

**BOROUGH OF DEMAREST
COUNTY OF BERGEN**

ORDINANCE # 1173-26

**AN ORDINANCE AMENDING CHAPTER 175 – ZONING TO INCREASE THE SUBSIDY FOR
AFFORDABLE ACCESSORY APARTMENTS TO IMPLEMENT THE RECOMMENDATIONS OF THE 2025
HOUSING ELEMENT & FAIR SHARE PLAN**

WHEREAS, the Demarest Planning Board has adopted a 2025 Housing Element & Fair Share Plan for the Fourth Round, which has been endorsed by the Council; and

WHEREAS, the 2025 Housing Element & Fair Share Plan makes recommendations for amendments and updates to the ordinance which are aimed at encouraging development to address the Borough’s constitutional obligation to provide affordable housing; and

WHEREAS, the Mayor and Borough Council have reviewed the 2025 Housing Element & Fair Share Plan and agree Chapter 175 of the Borough’s Code should be amended to implement the recommendations of the 2025 Housing Element & Fair Share Plan to address the Borough’s affordable housing obligation.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Demarest, County of Bergen, State of New Jersey, that the following amendments be made to the Municipal Code of the Borough of Demarest:

SECTION 1. Amend Chapter 175 “Zoning”, Article IV “Residence Districts”, § 175-11 “Affordable accessory apartments” to add the following underlined text and delete text in ~~strikeout~~:

D. Administration of the affordable accessory apartment program. The Borough of Demarest's designated administrative agent shall administer the affordable accessory apartment program in accordance with the following:

- (3) The Borough of Demarest shall provide \$75,000~~\$20,000~~ per unit to subsidize the physical creation of the first 10 affordable accessory apartments. The program shall be funded by the Borough's existing Affordable Housing Trust Fund.

SECTION 2. Amend Chapter 175 “Zoning”, Article X “Affordable Housing Obligations”, § 175-49 “Affordable housing programs” to add the following underlined text and delete text in ~~strikeout~~:

B. An accessory apartment program.

- (3) Borough of Demarest has designated Piazza and Associates~~the Housing Authority of Bergen County~~ as the administrative entity to administer the accessory apartment program that shall have the following responsibilities:

- (c) In accordance with ~~COAH~~ the requirements of NJAC 5:97-6.8, the Borough of Demarest shall provide at least \$75,000~~\$25,000~~ per unit to subsidize the creation of each ~~low-income accessory apartment or \$20,000 per unit to subsidize the creation of each moderate income accessory apartment~~. Subsidy may be used to fund actual construction costs and/or to provide compensation for reduced rental rates.

SECTION 3. Severability.

If any section, subsection, paragraph, sentence, or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence, or other part of this Ordinance directly involved in the controversy with respect to which said judgment shall have been rendered, and all other provisions of this Ordinance shall remain in full force and effect.

SECTION 4. Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances, which are inconsistent with the provisions of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

SECTION 5. Effective Date.

This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law, and its provisions shall apply to all building permits applied for on or after the date of adoption and publication hereof as prescribed by law.

Attest:

Approved:

Julie Falkenstern, RMC
Municipal Clerk

Mayor Brian Bernstein

Introduced: January 26, 2026

Adopted: