

**TO:** Washington Borough Land Use Board

**CC:** Mary Ward, Land Use Board Secretary  
Steve Gruenberg, Esq., Land Use Board Attorney  
Stanley Schrek, P.E., Land Use Board Engineer

**FROM:** Hanah Davenport, PP, AICP, Board Planner

**RE:** Master Plan Consistency re: Ordinance No. 2026-05 – Affordable Housing Ordinance

**DATE:** March 2, 2026

---

## **Introduction**

At its meeting scheduled for March 11, 2026, the Council of Washington Borough will consider, for final reading and adoption, Ordinance No. 2026-05, "An Ordinance of the Borough of Washington, Warren County Repealing Article VIII, Entitled 'Affordable Housing,' and Article IX, Entitled 'Development Fees,' of Chapter 94, Entitled 'Zoning and Land Development,' of the Borough Code and Establishing Article VIII, Entitled 'Affordable Housing Ordinance.'" The ordinance was introduced at the Council's February 17, 2026 meeting.

As part of this process, the Land Use Board must review the Ordinance per the regulations included within the Municipal Land Use Law at N.J.S.A. 40:55D-26.a., which states:

"Prior to the adoption of a development regulation, revision, or amendment thereto, the planning board shall make and transmit to the governing body, within 35 days after referral, a report including identification of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate."

The Board's task is twofold: 1) identify any potential inconsistencies with the Borough's Master Plan, and 2) provide a report to the governing body with any recommendations pertaining to the inconsistencies or other matters. The following section outlines the content of the ordinance.

## **Summary of Ordinance No. 2026-05**

In summary, Ordinance No. 2026-05 modifies existing Chapter 94, entitled “Zoning and Land Development.” More specifically, it repeals existing Article VIII, entitled “Affordable Housing,” and Article IX, entitled “Development Fees,” and establishes new Article VIII, entitled “Affordable Housing Ordinance.”

This Ordinance includes updated language reflecting the recently amended regulations set forth in the Fair Housing Act (P.L. 2024, c.2), 5:99 Substantive Rules (N.J.A.C. 5:99-1.1, et seq.), and Uniform Housing Affordability Control (“UHAC”) Rules (N.J.A.C. 5:80-26.1, et seq.), as well as other applicable regulations.

The intent of this Ordinance is to ensure that very-low, low-, and moderate-income units are created with controls on affordability over time and that very-low, low-, and moderate-income households shall occupy these units pursuant to statutory requirements. The Ordinance broadly regulates the implementation and enforcement of affordable housing in the Borough, with particular attention to the following:

- Monitoring and reporting requirements;
- Standards for new affordable housing construction, as well as optional affordable housing programs including rehabilitation, accessory apartments, market to affordable units, extensions of controls, assisted living residences, and supportive housing and group homes;
- Matters relevant to implementation, including regional income limits, maximum initial rents and sales prices, affirmative marketing, selection of occupants, occupancy standards, control periods and price/rent restrictions for restricted ownership and rental units, buyer income eligibility, limitations on indebtedness secured by ownership units, tenant income eligibility;
- The responsibility of administrative roles, including the Municipal Housing Liaison and Administrative Agent;
- The collection, monitoring and reporting, and use of development fees via the Borough’s Affordable Housing Trust Fund.

## **Master Plan Considerations**

Washington Borough adopted its most recent Master Plan Reexamination Report in April 2022. The 2022 Reexamination Report cites the 2007 Master Plan Reexamination Report, indicating that affordable housing—which was one of four assumptions that formed the basis of the 2007 Master Plan—should remain a priority for the Borough.

Ordinance No. 2026-05 supports this priority by (a) codifying the most recent State rules and regulations relevant to affordable housing as set forth in the Fair Housing Act, 5:99 Substantive Rules, and UHAC Rules and, as a result, (b) ensuring that the implementation of affordable housing in the Borough is achieved in compliance with such standards. It additionally supports the implementation of the affordable housing

mechanisms outlined in the Borough's Fourth Round Housing Element/Fair Share Plan, which is an element of the Master Plan.

**Master Plan Consistency Review**

It is our opinion that Ordinance No. 2026-05 is not inconsistent with the Borough's Master Plan, as it supports a key priority enumerated in the 2021 Master Plan Reexamination Report that was marked as remaining of importance in the Borough. It additionally supports the implementation of the mechanisms within the Borough's Fourth Round Housing Element/Fair Share Plan and perpetuates its ability to meet its Fair Share of affordable housing within the State.