

**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
STATE OF NEW JERSEY**

**NOTICE OF PENDING ORDINANCE**

**ORDINANCE NO. 2026-04**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting of the Borough Council of the Borough of Red Bank held on the **12<sup>th</sup> day of February, 2026**, and will be considered for second reading and final passage at a meeting of the Borough Council to be held on the **26<sup>th</sup> day of February, 2026**, at 6:30 p.m., at the Borough Municipal Building, located at 90 Monmouth Street, Red Bank, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

**Title:** AN ORDINANCE OF THE BOROUGH OF RED BANK TO REPEAL AND REPLACE CHAPTER 205 “AFFORDABLE HOUSING” OF THE BOROUGH CODE TO BE CONSISTENT WITH STATE REQUIREMENTS OF THE AMENDED FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS

**Summary:** The purpose of the repeal and replacement of the Affordable Housing and Development Fee Ordinances is to maintain consistency with the updated substantive regulations for affordable housing at N.J.A.C. 5:99 adopted by the state in November, which replaced the old COAH based regulations. It is also to be consistent with the updated Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 that were also adopted by the Department of Community Affairs in December.

These regulations primarily govern the administration of affordable housing, and the requirements for certain affordable housing programs. These do not impact the Borough’s zoning map, zoning ordinance, or development standards. The “sliding scale” for inclusionary development has not changed.

There are many changes to the Borough’s current affordable housing ordinance, with most of them being very minor in nature. Below is a summary of the more substantive changes.

- Definitions of terms have been revised, mostly with minor clarifications rather than wholesale new definitions.
- References to the now dissolved Council on Affordable Housing (COAH) have been removed except where discussing previous approvals or certifications granted by COAH.
- References to particular sections of UHAC have been updated.
- The “first time homebuyer” program is no longer included within the ordinance, as it is no longer a part of the Borough’s housing plan.
- The length of time that deed restrictions must be in place has increased from 30 years to 40 years for any rental units but remains at 30 years for any affordable for sale units.
- Requirements for affirmative marketing have been updated to reflect that marketing can include digital outreach rather than only television and radio ads.
- The requirements for income and bedroom distribution now permit rounding of obligations. The overall obligations are the same, but fractions can be rounded. For example – in any inclusionary development 20% of the affordable units have to be three-bedroom units. If this resulted in a

requirement of 2.1, previous regulations required this to be rounded up to 3. The new regulations allow it to be rounded down to just 2.

- The targeted income levels for inclusionary housing has been revised, to allow for a greater mix of incomes within the affordable units.
- Certain market rate units are now allowed to differ from the affordable units. Generally the affordable units and the market rate units are still required to be substantially similar, but penthouses or other similar high-end units are allowed to be exempt from this.

Mary Moss, RMC  
Municipal Clerk