

**BOROUGH OF CALIFON
ORDINANCE NO. 2026-04**

**AN ORDINANCE AMENDING THE REVISED BOROUGH CODE OF THE BOROUGH OF
CALIFON BY AMENDING CHAPTER 16.12 "GENERAL REGULATIONS" BY
ADDING A NEW SECTION 16.12.123 "MANDATORY SETASIDE REQUIREMENTS
FOR RESIDENTIAL DEVELOPMENT"**

BE IT ORDAINED by the Borough Council of the Borough of Califon that the Borough Code adopted August 24, 2000 and heretofore amended be further amended as follows:

SECTION ONE:

Chapter 16.12, which is entitled "GENERAL REGULATIONS", is hereby amended by the addition of a new section 16.12.123 as follows:

16.12.123 Mandatory Setaside Requirements for Residential Development.

A. All residential development, including the residential portion of a mixed-use project, which consists of five or more new residential units shall be required to setaside a minimum of 20% of the residential units for very low, low, and moderate income households, as set forth below. Where the calculation of the required setaside results in a fraction of 0.49 or less, it may be rounded down to the next whole number; fractions of 0.50 or more shall be rounded up to the next whole number.

B. This requirement shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more. This requirement shall not apply to sites or zoning districts identified in the Fair Share Plan where standards for the set-aside of affordable housing units have already been established.

C. All affordable housing units shall comply with the Borough's Affordable Housing Ordinance, Chapter 16.36, as well as the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), and the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80-26.1 et seq.). This shall include but is not limited to:

1. At least thirteen percent of the affordable units within each bedroom distribution shall be required to be for very low income households earning thirty percent or less of median income;
2. Appropriate distribution of 1-, 2-, and 3-bedroom units;
3. Recording of appropriate affordability controls of not less than forty years for rental units and not less than thirty years for sale units;
4. Minimum unit sizes by square footage for affordable housing units; and
5. The affordable units shall be affirmatively marketed in accordance with UHAC and applicable law. Affirmative marketing shall include the community and regional organizations identified by the Borough, and it shall also include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law.

D. The affordable units shall be integrated with the market-rate units, and the affordable units shall not be concentrated in separate building(s) or in separate area(s) or floor(s) from market-rate units. In buildings with multiple dwelling units of similar tenure, this shall mean that affordable units shall be generally distributed within each building with market-rate units. The residents of the affordable units shall have the same access to all amenities, common areas, and recreation areas and facilities as the residents of market-rate units. The affordable units shall be the same type of housing unit as the market rate units, meaning that a market rate building available to families shall not be developed to provide age-restricted housing units.

E. Construction of the affordable units shall be phased in compliance with N.J.A.C. 5:93-5.6(d).

F. Subdivision and/or site plan approval shall not be granted by the reviewing board unless the developer complies with the requirements to provide very low-, low-, and moderate-income housing pursuant to the provisions of this section. A property shall not be permitted to be subdivided so as to avoid meeting this requirement. The board may impose any reasonable conditions to ensure such compliance.

G. This requirement does not create any entitlement for a property owner or applicant for a zoning amendment, variance, or adoption of a Redevelopment Plan or amended Redevelopment Plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.

H. Any developer subject to the requirements of this section and who provides an affordable housing setaside shall not be subject to payment of residential development fees.

SECTION TWO:

Effective Date. This Ordinance shall take effect immediately upon publication of Notice of Final Passage in the manner provided by law.

ATTEST:

Caitlin Haughey, RMC
Borough Clerk/Administrator

Charles Daniel
Mayor

FIRST READING:

PUBLICATION:

PUBLIC HEARING/FINAL ADOPTION:

PUBLICATION BY TITLE:

CERTIFICATION

I certify that the foregoing is a true and accurate copy of an Ordinance adopted by the Borough of Califon Council at a regular meeting held on February 3, 2026.

(SEAL)

Caitlin Haughey, RMC
Municipal Clerk/Administrator

