73	
01-2010-23-2210-000		**Appropriation Control Group Health Waiver**			
260270	02/25/26	BOROUGH OF BOGOTA	2026-02-27 PR	18,291.61	02/25/26
Total for		Appropriation Control Group Health Waiver		18,291.61	
Department Total:		Appropriation Control Group Health Waiver		18,291.61	
01-2010-25-2401-000		**Appropriation Control Police - S&W Regular**			
260270	02/25/26	BOROUGH OF BOGOTA	2026-02-27 PR	92,875.66	02/25/26
Total for		Appropriation Control Police - S&W Regular		92,875.66	
01-2010-25-2401-002		**Appropriation Control Police - S&W Overtime**			
260270	02/25/26	BOROUGH OF BOGOTA	2026-02-27 PR	20,786.06	02/25/26
Total for		Appropriation Control Police - S&W Overtime		20,786.06	
Department Total:		Appropriation Control Police - S&W		113,661.72	
01-2010-25-2402-004		**Appropriation Control Police - O/E Computer / IT**			
260261	02/25/26	TRI-STATE TECHNICAL	INV# 20927; PD & BORO	204.00	03/03/26
Total for		Appropriation Control Police - O/E Computer /		204.00	
Department Total:		Appropriation Control Police - O/E		204.00	
01-2010-25-2501-000		**Appropriation Control Police Dispatching/911 - S&W**			
260270	02/25/26	BOROUGH OF BOGOTA	2026-02-27 PR	9,158.74	02/25/26
Total for		Appropriation Control Police Dispatching/911 -		9,158.74	

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Department Total:			Appropriation Control Police Dispatching/911 -	9,158.74	
01-2010-25-2552-001			**Appropriation Control Fire - O/E Other Expenses**		
260232	02/18/26	SUPERIOR DISTRIBUTORS	INV# 260400093; SNOW CHAINS	157.92	03/03/26
Total for			**Appropriation Control Fire - O/E Other**	**157.92**	
Department Total:			Appropriation Control Fire - O/E	157.92	
01-2010-25-2651-000			**Appropriation Control Uniform Fire Safety - S&W Salary &**		
260270	02/25/26	BOROUGH OF BOGOTA	2026-02-27 PR	5,634.43	02/25/26
Total for			**Appropriation Control Uniform Fire Safety -**	**5,634.43**	
Department Total:			Appropriation Control Uniform Fire Safety -	5,634.43	
01-2010-26-2901-000			**Appropriation Control DPW - S&W Regular**		
260270	02/25/26	BOROUGH OF BOGOTA	2026-02-27 PR	35,498.63	02/25/26
Total for			**Appropriation Control DPW - S&W Regular**	**35,498.63**	
01-2010-26-2901-002			**Appropriation Control DPW - S&W Overtime**		
260270	02/25/26	BOROUGH OF BOGOTA	2026-02-27 PR	2,647.82	02/25/26
Total for			**Appropriation Control DPW - S&W Overtime**	**2,647.82**	
Department Total:			Appropriation Control DPW - S&W	38,146.45	
01-2010-26-2902-001			**Appropriation Control DPW - O/E Snow Removal**		
260121	01/30/26	ATLANTIC SALT INC	INV# 107292; TONS OF ROAD	7,665.14	03/03/26
260254	02/25/26	ATLANTIC SALT INC	INV# 108065, 108066; TONS OF	6,090.83	03/03/26
260255	02/25/26	ATLANTIC SALT INC	INV# 109149; TONS OF ROAD	5,870.31	03/03/26
260236	02/25/26	CLIFFSIDE BODY CORP.	INV# 107857; SUPPLIES FOR	189.16	03/03/26
260240	02/25/26	HENDRICKSON FIRE &	INV# 20496; RPLC FRONT	1,536.46	03/03/26
260264	02/25/26	STAPLES ADVANTAGE	INV# 6055809421; PAPER AND	22.32	03/03/26
260053	01/14/26	VAN DINE 4 WHEEL DRIVE	INV# 146229; PLOW SUPPLIES	419.00	03/03/26
260054	01/14/26	VAN DINE 4 WHEEL DRIVE	INV# 146183; PLOW SUPPLIES	276.17	03/03/26
Total for			**Appropriation Control DPW - O/E Snow Removal**	**22,069.39**	
01-2010-26-2902-003			**Appropriation Control DPW - O/E Vehicle Repairs &**		
260252	02/25/26	AUTOMOTIVE BRAKE	INV# 2765528 & 2764812	201.90	03/03/26
260245	02/25/26	METROPOLITAN RUBBER	INV# 67055; SWEEPER FILL	42.32	03/03/26
260237	02/25/26	UNITED MOTOR PARTS	INV# 2759937 & 3753383	7.10	03/03/26
Total for			**Appropriation Control DPW - O/E Vehicle**	**251.32**	
01-2010-26-2902-008			**Appropriation Control DPW - O/E Tools & Equipment**		
260242	02/25/26	AGL WELDING SUPPLY CO,	INV# 0010198091; JAN ACE/O2	60.26	03/03/26
260282	03/03/26	GOOSETOWN	INV# 182103; RADIO CONTRACT	69.98	03/03/26
Total for			**Appropriation Control DPW - O/E Tools &**	**130.24**	
Department Total:			Appropriation Control DPW - O/E	22,450.95	
01-2010-26-3001-000			**Appropriation Control Shade Tree - S&W Salary & Wages**		
260270	02/25/26	BOROUGH OF BOGOTA	2026-02-27 PR	175.64	02/25/26
Total for			**Appropriation Control Shade Tree - S&W Salary**	**175.64**	
Department Total:			Appropriation Control Shade Tree - S&W	175.64	
01-2010-26-3102-003			**Appropriation Control Buildings & Grounds - O/E Other**		
260239	02/25/26	CARRATURA CONSTRUCTION	INV# 3914; MANHOLE @ OAKWOOD	2,800.00	03/03/26

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260263	02/25/26	COSTCO BUSINESS CENTER	CLEANING SUPPLIES FOR	522.80	03/03/26
260248	02/25/26	DIAMOND ROCK SPRING	INV# 334580; 5 GALLONS OF	120.00	03/03/26
260238	02/25/26	HOME DEPOT CREDIT	INV# 005355/0022269,	489.23	03/03/26
260246	02/25/26	HOME DEPOT CREDIT	INV# 002618/3021616;	237.42	03/03/26
260243	02/25/26	JERSEY ELEVATOR CO,	INV# 479250-Q6P7; FULL 8HR	185.28	03/03/26
260249	02/25/26	LAYNE ROOFING INC.	INV# 13987; REMOVED SNOW	300.00	03/03/26
260244	02/25/26	MAIN LOCK SHOP	INV# 0200055-IN; KEYS FOR	7.50	03/03/26
260253	02/25/26	RAPID PUMP & METER	INV# 192572; SRVC CALL LYNN	3,649.99	03/03/26
260247	02/25/26	THIS AND THAT HARDWARE	INV# 2602-059567; HEATERS	169.98	03/03/26
260266	02/25/26	VERIZON	ACCOUNT #	65.82	03/03/26
Total for		**Appropriation Control Buildings & Grounds -**		**8,548.02**	
Department Total:		**Appropriation Control Buildings & Grounds -**		**8,548.02**	

01-2010-27-3302-002 Appropriation Control Board of Health - O/E Other

260265	02/25/26	GANNETT MEDIA CORP	INV# 0007529457; VARIOUS	48.04	03/03/26
260221	02/11/26	LITHOTONE CO.	INV# 1619; BOH PEAL & SEAL	85.00	03/03/26
260187	02/04/26	STAPLES ADVANTAGE	INV# 6053484147; OFFICE	377.92	03/03/26
260188	02/04/26	STAPLES ADVANTAGE	INV# 6053657328; HEAVY DUTY	25.65	03/03/26
Total for		**Appropriation Control Board of Health - O/E**		**536.61**	
Department Total:		**Appropriation Control Board of Health - O/E**		**536.61**	

01-2010-27-3650-001 Appropriation Control Seniors - S&W Salaries & Wages

260270	02/25/26	BOROUGH OF BOGOTA	2026-02-27 PR	1,500.00	02/25/26
Total for		**Appropriation Control Seniors - S&W Salaries &**		**1,500.00**	
Department Total:		**Appropriation Control Seniors - S&W**		**1,500.00**	

01-2010-28-3701-002 Appropriation Control Recreation Services - S&W

260270	02/25/26	BOROUGH OF BOGOTA	2026-02-27 PR	2,284.00	02/25/26
Total for		**Appropriation Control Recreation Services -**		**2,284.00**	
Department Total:		**Appropriation Control Recreation Services -**		**2,284.00**	

01-2010-29-3901-000 Appropriation Control Free Public Library - 1/3 mil S&W

260270	02/25/26	BOROUGH OF BOGOTA	2026-02-27 PR	11,236.62	02/25/26
Total for		**Appropriation Control Free Public Library -**		**11,236.62**	
Department Total:		**Appropriation Control Free Public Library -**		**11,236.62**	

01-2010-31-4302-001 Appropriation Control Electricity #6504224218

260279	03/02/26	WOODRUFF ENERGY	JANUARY-FEBRUARY NATURAL GAS	1,916.08	03/03/26
Total for		**Appropriation Control Electricity #6504224218**		**1,916.08**	
Department Total:		**Appropriation Control Electricity**		**1,916.08**	

01-2010-31-4402-004 Appropriation Control Telephone Verizon - Main

260275	03/02/26	VERIZON	ACCOUNT# 156-604-037-0001-07	299.00	03/03/26
Total for		**Appropriation Control Telephone Verizon - Main**		**299.00**	

01-2010-31-4402-006 Appropriation Control Telephone Internet - Verizon

260276	03/02/26	VERIZON WIRELESS	ACCT#	1,650.56	03/03/26
Total for		**Appropriation Control Telephone Internet -**		**1,650.56**	

01-2010-31-4402-025 Appropriation Control Telephone CABLEVISION - WEATHER

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260267	02/25/26	OPTIMUM	FEBRUARY 2026 CABLE/ISP	119.45	03/03/26
Total for		**Appropriation Control Telephone CABLEVISION -**		**119.45**	
Department Total:		**Appropriation Control Telephone**		**2,069.01**	
01-2010-31-4452-000		**Appropriation Control Water Miscellaneous**			
260268	02/25/26	VEOLIA WATER NEW	JANUARY/FEBRUARY 2026 WATER	80.38	03/03/26
Total for		**Appropriation Control Water Miscellaneous**		**80.38**	
01-2010-31-4452-001		**Appropriation Control Water Meter #88306893 - 7 E Fort**			
260268	02/25/26	VEOLIA WATER NEW	JANUARY/FEBRUARY 2026 WATER	308.68	03/03/26
Total for		**Appropriation Control Water Meter #88306893 -**		**308.68**	
01-2010-31-4452-004		**Appropriation Control Water Meter #88417708 - Cypress**			
260268	02/25/26	VEOLIA WATER NEW	JANUARY/FEBRUARY 2026 WATER	314.76	03/03/26
Total for		**Appropriation Control Water Meter #88417708 -**		**314.76**	
01-2010-31-4452-008		**Appropriation Control Water Meter #88305041 - 375 Larch**			
260268	02/25/26	VEOLIA WATER NEW	JANUARY/FEBRUARY 2026 WATER	59.92	03/03/26
Total for		**Appropriation Control Water Meter #88305041 -**		**59.92**	
Department Total:		**Appropriation Control Water**		**763.74**	
01-2010-32-4652-001		**Appropriation Control Solid Waste Disposal BCUA Type 10**			
260280	03/02/26	BCUA [SEWER CHARGES]	INV# 4666; JAN 2026 SOLID	28,148.88	03/03/26
Total for		**Appropriation Control Solid Waste Disposal**		**28,148.88**	
01-2010-32-4652-002		**Appropriation Control Solid Waste Disposal Miscellaneous**			
260251	02/25/26	ATLANTIC COAST	INV# 1699F263; JAN MX COM	1,862.83	03/03/26
Total for		**Appropriation Control Solid Waste Disposal**		**1,862.83**	
Department Total:		**Appropriation Control Solid Waste Disposal**		**30,011.71**	
01-2010-36-4722-000		**Appropriation Control Social Security System**			
260270	02/25/26	BOROUGH OF BOGOTA	2026-02-27 PR	10,542.57	02/25/26
Total for		**Appropriation Control Social Security System**		**10,542.57**	
Department Total:		**Appropriation Control Social Security System**		**10,542.57**	
01-2010-36-4730-000		**Appropriation Control DCRP**			
260270	02/25/26	BOROUGH OF BOGOTA	2026-02-27 PR	0.00	02/25/26
260270	02/25/26	BOROUGH OF BOGOTA	2026-02-27 PR	69.55	02/25/26
Total for		**Appropriation Control DCRP**		**69.55**	
Department Total:		**Appropriation Control DCRP**		**69.55**	
01-2010-42-1190-001		**Appropriation Control Bogota BOE - SLEO S&W**			
260270	02/25/26	BOROUGH OF BOGOTA	2026-02-27 PR	8,734.45	02/25/26
Total for		**Appropriation Control Bogota BOE - SLEO S&W**		**8,734.45**	
Department Total:		**Appropriation Control Bogota BOE - SLEO S&W**		**8,734.45**	
01-2010-42-4901-000		**Appropriation Control Municipal Court - S&W**			
260270	02/25/26	BOROUGH OF BOGOTA	2026-02-27 PR	1,495.61	02/25/26
Total for		**Appropriation Control Municipal Court - S&W**		**1,495.61**	
Department Total:		**Appropriation Control Municipal Court - S&W**		**1,495.61**	
01-2030-20-1402-001		**APPROPRIATION RESERVES Data Processing - O/E**			
260259	02/25/26	RAYMOND DWYER	INV# 26-0202; WEBSITE DEV &	1,241.40	03/03/26
Total for		**APPROPRIATION RESERVES Data Processing - O/E**		**1,241.40**	

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Department Total:		APPROPRIATION RESERVES Data Processing - O/E		1,241.40	
01-2030-26-2902-001		**APPROPRIATION RESERVES DPW - O/E Snow Removal**			
260048	01/14/26	VAN DINE 4 WHEEL DRIVE	INV# 146098; PLOW LIGHTS	1,102.00	03/03/26
Total for		APPROPRIATION RESERVES DPW - O/E Snow Removal		1,102.00	
01-2030-26-2902-003		**APPROPRIATION RESERVES DPW - O/E Vehicle Repairs &**			
260237	02/25/26	UNITED MOTOR PARTS	INV# 2759937 & 3753383	227.76	03/03/26
Total for		APPROPRIATION RESERVES DPW - O/E Vehicle		227.76	
Department Total:		APPROPRIATION RESERVES DPW - O/E		1,329.76	
01-2030-32-4652-002		**APPROPRIATION RESERVES Solid Waste Disposal**			
260250	02/25/26	ENVIRONMENTAL RENEWAL,	INV# 340235; COMPACTED LEAF	377.00	03/03/26
Total for		APPROPRIATION RESERVES Solid Waste Disposal		377.00	
Department Total:		APPROPRIATION RESERVES Solid Waste Disposal		377.00	
01-2800- - -		**RESERVE FOR CREDIT CARD FEES RESERVE FOR CREDIT CARD**			
260283	03/02/26	MERCHANT SERVICE FEES	DEMAND DEBIT - 03/02/2026	658.07	03/02/26
260284	03/03/26	MERCHANT SERVICE FEES	DEMAND DEBIT - 03/03/2026	23.15	03/03/26
Total for		RESERVE FOR CREDIT CARD FEES RESERVE FOR		681.22	
Department Total:		RESERVE FOR CREDIT CARD FEES RESERVE FOR		681.22	
04-2150-55-1532-001		**Improvment Authorizations 1532 - Rec/Community Center**			
250371	03/06/25	ACCENTURE	38110; CONSTRUCTION	9,276.00	03/03/26
241421	06/20/24	NEGLIA ENGINEERING	BOGOTA REC CENTER	6,867.11	03/03/26
Total for		Improvment Authorizations 1532 - Rec/Community		16,143.11	
Department Total:		Improvment Authorizations 1532 - Rec/Community		16,143.11	
04-2150-55-1619-007		**Improvment Authorizations 1619 - Var. Cap. Impvts Public**			
251693	11/25/25	EXEMPLIS	FURNITURE FOR BOGOTA SENIOR	13,546.21	03/03/26
251407	09/30/25	NEGLIA ENGINEERING	OLSEN PARK IMPVT PROJECT	2,517.50	03/03/26
Total for		Improvment Authorizations 1619 - Var. Cap.		16,063.71	
Department Total:		Improvment Authorizations 1619 - Var. Cap.		16,063.71	
04-2150-55-1620-001		**Improvment Authorizations 1620 - Fairview Ave Reconstruc**			
241417	10/21/24	NEGLIA ENGINEERING	PROF SRVCS; FAIRVIEW AVE -	4,133.32	03/03/26
Total for		Improvment Authorizations 1620 - Fairview Ave		4,133.32	
Department Total:		Improvment Authorizations 1620 - Fairview Ave		4,133.32	
04-2150-55-1627-001		**Improvment Authorizations 1627 - Rec/Community Center**			
250372	03/06/25	BENARD ASSOCIATES,	CONSTRUCTION OF RECREATION	334,597.76	03/03/26
251089	07/22/25	NICKERSON NY, LLC	ATHLETIC EQUIPMENT OUTFIT	53,729.30	03/03/26
Total for		Improvment Authorizations 1627 - Rec/Community		388,327.06	
Department Total:		Improvment Authorizations 1627 - Rec/Community		388,327.06	
04-2150-55-1636-001		**Improvment Authorizations 1636 - Var. Cap. Impvts Fire**			
251219	08/21/25	SKYLANDS AREA FIRE	MORNING PRIDE FIREFIGHTER	96,905.20	03/03/26
Total for		Improvment Authorizations 1636 - Var. Cap.		96,905.20	
04-2150-55-1636-002		**Improvment Authorizations 1636 - Var. Cap. Impvts DPW**			
260241	02/25/26	MATERA'S NURSERY	INV# 387395 & 388704; CHAIN	4,964.66	03/03/26
Total for		Improvment Authorizations 1636 - Var. Cap.		4,964.66	

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04-2150-55-1636-007		**Improvment Authorizations 1636 - Var. Cap. Impvts Public**			
251693	11/25/25	EXEMPLIS	FURNITURE FOR BOGOTA SENIOR	15,106.87	03/03/26
Total for		**Improvment Authorizations 1636 - Var. Cap.**		**15,106.87**	
04-2150-55-1636-010		**Improvment Authorizations 1636 - Var. Cap. Impvts**			
251481	10/16/25	NEGLIA ENGINEERING	EMERGENCY SWR COLLAPSE ELM &	1,691.50	03/03/26
Total for		**Improvment Authorizations 1636 - Var. Cap.**		**1,691.50**	
Department Total:		**Improvment Authorizations 1636 - Var. Cap.**		**118,668.23**	
14-2855- - -		**Outside Police Employment Fees Outside Police Employment**			
260270	02/25/26	BOROUGH OF BOGOTA	2026-02-27 PR	0.00	02/25/26
260270	02/25/26	BOROUGH OF BOGOTA	2026-02-27 PR	9,744.38	02/25/26
Total for		**Outside Police Employment Fees Outside Police**		**9,744.38**	
Department Total:		**Outside Police Employment Fees Outside Police**		**9,744.38**	
14-2860- - -		**POAA**			
260270	02/25/26	BOROUGH OF BOGOTA	2026-02-27 PR	0.00	02/25/26
260270	02/25/26	BOROUGH OF BOGOTA	2026-02-27 PR	0.00	02/25/26
260270	02/25/26	BOROUGH OF BOGOTA	2026-02-27 PR	900.00	02/25/26
Total for		**POAA**		**900.00**	
Department Total:		**POAA**		**900.00**	