



Ordinance of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

ORDINANCE #2593

An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey, Amending, Revising and Supplementing the Code of the Township of Bernards, Chapter 21, “Land Development,” to add Section 21-87 “Incorporation of New Jersey Administrative Code Sections 5:99-1.1 to 5:99 – 9.4 and New Jersey Administrative Code Sections 5:80-26.1 to 26.23”

BE IT ORDAINED by the Township Committee of the Township of Bernards (the “Township”), County of Somerset and State of New Jersey, that Chapter 21, “Land Development,” of the Code of the Township of Bernards shall be amended, revised and supplemented as follows:

WHEREAS, on December 15, 2025, the New Jersey Department of Community Affairs adopted effective December 15, 2025, with an expiration date of December 15, 2032, new regulations at N.J.A.C. 5:99 -1.1 to 5:99- 9.4 to establish procedures to be used in addressing requirements set forth in N.J.S.A. 52:27D-301 et seq., and the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and

WHEREAS, on November 6, 2025, the New Jersey Housing and Mortgage Finance Agency adopted with an effective date of November 6, 2025, with an expiration date of May 30, 2031, new regulations at N.J.A.C. 5:80-26.1 to 5:80-26.23 with Appendices D-1, D-2, D-3, D-4, F-1, F-2, P-1 and P-2 designed to implement the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.; and

WHEREAS, In the Matter of the Application of the Township of Bernards, County of Somerset, Docket No. SOM-L-157-25, the Honorable William G. Mennen, J.S.C. on January 8, 2026, issued a Consent Order Conditional Compliance Certification (N.J.S.A. 52:27D-304(a)) that requires, in pertinent part, at paragraphs 5 to 7:

- “5. The Township’s Compliance Certification is deemed conditional until the following conditions are met:
- The Township shall prepare and adopt a Spending Plan that complies with the forthcoming regulations at N.J.A.C. 5:99 [issued December 15, 2025] before March 15, 2026.
 - The Township shall update its Affordable Housing Ordinance, Development Fee Ordinance, Affirmative Marketing Plan, and other administrative documents in accordance with the forthcoming regulations at N.J.A.C. 5:80-26.1, et seq, and N.J.A.C. 5:99 after they are adopted [issued in the New Jersey Register on December 15, 2025] and before March 15, 2026.

- The Township shall provide drafts of all documents [to Fair Share Housing Center] by February 13, 2026, any resolutions shall be adopted by February 24, 2026 and any ordinances shall be introduced by February 24, 2026, and adoption shall be by March 10, 2026.
- No later than 48 hours after adoption or March 16, 2026, whichever is sooner, the Township shall file the information required by Paragraph 5 and any other adopted ordinances and resolutions on eCourts.
- No later than April 15, 2026, the Township and FSHC shall provide via filing on eCourts a form of consent order granting final compliance certification for the Court's review, or identify any remaining issues of compliance that may be disputed at which point the court shall schedule a conference to review any such areas."

WHEREAS, the Township presently at Sections 21-76, 21-85 and 21-86, Land Development, provides for regulations guiding affordable housing in the Township, and will now be required to comply with paragraphs 5 to 7 of the Consent Order Conditional Compliance Certification.

NOW, THEREFORE, BE IT RESOLVED as follows, that new Section 21-87, entitled "Fourth Round Mt. Laurel Affordable Housing Compliance 2025 to 2035" be added as follows.

Section 21-87.1. To the extent Sections 21-76, 21-85 and 21-86 are either inconsistent or superseded by N.J.A.C. 5:99.1.1 to 5:99-9.4 and N.J.A.C.5:80-26.1 to 5:80-26.23 with Appendices D-1, D-2, D-3, D-4, F-1, F-2, P-1 and P-2 (the 'Fourth Round Regulations'), the Fourth Round Regulations shall apply and govern in all respects.

Section 21-87.2. The primary responsibility for ensuring compliance with the Fourth Round Regulations shall be the Township's Administrative Agent and Municipal Housing Liaison with legal advise and input from the Township Attorney.

Section 21-87.3. The Township Committee will on an annual basis at its reorganization meeting adopt a resolution appointing a Municipal Housing Liaison in accordance with N.J.A.C. 5:99-6.1 to 6.4.

Section 21-87.4. The Township shall adopt by Resolution an Affirmative Marketing Plan for all affordable units in the Township in accordance with the provisions of N.J.A.C. 5:80-26.16 issued December 15, 2025.

Section 21-87.5. The Township may use affordable housing trust funds for any activity as itemized in its spending plan, including, but not limited to, activities set forth in N.J.A.C. Section 5:99-2.3.

The Township Clerk is directed to give notice at least ten days prior to hearing on the adoption of this ordinance to the Somerset County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the ordinance as finally adopted with the Somerset County Planning Board as required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transmit a copy of this ordinance after final passage to the Township Tax Assessor as required by N.J.S. 40:49-2.1.

**TOWNSHIP OF BERNARDS
PUBLIC NOTICE**

Ordinance #2593 was introduced and passed on first reading by the Township Committee of the Township of Bernards in the County of Somerset on 02/10/2026 and then ordered to be published according to law. It will be further considered for final passage and adoption at a public hearing held at a meeting of the Township Committee at the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ in said township on 03/10/2026, at 7:30 P.M., when and where, or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. A complete text of this ordinance is available in the Office of the Municipal Clerk, 1 Collyer Lane, Basking Ridge, NJ, from 8:30 A.M. to 4:30 P.M., Monday through Friday. Copies are also available via e-mail from ckieffer@bernards.org.

**TOWNSHIP OF BERNARDS
PUBLIC NOTICE**

Notice is hereby given that Bernards Township Ordinance #2593 was introduced and passed on first reading at a meeting of the Township Committee on 02/10/2026 and was passed on final reading and adopted following a public hearing thereon at a regular meeting of the Governing Body of the Township of Bernards on 03/10/2026.

By Order of the Township Committee
Christine V. Kieffer, Municipal Clerk