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Land Development and Design
Landscape Architecture

HOUSING ELEMENT AND FAIR SHARE PLAN

**TOWNSHIP OF NORTH BERGEN
HUDSON COUNTY, NEW JERSEY**

PREPARED FOR:

**TOWNSHIP OF NORTH BERGEN PLANNING BOARD
BA# 2119.04**

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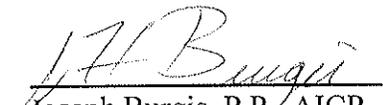
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The original document was appropriately signed and sealed on _____, 2009 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.



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INTRODUCTION

In 1975 the New Jersey Supreme Court decided, in So. Burlington Cty. NAACP v. Township of Mount Laurel, that every developing municipality in New Jersey had an affirmative obligation to provide for its fair share of affordable housing. In a subsequent decision in 1983, the Court acknowledged that the vast majority of municipalities in the State had ignored their constitutional obligation, and called for the State Legislature to enact legislation that would save municipalities from the burden of having the courts determine their affordable housing needs. The result was the establishment of the New Jersey Council on Affordable Housing (COAH), the state agency responsible for overseeing the manner in which the state's municipalities address their low and moderate income housing needs.

COAH had originally adopted in 1987 and again in 1994 a 'fair share' methodology to determine housing-need numbers for all municipalities in the state, and the adopted combined first and second round housing need numbers for North Bergen indicated a 1,283 unit affordable housing obligation. This included a 'new construction' obligation of 567 units and a 'rehabilitation obligation' of 716 units. This second round obligation was subsequently reduced by COAH to a total of zero new construction units and 629 rehabilitation units. The obligation for the second round was subsequently adjusted again to a 962 unit rehabilitation obligation, while the new construction obligation held constant at zero units.

It is noted that the New Jersey Meadowlands Commission (NJMC) has proposed regulations regarding affordable housing for land within the New Jersey Meadowlands boundaries, which includes portions of North Bergen. The NJMC authority supersedes the zoning regulations of the local municipalities and it is not subject to COAH regulations. The intent is to promote the production of affordable housing within NJMC municipalities.

In December of 2004, COAH adopted new substantive (NJAC 5:94) and procedural (NJAC 5:95) rules for the period beginning December 20, 2004. However, as a result of an Appellate Division ruling, these rules were revised and adopted on June 2, 2008 (NJAC 5:97 and NJAC 5:96). At that time, COAH re-adjusted all municipal first and second round housing-need new construction numbers and rehabilitation numbers (as noted above, North Bergen's rehabilitation share increased to 962 units as part of the second/third round need adjustment by COAH).

The third round rules implement a new 'growth share' approach to affordable housing and thus represent a significant departure from the Council's first and second round rules in that the new rules link the production of affordable housing with actual development and projected growth. There are three components to the third round methodology. They include the rehabilitation share, any remaining prior round obligation for the period 1987-1999, and the "growth share." Growth share is generated by projections of residential and non-residential growth projections for the period covering January 1, 2004 to December 31, 2018. The new substantive rules state that for every four market-rate residential units projected to be constructed, the municipality shall be obligated to provide one unit that is affordable to households of low or moderate income. In addition, each municipality is obligated to provide one affordable unit for every 16 newly created jobs.

COAH's June 2008 proposed estimates of need indicates that North Bergen has a 1,187 unit third round affordable housing obligation, inclusive of the 962 unit rehabilitation component noted above and a 225 unit growth share component that is a function of projected residential and non-residential growth. (COAH estimates that by 2018 the Township will have an additional 43 dwellings in the community, which translates to 8.6 units of affordable housing, and 3,468 jobs, which translates to 216.75 units of affordable housing).

The remainder of this document provides the background data as required by COAH, and preliminary comments about the prior round obligation and third round issues. As detailed below, the plan projects a total obligation of 1,209 units (247 units from a growth share obligation, and 962 units for rehabilitation). The manner in which this obligation will be addressed is shown in Section 3.

SECTION I: HOUSING ELEMENT

A. COMMUNITY OVERVIEW

The Township of North Bergen is located in northeastern Hudson County. It adjoins ten municipalities, including Ridgefield, Fairview, Cliffside Park and Edgewater to the north, Guttenberg, West New York, and Union City to the east, Jersey City to the south, and Carlstadt and Secaucus to the west. The northeastern portion of the Township abuts the Hudson River, separating New York and New Jersey. The City of New York lies across the river from North Bergen. The township occupies an area of 3,264 acres, or 5.1 square miles.

Approximately 40 percent of the land area in North Bergen falls within the jurisdiction of the New Jersey Meadowlands Commission. Aside from this, the Township is characterized by a mix of residential, commercial, industrial, and vacant land, which is in addition to the road and railway networks. The Township participates in an Urban Enterprise Zone program as established by the state, which provides several incentives intending to bolster economic development. Urban Enterprise Zones are located along West Side Avenue, Tonnelle Avenue, John F. Kennedy Boulevard, Bergenline Avenue, Broadway, Secaucus Road, as well as portions of the following streets: 69th, 72nd, 83rd, 90th, and 91st.

Several major highways, including the New Jersey Turnpike, Routes 1 & 9, Route 3 and Route 495, provide regional access to North Bergen. John F. Kennedy Boulevard, River Road, Paterson Plank Road, and Bergenline Avenue are other major arterial roadways providing access through the municipality. In addition to several bus lines, which are run both by NJ Transit and private companies, the Hudson-Bergen Light Rail line connects North Bergen with other communities in Hudson County, including Bayonne, Jersey City, Hoboken, Weehawken and Union City.

B. INVENTORY OF MUNICIPAL HOUSING STOCK

This section of the housing element provides an inventory of the Township's housing stock, as required by the MLUL. The inventory details housing characteristics such as age, condition, purchase/rental value, and occupancy. It also details the number of affordable units available to low- and moderate-income households and the number of substandard housing units capable of being rehabilitated.

1. Number of Dwelling Units. The State estimates that North Bergen contained 22,358 dwelling units in 2008. A review of the available data reveals that this figure represents a 1.4 percent growth in the Township's housing stock since 2000. This is a significant decrease in growth from the period 1990 to 2000, at which time the housing stock increased by 3.6 percent, as reflected in the accompanying table.

Table 1: Dwelling Units (1990-2008 YTD) - North Bergen, New Jersey

| Year | Dwelling Units | Net Change (#) | Change (%) |
|-------|----------------|----------------|------------|
| 1990 | 21,274 | -- | -- |
| 2000 | 22,041 | +767 | 3.6 |
| 2008* | 22,358 | +317 | 1.4 |

* Through March.

Sources: U.S. Census, 1990 & 2000; NJ Department of Community Affairs, NJ Construction Reporter:

The following table provides additional detail regarding the tenure and occupancy of the Township's housing stock. As shown below, renters occupied more than 60 percent of the Township's housing stock in 2000. There were 774 vacant units in 2000, representing 3.5 percent of the housing stock in the community.

Table 2: Housing Units by Tenure and Occupancy Status (1990 and 2000) – North Bergen, New Jersey

| Category | 1990 | | 2000 | |
|-----------------------|---------------|--------------|---------------|--------------|
| | No. Units | Percent | No. Units | Percent |
| Owner-Occupied Units | 7,585 | 35.65 | 8,013 | 36.4 |
| Renter-Occupied Units | 11,385 | 53.52 | 13,254 | 60.1 |
| Vacant Units | 2,304 | 10.83 | 774 | 3.5 |
| Total Units | 21,274 | 100.0 | 22,041 | 100.0 |

Source: U.S. Census, 1990 & 2000

2. Housing Characteristics. The following tables provide additional information on the characteristics of the Township's housing stock, including data on the number of units in the structure and the number of bedrooms. As shown below, two-family units, followed closely by complexes of 20 units or more, predominantly characterize the housing stock.

Table 3: Units in Structure (1990 and 2000) - North Bergen, New Jersey

| Units in Structure | 1990 | | 2000 | |
|--------------------|---------------|--------------|---------------|--------------|
| | Number | Percent | Number | Percent |
| One Unit Detached | 3,159 | 14.8 | 3,716 | 16.9 |
| One Unit Attached | 758 | 3.6 | 985 | 4.5 |
| 2 Units | 5,699 | 26.8 | 6,232 | 28.3 |
| 3 to 4 Units | 2,544 | 12.0 | 3,119 | 14.2 |
| 5 to 9 Units | 1,189 | 5.6 | 1,140 | 5.2 |
| 10 to 19 Units | 1,664 | 7.8 | 1,492 | 6.8 |
| 20 or More Units | 5,699 | 26.8 | 5,207 | 23.6 |
| Other | 562 | 2.6 | 150 | 0.7 |
| Total | 21,274 | 100.0 | 22,041 | 100.0 |

Source: U.S. Census, 1990 & 2000

Table 4: Number of Bedrooms in Housing Units (2000) – North Bergen, New Jersey

| Bedrooms | Number | Percent |
|--------------|---------------|--------------|
| Zero | 1,180 | 5.4 |
| One | 6,943 | 31.5 |
| Two | 6,545 | 29.7 |
| Three | 5,331 | 24.2 |
| Four | 1,238 | 5.6 |
| Five or More | 804 | 3.6 |
| Total | 22,041 | 100.0 |

Source: U.S. Census, 2000

3. Housing Age. The following table details the age of the Township's housing stock. As shown, the majority (approximately 60 percent) of the Township's housing units were

constructed prior to 1960, with nearly one-third built prior to 1939. When compared to Table 1, this table also reflects the significant number of replacement dwellings that have been constructed in North Bergen over the past twenty years. For example, according to Table 1, the number of dwellings in North Bergen increased by 767 during the 1990s. However, this contrasts with Table 5, which indicates that 1,197 new homes were constructed in the 1990s. The difference represents, to a certain degree, the tear down/rebuild phenomena.

**Table 5: Year Structure Built –
North Bergen, New Jersey**

| Year Units Built | Number of Units | Percent |
|-------------------------|------------------------|----------------|
| 1999 to March 2000 | 128 | 0.6 |
| 1990 to 1999 | 1,069 | 4.9 |
| 1980 to 1989 | 1,358 | 6.2 |
| 1970 to 1979 | 3,259 | 14.8 |
| 1960 to 1969 | 3,204 | 14.5 |
| 1950 to 1959 | 3,570 | 16.2 |
| 1940 to 1949 | 3,488 | 15.8 |
| 1939 or earlier | 5,965 | 27.1 |
| Total | 22,041 | 100.0 |

Source: U.S. Census, 2000

4. Housing Conditions. An inventory of the Township’s housing conditions is represented in the following tables. The first table identifies the extent of overcrowding in the Township, defined as housing units with more than one occupant per room. In 2000, approximately 10 percent of the Township’s occupied housing units were overcrowded.

Table 6: Occupants Per Room (2000) - North Bergen, New Jersey

| Occupants Per Room | Number of Units | Percent |
|---------------------------|------------------------|----------------|
| 0.50 or less | 10,402 | 48.9 |
| 0.51 to 1.00 | 8,682 | 40.8 |
| 1.01 to 1.50 | 1,285 | 6.0 |
| 1.51 to 2.00 | 634 | 3.0 |
| 2.01 or more | 264 | 1.2 |
| Total | 21,267 | 100.0 |

Source: U.S. Census, 2000

The table below presents other characteristics of housing conditions, including the presence of complete plumbing and kitchen facilities and the type of heating equipment used. As shown, approximately 1.5 percent of the Township’s units are lacking complete kitchen and plumbing facilities. In addition, 0.8 percent of all units have non-standard heating equipment or none at all.

**Table 7: Equipment and Plumbing Facilities (2000) –
North Bergen, New Jersey**

| Facilities | Number | Percent |
|-----------------------------|--------|---------|
| Kitchen: | | |
| Lacking Complete Facilities | 302 | 1.4 |
| With Complete Facilities | 21,739 | 98.6 |
| Plumbing: | | |
| Lacking Complete Facilities | 361 | 1.6 |
| With Complete Facilities | 21,680 | 98.4 |
| Heating Equipment: | | |
| Standard Heating Facilities | 21,092 | 99.2 |
| Other Means | 96 | 0.4 |
| No Fuel Used | 79 | 0.4 |

Source: U.S. Census, 1990 & 2000

5. Purchase and Rental Values. As shown in the following tables, the Township has seen a rise in rental housing prices between 1990 and 2000, while purchase prices have simultaneously dropped. The median gross rent for the Township's rental housing stock increased by nearly 43 percent between 1990 and 2000, from \$514 to \$733.

Table 8: Renter-Occupied Housing Units (1990 and 2000) - North Bergen, New Jersey

| Rent | 1990 | | 2000 | |
|--------------------------|---------------|--------------|---------------|--------------|
| | Number | Percent | Number | Percent |
| Less than \$200 | 1,100 | 9.7 | 702 | 5.3 |
| \$200 to \$299 | 1,050 | 9.2 | 629 | 4.8 |
| \$300 to \$499 | 3,198 | 28.1 | 1,630 | 12.3 |
| \$500 to \$749 | 3,716 | 32.6 | 3,872 | 29.2 |
| \$750 to \$999 | 1,687 | 14.8 | 3,700 | 27.9 |
| \$1,000 or more | 454 | 4.0 | 2,474 | 18.7 |
| No cash rent | 180 | 1.6 | 231 | 1.7 |
| Total | 11,385 | 100.0 | 13,238 | 100.0 |
| Median Gross Rent | \$514 | -- | \$733 | -- |

Source: U.S. Census, 1990 & 2000

The median value of owner-occupied housing units, however, decreased by over 6 percent between 1990 and 2000, from \$173,200 to \$162,600.

**Table 9: Value of Owner-Occupied Housing Units (1990 and 2000) –
North Bergen, New Jersey**

| Value | 1990 | | 2000 | |
|------------------------|------------------|--------------|------------------|--------------|
| | Number | Percent | Number | Percent |
| Less than \$100,000 | 273 | 9.8 | 148 | 4.9 |
| \$100,000 to \$149,999 | 597 | 21.5 | 907 | 30.2 |
| \$150,000 to \$199,999 | 1,106 | 39.9 | 1,344 | 44.8 |
| \$200,000 to \$299,999 | 749 | 27.0 | 477 | 15.9 |
| \$300,000 to \$499,999 | 48 | 1.7 | 97 | 3.2 |
| \$500,000 to \$999,999 | 0 | 0.0 | 26 | 0.9 |
| \$1,000,000 or more | 0 | 0.0 | 0 | 0.0 |
| Total | 2,773 | 100.0 | 2,999 | 100.0 |
| Median Value | \$173,200 | -- | \$162,600 | -- |

Source: U.S. Census, 1990 & 2000

6. Number of Units Affordable to Low- and Moderate-Income Households. Based on the most current COAH regional income limits, the median household income for a three-person household in COAH Region 1, North Bergen’s housing region, comprised of Bergen, Hudson, Passaic and Sussex Counties, is \$69,365. A three-person moderate-income household, established at no more than 80 percent of the median income, would have an income not exceeding \$55,492.

An affordable sales price for a three person moderate-income household earning 80 percent of the median income is estimated at approximately \$150,000. This estimate is based on the UHAC affordability controls outlined in N.J.A.C. 5:80-26.1. Approximately 35 percent of the Township’s housing units in 2000 were valued at less than \$150,000, according to U.S. Census data.

For renter-occupied housing, an affordable monthly rent for a three-person household is estimated at \$1,340. According to 2000 U.S. Census data, approximately 80 percent of the Township’s rental units had a gross rent less than \$1,000.

7. Substandard Housing Capable of Being Rehabilitated. COAH provides the number of units in a community that are in need of rehabilitation and are not likely to experience “spontaneous rehabilitation.” North Bergen’s rehabilitation share is 962 units. This item is further explained in the Fair Share Plan section of this document.

C. PROJECTION OF MUNICIPAL HOUSING STOCK

The Fair Share Plan section of this document will include a detailed projection of the municipal housing stock, pursuant to COAH’s rules for establishing the “growth share” component of the fair share obligation. This section will also identify historical and projected growth trends.

D. POPULATION ANALYSIS

The MLUL requires that the housing element provide data on the municipality’s population, including population size, age and income characteristics.

1. **Population Size.** As seen in the table below, the Township’s population grew steadily in the 1980s and 1990s, after falling slightly in the 1970s. The 2007 population estimate of 56,146, provided by the New Jersey Department of Labor and Workforce Development, represents a 3.5 percent decrease over the 2000 U.S. Census figure.

Table 10: Population Growth - North Bergen, New Jersey

| Year | Population | Population Change | Percent Change |
|-------|------------|-------------------|----------------|
| 1920 | 23,344 | -- | -- |
| 1930 | 40,714 | +17,370 | +74.4 |
| 1940 | 39,714 | +1,000 | +2.4 |
| 1950 | 41,460 | +1,746 | +4.4 |
| 1960 | 42,387 | +927 | +2.2 |
| 1970 | 47,751 | +5,634 | +12.6 |
| 1980 | 47,019 | -732 | -1.5 |
| 1990 | 48,414 | +1,395 | +2.9 |
| 2000 | 58,206 | +9,792 | +20.2 |
| 2007* | 56,146 | -2,060 | -3.5 |

* NJ Department of Labor and Workforce Development (LWD) estimate.

Source: 1987 North Bergen Township Master Plan; U.S. Census, 1990 & 2000; N.J. Department of LWD

2. **Age Characteristics.** The Township’s age characteristics are outlined in the table below. As shown, the biggest increases in population were experienced in the school-age population (5 to 19 years) and the population aged 35 to 44 years. The median age of Township residents in 2000 was 35.9 years, which was higher than the County median of 33.6 years.

Table 11: Age Characteristics (1990 and 2000) - North Bergen, New Jersey

| Age | 1990 | | 2000 | |
|-------------------|---------------|--------------|---------------|--------------|
| | Number | Percent | Number | Percent |
| Under 5 years | 3,074 | 6.3 | 3,628 | 6.2 |
| 5 to 19 years | 7,842 | 16.2 | 10,877 | 18.7 |
| 20 to 24 years | 3,475 | 7.2 | 3,982 | 6.8 |
| 25 to 34 years | 9,298 | 19.2 | 9,355 | 16.1 |
| 35 to 44 years | 6,716 | 13.9 | 10,122 | 17.4 |
| 45 to 54 years | 5,410 | 11.2 | 6,879 | 11.8 |
| 55 to 64 years | 5,297 | 10.9 | 5,200 | 8.9 |
| 65 to 84 years | 6,663 | 13.8 | 6,900 | 11.9 |
| 85 years and over | 639 | 1.3 | 1,263 | 2.2 |
| Total | 48,414 | 100.0 | 58,206 | 100.0 |

Source: U.S. Census, 1990 & 2000

3. **Average Household Size.** The average household size for the Township declined in the 1970s, but has steadily risen in the subsequent decades to an average household size in 2000 of 2.64. This figure is slightly higher than the countywide average household size of 2.60.

Table 12: Average Household Size (1970-2000) - North Bergen, New Jersey

| Year | Township Population | Number of Households | Household Size: North Bergen | Household Size: Hudson County |
|------|---------------------|----------------------|------------------------------|-------------------------------|
| 1970 | 47,715 | 16,568 | 2.77 | 2.88 |
| 1980 | 47,019 | 18,833 | 2.48 | 2.65 |
| 1990 | 48,414 | 19,061 | 2.54 | 2.62 |
| 2000 | 58,206 | 22,009 | 2.64 | 2.60 |

Source: 2003 North Bergen Township Reexamination Report

4. Household Income. The median household income for North Bergen households increased by approximately 22 percent between 1990 and 2000, from \$33,488 to \$40,844. Detailed household income figures are shown in the table below.

Table 13: Household Income (1989 and 1999) - North Bergen, New Jersey

| Income Category | 1989 | | 1999 | |
|--------------------------------|-----------------|--------------|-----------------|--------------|
| | Number | Percent | Number | Percent |
| Less than \$10,000 | 3,011 | 15.9 | 2,374 | 11.2 |
| \$10,000 to \$14,999 | 1,334 | 7.1 | 1,283 | 6.0 |
| \$15,000 to \$24,999 | 2,849 | 15.1 | 2,770 | 13.0 |
| \$25,000 to \$34,999 | 2,673 | 14.1 | 2,542 | 12.0 |
| \$35,000 to \$49,999 | 3,491 | 18.5 | 3,809 | 17.9 |
| \$50,000 to \$74,999 | 3,293 | 17.4 | 3,839 | 18.1 |
| \$75,000 to \$99,999 | 1,388 | 7.3 | 2,173 | 10.2 |
| \$100,000 to \$149,999 | 637 | 3.4 | 1,761 | 8.3 |
| \$150,000 or more | 234 | 1.2 | 696 | 3.3 |
| Total | 18,910 | 100.0 | 21,247 | 100.0 |
| Median Household Income | \$33,488 | -- | \$40,844 | -- |

Source: U.S. Census, 1990 & 2000

E. EMPLOYMENT ANALYSIS

The MLUL requires that the housing plan include data on employment levels in the community. The following tables present information on the Township's employment characteristics.

1. Covered Employment. Table 14 presents the covered employment trends from 1989 to 1999 within the Township. As shown, the number of local private sector jobs fluctuated over the decade. In 1999, the Township had a total of 17,883 jobs, representing a nearly 8 percent decline from the previous year.

Table 14: Private Sector Covered Employment Trends (1989-1999)
North Bergen, New Jersey

| Year | Number of Jobs | Jobs Change | Percent Change |
|-------------|-----------------------|--------------------|-----------------------|
| 1989 | 22,630 | -- | -- |
| 1990 | 19,414 | -3,216 | -14.2 |
| 1991 | 18,283 | -1,131 | -5.8 |
| 1992 | 17,523 | -760 | -4.2 |
| 1993 | 19,516 | +1,993 | +11.4 |
| 1994 | 21,065 | +1,549 | +7.9 |
| 1995 | 20,724 | -341 | -1.6 |
| 1996 | 19,178 | -1,546 | -7.5 |
| 1997 | 19,193 | +15 | +0.1 |
| 1998 | 19,382 | +189 | +1.0 |
| 1999 | 17,883 | -1,499 | -7.7 |

Source: 2003 North Bergen Township Reexamination Report

2. Employment Characteristics of Employed Residents. The following two tables detail information on the employment characteristics of employed North Bergen residents. Table 15 details occupation characteristics, while Table 16 details industry characteristics.

Table 15: Employed Residents Age 16 and Over, By Occupation (2000)
North Bergen, New Jersey

| Occupation | Number | Percent |
|---|---------------|----------------|
| Management, professional, and related occupations | 6,796 | 26.9 |
| Service occupations | 3,653 | 14.4 |
| Sales and office occupations | 7,958 | 31.5 |
| Farming, fishing, and forestry occupations | 29 | 0.1 |
| Construction, extraction, and maintenance occupations | 1,685 | 6.7 |
| Production, transportation, and material moving occupations | 5,168 | 20.4 |
| Total | 25,289 | 100.0 |

Source: U.S. Census, 2000

Table 16: Employed Residents Age 16 and Over, By Industry (2000)
North Bergen, New Jersey

| Industry | Number | Percent |
|---|---------------|--------------|
| Agriculture, forestry, fishing and hunting, and mining | 22 | 0.1 |
| Construction | 1,186 | 4.7 |
| Manufacturing | 3,536 | 14.0 |
| Wholesale trade | 1,681 | 6.6 |
| Retail trade | 3,260 | 12.9 |
| Transportation and warehousing, and utilities | 2,563 | 10.1 |
| Information | 1,024 | 4.0 |
| Finance, insurance, real estate, and rental and leasing | 2,186 | 8.6 |
| Professional, scientific, management, administrative, and waste management services | 2,619 | 10.4 |
| Educational, health and social services | 3,389 | 13.4 |
| Arts, entertainment, recreation, accommodation and food services | 1,674 | 6.6 |
| Other services (except public administration) | 1,456 | 5.8 |
| Public administration | 693 | 2.7 |
| Total | 25,289 | 100.0 |

Source: U.S. Census, 2000

3. Employment Projections. Detailed employment projections are provided in the Fair Share Plan section of this document, as required by COAH in determining the Township's growth share obligation.

SECTION II: FAIR SHARE OBLIGATION

A. INTRODUCTION

The methodology for determining the Township's third-round affordable housing obligation changed significantly from the prior round regulations. Under COAH's third-round rules, a municipality's third-round affordable housing obligation is a function of three components:

- Rehabilitation Share
- Remaining Prior Round Obligation
- Growth Share

The growth share component represents the most significant change from the prior round, as the affordable housing obligation is based on the amount of residential and non-residential growth anticipated over the third-round period from 2004 to 2018. Each of the three components is combined to determine the municipality's total affordable housing obligation. More detail on each component is provided below.

1. Rehabilitation Share. The rehabilitation share component of the affordable housing obligation is based on the municipality's existing housing deficiencies. Rehabilitation share is defined as "the number of deficient housing units occupied by low and moderate income households within a municipality." A "deficient housing unit" is "a unit with health and safety code violations that require the repair or replacement of a major system." A major system includes any of the following: weatherization, roofing, plumbing, heating, electricity, sanitary plumbing, lead paint abatement and/or load-bearing structural systems.

A municipality has two options for determining the rehabilitation share component of its fair share obligation. The first option is to use the rehabilitation share number assigned by COAH to the municipality. COAH devised a methodology using 2000 U.S. Census data to estimate the number of low- and moderate-income deficient housing units within each municipality. The methodology is based on regional averages that are then applied to local conditions. It adjusts for potential double counting, incorporates credits for municipalities which have been "increasingly impacted" by the rehabilitation share, and accounts for the portion of units likely to experience spontaneous rehabilitation, i.e., those likely to rehabilitate through private forces. Alternatively, a municipality can conduct its own housing survey to develop an actual rehabilitation share.

As detailed herein, COAH has assigned the Township a rehabilitation share of 962 units.

2. Remaining Prior Round Obligation. Prior Round Obligation is comprised of the prior rounds of prospective need (Rounds 1 and 2) and the reallocated present need from Round 2. Since COAH used U.S. Census data to adjust previously published first- and second-round obligation numbers in order to correct for under/overestimates, it has provided each municipality with a new first- and second-round obligation number in an appendix to its third-round rules. North Bergen's new construction number has been adjusted to a zero unit first- and second-round obligation.

3. Growth Share. The growth share portion of a municipality's fair share obligation is based on the projected residential and employment growth in the municipality over the period between 2004 and 2018. Growth share is defined as:

"The affordable housing obligation generated in each municipality by both residential and non-residential development from 2004 through 2018 and represented by a ratio of one affordable housing unit for every four market-rate housing units constructed plus one affordable housing unit for every 16 newly created jobs as measured by new or expanded non-residential construction within the municipality."

Each individual municipality's actual growth between 2004 and 2018 generates an affordable housing obligation. For residential development, one affordable housing unit obligation is generated for every four market rate residential units constructed in the municipality. For non-residential development, one unit of affordable housing obligation is generated for each 16 jobs created in the community. Job creation estimates are based on the amount of new non-residential square footage developed within the community.

The following section contains development projections and a determination of the growth share assessment for the third-round obligation.

B. CALCULATION OF AFFORDABLE HOUSING OBLIGATION

The calculation of the Township's affordable housing obligation is detailed below.

1. Rehabilitation Share. Per the third round rules, Appendix B, the Township has a rehabilitation share of 962 units. This replaces the rehabilitation share of 629 units previously assigned to the Township.
2. Remaining Prior Round Obligation. Appendix C indicates a recalculated prior round new construction obligation of zero units for the Township. This is consistent with the municipality's previously published new construction obligation of zero units for the prior round.
3. Growth Share. The growth share component of the Township's affordable housing obligation is calculated based on the projected amount of residential and non-residential growth anticipated between 2004 and 2018. The projections are provided by COAH in Appendix F of the regulations. Alternatively, a municipality can provide its own projections provided that the projections are not lower than those assigned by COAH. However, a municipality can provide a lower number where there is a lack of land capacity for development subject to the regulations put forth in N.J.A.C. 5:97-5.6.

Growth is translated into an affordable housing obligation, based on a standard of one affordable housing unit for every four market rate units that are built and every 16 jobs that are created. Job creation is directly tied to the amount of non-residential floor space constructed.

The following growth share calculation is presented below, separated into residential growth and non-residential growth categories.

a. Calculation of Residential Growth Share.

- i. Baseline Residential Growth Projection. The baseline growth projection for residential development is set forth in Appendix F. They suggest that the Township’s housing growth shall consist of 43 dwelling units between the years 2004 and 2018.

Table 17: Household Growth Estimates 2004 - 2018
North Bergen, New Jersey

| | | | | |
|--------------------------------|---|--------------------------------|---|-------------------------|
| 2018 Household Estimate | - | 2004 Household Estimate | = | Household Growth |
| 22,187 | | 22,144 | | 43 |

Source: NJTPA Population and Employment Forecasts and U.S. Census, 2000

- ii. Actual Growth Projection. COAH permits municipalities to conduct a detailed analysis of historical trends, pending and approved development applications, and other local knowledge to generate a growth projection for the community. This projection will be compared to their estimated projection. The actual projection is determined through a series of steps and analyses, as shown below.

Historical Trends in Residential Development. Data for the years 1995-2008 is presented in order to determine the Township’s historical residential growth trends and to determine actual growth since 2004, as evidenced by certificates of occupancy (COs) and demolition permits issued. Historical trends will be used to project residential growth in years to come.

Table 18: Historical Trends in Residential Development
Analysis of Certificates of Occupancy and Demolition Permits, 1995-2008 YTD
North Bergen, New Jersey

| | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 |
|---------------------|-----------|-----------|------------|-----------|-----------|-----------|------------|------------|------------|----------|------------|-----------|-----------|----------|
| COs Issued | 43 | 25 | 137 | 35 | 21 | 6 | 176 | 0 | 0 | 18 | 220 | 49 | 38 | 13 |
| Demo Permits Issued | 9 | 11 | 5 | 4 | 10 | 12 | 20 | 13 | 11 | 9 | 105 | 12 | 16 | 6 |
| Net Growth | 34 | 14 | 132 | 31 | 11 | -6 | 156 | -13 | -11 | 9 | 115 | 37 | 22 | 7 |

Source: NJ DCA, The NJ Construction Reporter.

As shown above, the Township has experienced a fluctuation in residential growth over this 13-year period. The greatest increases occurred in 1997, 2001 and 2005, whereas negative growth occurred in 2000, 2002 and 2003. It is likely that the pace of growth will continue in a similar fashion.

Projected Residential Development. COAH requires that residential development be

projected through 2018. This analysis involves the documentation of residential projects that have been approved but have not yet received COs, pending residential development applications, and anticipated residential development. The analysis requires that the plan estimate the year in which the CO will likely be granted. The table below details the approved and pending residential development projections.

**Table 19: Number of Residential Units by Year of Anticipated CO
Approved and Pending Residential Development Applications
North Bergen, New Jersey**

| Approved Projects | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | Total |
|--|----------|------------|------------|-----------|------------|------------|------------|----------|----------|----------|----------|--------------|
| Perez (B 305, L 12) | | 2 | | | | | | | | | | 2 |
| Henao (B 389, L 20) | | 2 | | | | | | | | | | 2 |
| Guia (B 103, L 122) | | | 3 | | | | | | | | | 3 |
| Meadowview, LLC (B 205, Lots 594, 595) | 1 | | | | | | | | | | | 1 |
| Iturralde & Rybak (Block 22, Lots 83, 84, 85) | | 3 | | | | | | | | | | 3 |
| BHD Investments, LLC (Block 245, Lot 3.02) | | | 4 | | | | | | | | | 4 |
| Fiallo (B 426, L 41) | | 2 | | | | | | | | | | 2 |
| Milalinic Developments, LLC (B 27, L 27, 28A, 28B) | | | | | | | 117 | | | | | 117 |
| Rivas (B 424, L 55B, 56A) | | | 2 | | | | | | | | | 2 |
| Albert & Hardiman (B 298, L 17) | 1 | | | | | | | | | | | 1 |
| Inamagua (B 117, L 167, 168) | | 1 | | | | | | | | | | 1 |
| Meadowview Ave, LLC (B 137, Lot 287, 288) | | 2 | | | | | | | | | | 2 |
| Diaz (B231, L 15, 16, 17) | | 1 | | | | | | | | | | 1 |
| Ramirez (B 83 L 107, 108) | | | 3 | | | | | | | | | 3 |
| Suarez (B 263, L 17) | | 1 | | | | | | | | | | 1 |
| Shell (B 162, L 46, 47) | | 1 | | | | | | | | | | 1 |
| L&G Management (B 88, L 25, 26) | | | | 62 | | | | | | | | 62 |
| Century Land Group, LLC (B 195, L 68) | | | | | | | 128 | | | | | 128 |
| F&C Auto Sales, Inc. (B 235, L 107) | | 2 | | | | | | | | | | 2 |
| Kaltsis (B 327, L 25) | | | 2 | | | | | | | | | 2 |
| Patel (B 391, L 26) | | 1 | | | | | | | | | | 1 |
| Lane Acquisition Northeast (B 316, L 7.A1, 20A, 21A) | | 300 | | | | | | | | | | 300 |
| Alfran Realty (B 195, L 61-67) | | | 165 | | | | | | | | | 165 |
| Subtotal | 2 | 318 | 179 | 62 | 0 | 0 | 245 | 0 | 0 | 0 | 0 | 806 |
| Pending Projects | | | | | | | | | | | | |
| Appleview, LLC (B 316, Lots 1,2,3,5.02) | | | | | 140 | | | | | | | 140 |
| Riverview Development (B 438, L 4) | | | | | | 256 | | | | | | 256 |
| Subtotal | 0 | 0 | 0 | 0 | 140 | 256 | 0 | 0 | 0 | 0 | 0 | 396 |
| Total | 2 | 318 | 179 | 62 | 140 | 256 | 245 | 0 | 0 | 0 | 0 | 1,202 |

Anticipated development is that which will likely occur before 2018, based on site-specific analysis of remaining developable parcels and local knowledge. This analysis includes an estimate of other projected development, based in part on historical growth trends. The analysis of anticipated development applications is based on existing vacant sites that are expected to be developed for residential use before 2018. Yield calculations are based on existing zoning and other features that may impact the amount of development, such as the presence of environmental features, etc.

Table 20: Number of Residential Units by Year of Anticipated CO Anticipated Residential Development Not Before Approving Authority North Bergen, New Jersey

| | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | Total |
|-------------------------------|------|------|------|------|------|------|------|------------|------|------|------|------------|
| Columbia Park (B 77, L 36.01) | | | | | | | | 350 | | | | 350 |
| Total | | | | | | | | 350 | | | | 350 |

As shown in the following table, several of the projects identified above will be inclusionary projects consistent with COAH regulations. Accordingly, the noted units may be excluded from the projection.

Table 21: Inclusionary Development Exclusions North Bergen, New Jersey

| | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | Total |
|--|------|------------|------|-----------|------------|------------|------------|------------|------|------|------|--------------|
| Milalinic Developments, LLC (B 27, L 27, 28A, 28B) | | | | | | | 117 | | | | | 117 |
| F430 Properties, LLC (B 88, L 25, 26) | | | | 62 | | | | | | | | 62 |
| Appleview, LLC (B 316, Lots 1,2,3,5.02) | | | | | 140 | | | | | | | 140 |
| Riverview Development (B 438, L 4) | | | | | | 256 | | | | | | 256 |
| Lane Acquisition Northeast (B 316, L 7.A1, 20A, 21A) | | 300 | | | | | | | | | | 300 |
| Columbia Park (B 77, L 36.01) | | | | | | | | 350 | | | | 350 |
| Total | | 300 | | 62 | 140 | 256 | 117 | 350 | | | | 1,225 |

The final table includes actual data from 2006 through year-to-date 2008, representing the total actual and projected residential growth expected for the third-round period.

**Table 22: Total Net Number of Residential Units by Year – Actual and Projected
North Bergen, New Jersey**

| | Actual | | | | | Projected | | | | | | | | | | |
|-----------------|-----------|------------|-----------|-----------|------------|-----------|------------|------------|-----------|------------|------------|------------|------------|----------|----------|--------------|
| | '04 | '05 | '06 | '07 | '08 YTD | '08 | '09 | '10 | '11 | '12 | '13 | '14 | '15 | '16 | '17 | Total |
| COs | 18 | 220 | 49 | 38 | 8 | | | | | | | | | | | 333 |
| Approved | | | | | | 2 | 318 | 179 | 62 | | | 245 | | | | 806 |
| Pending | | | | | | | | | | 140 | 256 | | | | | 396 |
| Anticipated | | | | | | | | | | | | | 350 | | | 350 |
| Subtotal | 18 | 220 | 49 | 38 | 8 | 2 | 318 | 179 | 62 | 140 | 256 | 245 | 350 | 0 | 0 | 1,885 |
| Exclusions | | | | | | | 300 | | 62 | 140 | 256 | 117 | 350 | | | 1,225 |
| Total | 18 | 220 | 49 | 38 | 8 | 2 | 18 | 179 | 0 | 0 | 0 | 128 | 0 | 0 | 0 | 660 |

- iii. Comparison: COAH Projection and Actual Projection. A municipality may utilize its own projections if they exceed those provided in Appendix F of the COAH regulations. As shown above, the actual projected growth greatly exceeds COAH's projection. Accordingly, the actual projected growth will be used to determine the township's residential growth share obligation.
- iv. Determining the Residential Growth Share. In this step, the residential growth share is determined by dividing the Final Net Growth projections by four, based on the requirement that one affordable unit be constructed for every four market rate units. That is, the affordable component is assumed to be included in the projections identified above, rather than provided on top of the growth identified previously.

**Table 23: Residential Growth Share Obligation
North Bergen, New Jersey**

| | '04 | '05 | '06 | '07 | '08 | '09 | '10 | '11 | '12 | '13 | '14 | '15 | '16 | '17 | '18 | Total |
|--------------------------|------------|-----------|--------------|------------|------------|------------|--------------|----------|----------|----------|-----------|----------|----------|----------|----------|------------|
| Final Net Growth | 18 | 220 | 49 | 38 | 10 | 18 | 179 | 0 | 0 | 0 | 128 | 0 | 0 | 0 | 0 | 660 |
| Growth Share (÷4) | 4.5 | 55 | 12.25 | 9.5 | 2.5 | 4.5 | 44.75 | 0 | 0 | 0 | 32 | 0 | 0 | 0 | 0 | 165 |

b. Calculation of Non-Residential Growth Share

- i. COAH Growth Projection. COAH projects that the number of jobs in North Bergen will increase by 3,468 by the year 2018. This is detailed in the following table.

**Table 24: Non-Residential Growth Estimates 2004-2018
North Bergen, New Jersey**

| | | | | |
|---------------------------------|---|---------------------------------|---|--------------------------|
| 2018 Employment Estimate | - | 2004 Employment Estimate | = | Employment Growth |
| 22,551 | - | 19,083 | = | 3,468 |

Source: NJTPA Population and Employment Projections

As with the residential projections, COAH permits municipalities to adjust their employment projections based on the existing land capacity. After performing a capacity analysis, the data indicates that North Bergen can accommodate 687

additional jobs. This figure is based on the actual creation of 223 jobs (using COAH's ratios applied to the amount of nonresidential square footage constructed and shown below), and a projection of an additional 464 jobs determined by land capacity. The analysis is shown in an appendix.

The nonresidential growth share obligation is determined by dividing the nonresidential projection by sixteen. Accordingly, North Bergen's nonresidential obligation is 43 units.

- ii. Actual Growth Projection. Like the residential growth share analysis, COAH permits a municipality to prepare a detailed analysis of historical trends, pending and approved development applications, and other local knowledge to generate an actual non-residential growth projection for the Township. This projection is then compared to COAH's projection.

The detailed projection is determined through a series of similar steps and analyses, as shown below.

Historical Trends in Non-Residential Development. In this step, historical data for the years 1996-2008 YTD is shown. This data establishes the Township's historical non-residential growth trends and provides actual growth figures for year-to-date 2008. As with the residential analysis, growth is indicated by certificates of occupancy and demolition permits issued. Historical trends are then utilized in a subsequent stage to help predict non-residential growth. The table presents this information based on the total square footage by type of non-residential development (i.e. office, retail, etc.).

**Table 25: Historical Trends in Non-Residential Development, 1996-2008 YTD
Analysis of Certificates of Occupancy and Demolition Permits, Square Footage by Use Type
North Bergen, New Jersey**

| | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 |
|--|--------|-------|--------|-------|-------|------|-------|------|--------|--------|-------|-------|------|
| Certificates of Occupancy Issued (sf) | | | | | | | | | | | | | |
| Office | 13,235 | 1,600 | 10,940 | 8,804 | 0 | 0 | 2,465 | 0 | 0 | 61,217 | 0 | 1,231 | 0 |
| Retail | 0 | 0 | 0 | 0 | 5,000 | 0 | 0 | 0 | 6,446 | 6,000 | 0 | 0 | 0 |
| A-1 | 0 | 0 | 62,000 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| A-2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5,136 | 0 | 0 |
| A-3 | 1,404 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| A-5 | 16,200 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hotel/Motel | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2,023 | 0 | 0 | 0 | 0 |
| Institutional | 1,300 | 0 | 588 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Storage | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 17,400 | 0 | 0 | 0 | 0 |
| Demolition Permits Issued (sf): Data not available. | | | | | | | | | | | | | |

Source: NJ DCA, the NJ Construction Reporter

Anticipated Non-Residential Development. COAH requires that non-residential development be projected to 2018. This analysis involves the identification of all prospective non-residential projects, including those approved but not receiving COs,

any pending non-residential development applications, and anticipated residential development. Anticipated development is that which will likely occur before 2018, based on site-specific analysis of remaining developable parcels. This analysis includes an estimate of other projected non-residential development, based in part on historical growth trends. The following tables project the estimated square footage and job growth associated with each development.

**Table 26: Projected Non-Residential Square Footage/Jobs, by Year of Anticipated CO Approved Development Applications
North Bergen, New Jersey**

| Approved Projects | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | Total |
|--|------|-------|------|------|-------|------|------|------|------|------|------|--------|
| OM Viththal, LLC (Best Western) (B 50.01, L 7-11, 12.01, 12.02, 13) R1: 145,462 | | | | | 247.3 | | | | | | | 247.3 |
| Dublin Properties, LLC (Walgreen's) (B 416A, Lots 17-23) M: 8,000 S: 1,960 | | | 15.6 | | | | | | | | | 15.6 |
| Patrick Ralph La Freida, LLC (B 86, L 5, 18, 23) M: 10,027 S: 16,320 | | | | 33.4 | | | | | | | | 33.4 |
| Alex Vega (B 278, L 22.B) B: 1,214 | | 3.4 | | | | | | | | | | 3.4 |
| Torres (B 350, L 1, 73, 74) B: 10,800 | | | 30.2 | | | | | | | | | 30.2 |
| US Window Factory, LLC (B 183, L 21) B: 2,215 M: 3,851 A2: 1,892 | | | | 18.8 | | | | | | | | 18.8 |
| Patel (B 391, L 26) M: 1,104 | | | 1.9 | | | | | | | | | 1.9 |
| Shrinav Corp. T.A. Noveck's Pharmacy (B 319, L 67) B: 1,300 | | | 3.6 | | | | | | | | | 3.6 |
| Vornado North Bergen Tonelle Plaza, LLC M: 410,414 B: 4,550 A2: 5,160 | | 726.9 | | | | | | | | | | 726.9 |
| Total | | 730.3 | 51.3 | 52.2 | 247.3 | | | | | | | 1081.1 |

Actual data from 2006 through year-to-date 2008 is added to the table below to provide a complete non-residential growth projection for the third round period.

**Table 27: Total Net Employment Growth – Actual and Projected
North Bergen, New Jersey**

| | Actual | | | | | Projected | | | | | | | | | | | Total |
|--------------|--------|-------|------|-----|------------|-----------|------|------|-------|-----|-----|-----|-----|-----|-----|-----|----------------|
| | '04 | '05 | '06 | '07 | '08 YTD | '08 | '09 | '10 | '11 | '12 | '13 | '14 | '15 | '16 | '17 | '18 | |
| COs | 21.8 | 181.6 | 16.4 | 3.4 | | | | | | | | | | | | | 223.2 |
| Approved | | | | | | 730.3 | 51.3 | 52.2 | 247.3 | | | | | | | | 1,081.1 |
| Total | 21.8 | 181.6 | 16.4 | 3.4 | | 730.3 | 51.3 | 52.2 | 247.3 | | | | | | | | 1,304.3 |

iii. Comparison of Capacity Analysis to Actual Projection. As indicated above, the actual projected growth is 1,304 jobs. However, using Workbook C, provided by COAH, an analysis of the vacant nonresidential zoned parcels in North Bergen, in combination with the actual growth from 2004 to 2008 year-to-date, indicates job growth of 687 jobs. The result would incur a 43-unit affordable housing obligation. A copy of the workbook is provided in an appendix. The township assumes the actual projected growth will largely occur through redevelopment, explaining the difference between the actual growth, and the project growth through the analysis in Workbook C.

iv. Determining the Nonresidential Growth Share

**Table 28: Nonresidential Growth Share Obligation
North Bergen, New Jersey**

| | '04 | '05 | '06 | '07 | '08 | '09 | '10 | '11 | '12 | '13 | '14 | '15 | '16 | '17 | '18 | Total |
|-------------------------------|------------|-------------|------------|------------|----------|-------------|------------|------------|-------------|----------|----------|----------|----------|----------|----------|-------------|
| Final Net Growth | 21.8 | 181.6 | 16.4 | 3.4 | 0 | 730.3 | 51.3 | 52.2 | 247.3 | 0 | 0 | 0 | 0 | 0 | 0 | 1,304.3 |
| Growth Share (÷16) | 1.3 | 11.4 | 1.0 | 0.2 | 0 | 45.6 | 3.2 | 3.3 | 15.5 | 0 | 0 | 0 | 0 | 0 | 0 | 81.5 |

c. Total Growth Share Obligation

The total growth share obligation, combining residential and nonresidential growth is 247. The table below depicts the growth share obligation.

**Table 29: Total Growth Share Obligation
North Bergen, New Jersey**

| Component | Obligation |
|--------------------------------------|------------|
| Residential Growth Share | 165 |
| Nonresidential Growth Share | 81.5 |
| Total Growth Share Obligation | 247 |

4. Total Fair Share Obligation. As indicated previously, the total fair share obligation is the sum of the rehabilitation share, remaining prior round obligation, and the growth share. As shown below, North Bergen has a total fair share obligation of 1,209 units.

**Table 30: Total Fair Share Obligation
North Bergen, New Jersey**

| Component | Obligation |
|------------------------------------|-------------------|
| Rehabilitation Share | 962 |
| Remaining Prior Round Obligation | 0 |
| Growth Share | 247 |
| Total Fair Share Obligation | 1,209 |

SECTION III: FAIR SHARE PLAN

A. PLAN SUMMARY

This section of the plan details the projects, mechanisms and funding sources which will be used to meet the Township's affordable housing obligation. The Township has zero units remaining from its prior round obligation, as detailed previously. North Bergen was assigned a rehabilitation share of 962 units and a growth share obligation of 247 units, which will be addressed through credit for existing affordable units, future inclusionary development, and an alternative living facility.

The following is noted with respect to the growth share:

1. Rental Obligation (5:97-3.4). The township is required to provide no less than 25 percent of its growth share obligation with rental units. Accordingly, North Bergen must provide 62 rental units. In addition, 50 percent of these units must be family housing units, which is a self-contained unit available to the general public. Therefore, 31 rental units must be family units.
2. Age Restricted Units (5:97-3.11). The township may age-restrict a maximum of 25 percent of its growth share obligation. North Bergen may therefore restrict 62 units of its growth share obligation for age-restricted units.
3. Very Low-Income Units. COAH also requires municipalities to restrict a minimum of 13 percent of its growth share obligation to very low-income families. North Bergen therefore has a 32-unit obligation for very low-income households.
4. Family Housing Units (5:97-3.9). Fifty percent of a municipality's growth share obligation must be met with family housing units. North Bergen must provide 124 family units.
5. Bonus Credits. COAH limits bonus credits such as rental bonuses, compliance bonuses and smart growth bonuses to 25 percent of the growth share obligation. Accordingly, North Bergen can receive up to 62 bonus credits.

B. PLAN COMPONENTS

1. Rehabilitation Share. The township's rehabilitation obligation is 962 units. The township will seek to rehabilitate units through active participation in the Hudson County Housing Rehabilitation Program. However, it is not likely that participation in this program will meet the townships rehabilitation obligation. If North Bergen were to attempt to provide funds to meet its obligation, the cost would approximately 10 million dollars. This represents approximately 15 percent of the total annual budget. Since this is an extraordinary hardship, the township seeks a waiver in accordance with 5:97-6.2(g), which permits municipalities receiving State aid (pursuant to N.J.S.A. 52:27D-178) to seek a waiver where it can demonstrate that it cannot rehabilitate the entire rehabilitation component in 10 years and/or that an extraordinary hardship exists, related to addressing the entire rehabilitation component in 10 years.

2. Growth Share Obligation. The township shall satisfy its growth share obligation by seeking credit for an existing age-restricted development, through future inclusionary development, and through a project mixing supportive housing with family units. The details of each of these projects are provided below.
 - a. Age-Restricted Development: The township seeks credit for the Theresa V. Ferraro Senior Building located on Grand Avenue, which contains 104 units. The units are restricted for low and moderate income household until March 15, 2031. Monitoring forms for this project are provided in an appendix. As noted above, the township can only receive credit for up to 62 age-restricted units. The 42 excess units may be used to satisfy future obligations.
 - b. Inclusionary Development: The township will zone six sites for inclusionary development. These sites are currently before the township for development approval of residential units, or will be requiring further approval, and will be required to provide a 20% set-aside. Details for each project are listed below. In total, the township could receive a minimum of 244 credits for affordable units. However, the township could receive additional credits if rental units are constructed in excess of the minimum required.
 - i. Milalinic Developments (B 27, L 27, 28A, 28B): The applicant is seeking to construct 117 units. With a 20 percent set-aside, the project would produce 23 affordable units.

Per COAH'S rules N.J.A.C 5:97-6.4(b)1 all sites proposed for inclusionary development shall meet the site suitability criteria set forth in N.J.A.C.5:97-3.13.

- Site suitability requirements are addressed below:

| | |
|---------------------------------|--|
| Block/Lot | Block 27 Lots 27,28A and 28 B |
| Acreage | 1.585 ac (69,037 sq ft) |
| Property Owner | Rafi Yacoubian |
| Current Zoning | R-4 Zone |
| Surrounding Development Pattern | Mix of uses includes commercial, multifamily developments and warehousing. |
| Sewer and water capacity | Not connected however readily available |
| SDRP Planning Areas | PA (1) |
| Street Access | Paterson Plank Rd |

- Environmental features:

The site is developable. The only environmental constraints are areas of steep slopes.

- Proposed Zoning Regulations for the inclusionary development.

| Requirements | Proposed AH-I |
|---|-------------------------------|
| Use | Multifamily units, Apartments |
| Min. Lot Area | 40,000 sq ft |
| Min. Lot Width | 200 sq ft |
| Min. Lot Depth | 200 sq ft |
| Min. Front Yard | 25 ft |
| Min. Side Yard | 15 ft |
| Min. Rear Yard | 30 ft |
| Min. Building Coverage | 35% |
| If the site is characterized by topographical slope of 20% or greater | 55% |
| Max. Impervious Coverage | 75% |
| Max. Building Ht (sty/ft) | 10*/100 |
| Min. set-aside | 20% of proposed units |

* including parking levels

- ii. L&G Management (F430 Properties, LLC) (B 88, L 25, 26): The applicant is seeking to construct 62 units. With a 20 percent set-aside, the project would produce 12 affordable units.

Per COAH'S rules N.J.A.C 5:97-6.4(b)1 all sites proposed for inclusionary development shall meet the site suitability criteria set forth in N.J.A.C.5:97-3.13.

- Site suitability requirements are addressed below:

| | |
|---------------------------------|--|
| Block/Lot | Block 88 Lots 25 and 26 |
| Acreage | 2.8 ac |
| Property Owner | Leonard Edelson |
| Current Zoning | R-2 zone and C-2 zone |
| Surrounding Development Pattern | Variety of uses including commercial, industrial and residential |
| Sewer and water capacity | Connected |
| SDRP Planning Areas | PA (1) |
| Street Access | Tonelle Ave |

- Environmental features:

The site is a known contaminated site. Depending on the remediation of the location, the property is developable. The site does not contain any major natural environmental constraints.

- Proposed Zoning Regulations for the inclusionary development.

| Requirements | Proposed AH-II |
|---------------------------------------|----------------------------|
| Use | 2 fam dwelling semi attach |
| Min. Lot Area | 6,000 sq ft |
| Min. Lot Width | 100 |
| Min. Lot Depth | 30 |
| Min. Front Yard | 10 |
| Min. Side Yard | 8.5 |
| Min. Rear Yard | 25 |
| Min. Building Coverage | 35 |
| Max. Impervious Coverage | 65 |
| Max. Building Ht (sty/ft) | 25 |
| Min. set-aside for affordable housing | 20% of proposed lot |

* including parking levels

- iii. Appleview, LLC (B 316, Lots 1,2,3,5.02): The applicant is seeking to construct 140 units. With a 20 percent set-aside, the project would produce 28 affordable units.

Per COAH'S rules N.J.A.C 5:97-6.4(b)1 all sites proposed for inclusionary development shall meet the site suitability criteria set forth in N.J.A.C.5:97-3.13.

- Site suitability requirements are addressed below:

| | |
|---------------------------------|---|
| Block/Lot | Block 316 Lots 1,2,3 and 5.02 |
| Acreage | 2.3 ac |
| Property Owner | Apple View LLC JMC Hold Corp |
| Current Zoning | P-2 zone |
| Surrounding Development Pattern | Multifamily residential and public utility use. |
| Sewer and water capacity | Not connected however readily available |
| SDRP Planning Areas | PA (1) |
| Street Access | River Road |

- Environmental features:

The site is developable with no major environmental constraints.

- Proposed Zoning Regulations for the inclusionary development.

| Requirements | Proposed AH-III |
|---------------------------------------|---------------------|
| Use | TBD |
| Min. Lot Area | TBD |
| Min. Lot Width | TBD |
| Min. Lot Depth | TBD |
| Min. Front Yard | TBD |
| Min. Side Yard | TBD |
| Min. Rear Yard | TBD |
| Min. Building Coverage | TBD |
| Max. Impervious Coverage | TBD |
| Max. Building Ht (sty/ft) | TBD |
| Min. set-aside for affordable housing | 20% of proposed lot |

- iv. Riverview Development (B 438, L 4): The applicant is seeking to construct 256 units. With a 20 percent set-aside, the project would produce 51 affordable units.

Per COAH'S rules N.J.A.C 5:97-6.4(b)1 all sites proposed for inclusionary development shall meet the site suitability criteria set forth in N.J.A.C.5:97-3.13.

- Site suitability requirements are addressed below:

| | |
|---------------------------------|---|
| Block/Lot | Block 438 Lots 4 |
| Acreage | 1.73 Ac |
| Property Owner | Roanvar Inc |
| Current Zoning | P-1 zone |
| Surrounding Development Pattern | Multifamily residential and public utility use. |
| Sewer and water capacity | Not connected however readily available. |
| SDRP Planning Areas | PA (1) |
| Street Access | River Road |

- Environmental features:

The site is within the 100 year floodplain. There are no other environmental constraints.

- Proposed Zoning Regulations for the inclusionary development.

| Requirements | Proposed AH-IV |
|---------------------------------------|---------------------------|
| Use | Multifamily |
| Min. Lot Area | 1.5 ac |
| Min. Front Yard | 75 |
| Min. Side Yard | 25 |
| Min. Rear Yard | 25 |
| Min. Building Coverage | 35 |
| Max. Impervious Coverage | 75 |
| Max. Building Ht (ft) | 120 |
| Min. set-aside for affordable housing | 20% of the proposed units |

- v. Lane Acquisition Northeast (B 316, L 7.A1, 20A, 21A): The applicant is seeking to construct 300 units. With a 20 percent set-aside, the project would produce 60 affordable units.

Per COAH'S rules N.J.A.C 5:97-6.4(b)1 all sites proposed for inclusionary development shall meet the site suitability criteria set forth in N.J.A.C.5:97-3.13.

- Site suitability requirements are addressed below:

| | |
|---------------------------------|--|
| Block/Lot | Block 316 Lots 7.A1, 20A, 21A |
| Acreage | 4.39 Ac |
| Property Owner | 7601 River Rd LP |
| Current Zoning | P-3 zone |
| Surrounding Development Pattern | Multifamily residential use |
| Sewer and water capacity | Not connected however readily available. |
| SDRP Planning Areas | PA (1) |
| Street Access | River Road |

- Environmental features:

The site is developable with no environmental constraints.

- Proposed Zoning Regulations for the inclusionary development.

| Requirements | Proposed AH-V |
|--|--|
| Use | Multifamily residential units |
| Min. Lot Area | 4 |
| Min. Lot Width | 150 |
| Min. Lot Depth | 200 |
| Min. Front Yard Street R.O.W | 15 |
| Min. Side Yard | 20 |
| Min. Rear Yard Base of Palisade Cliff | 40 |
| Min. Building Coverage | 40 |
| Max. Impervious Coverage | 65 |
| Max. Building Ht (sty/ft) | 40 ft below top of cliff or 120 ft whichever is maximum |
| Max. Density | 75 du/ac |
| Min. set-aside for affordable housing | 20% of proposed units |

- vi. Columbia Park (B 77, L 36.01): The applicant is seeking to construct 350 units. With a 20 percent set-aside, the project would produce 70 affordable units.

Per COAH’S rules N.J.A.C 5:97-6.4(b)1 all sites proposed for inclusionary development shall meet the site suitability criteria set forth in N.J.A.C.5:97-3.13.

- Site suitability requirements are addressed below:

| | |
|---------------------------------|--|
| Block/Lot | Block 77 Lots 36.01 |
| Acreage | 1.07 ac |
| Property Owner | FC/Treco LLC 1 st NY Part 10 th Fl |
| Current Zoning | C2 zone with R-5 Overlay |
| Surrounding Development Pattern | Commercial, multifamily residential |
| Sewer and water capacity | Not connected however readily available |
| SDRP Planning Areas | PA (1) |
| Street Access | Kennedy Boulevard |

- Environmental features:

The site is developable with no environmental constraints.

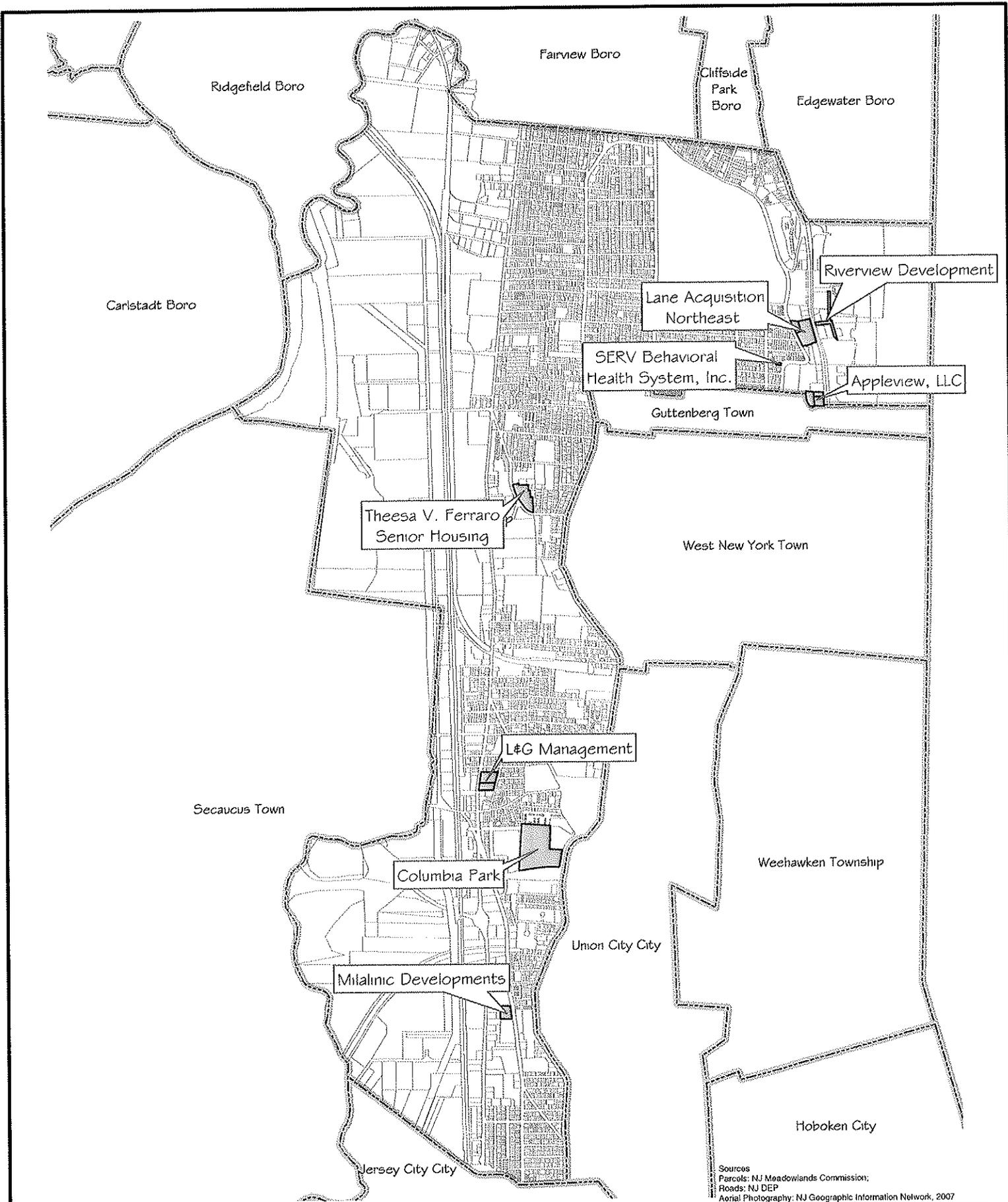
- Proposed Zoning Regulations for the inclusionary development.

| Requirements | Proposed AH-VI |
|---------------------------------------|-------------------------------|
| Use | Multifamily residential units |
| Min. Lot Area | 43,560 sq ft |
| Min. Lot Width | 180 |
| Min. Lot Depth | 180 |
| Min. Front Yard | 8 |
| Min. Side Yard | 0 |
| Min. Rear Yard | 0 |
| Min. Building Coverage | 75 |
| Max. Impervious Coverage | 90 |
| Max. Building Ht (sty/ft) | 25/370 |
| Min. set-aside for affordable housing | 20% of proposed units |

- c. Supportive/Special Needs Housing: SERV Behavioral Health System, Inc. is converting a site (owned by SERV Properties and Management, Inc.) into affordable housing for residents with supportive/special needs. The site will also include affordable units available to the general public that meet income qualifications. The site is located at 7315 Boulevard East (Block 310, Lot 13) within the R-1 Residential zone, and will contain 12 affordable units. Five of the units will be for supportive housing, while the remaining seven will be available to the public.
- d. Summary: As shown in the table below, the housing plan provides a minimum of 318 credits. This number could be increased depending on the number of rental units that are constructed. Additionally, this figure does not include the 42 excess credits that are currently ineligible due to caps on age-restricted development. The proposed 318 units meets North Bergen's housing obligation, and provides an additional 71 units of excess credit.

**Table 31: Housing Plan Mechanism Summary
North Bergen, New Jersey**

| Mechanism | Affordable Housing Credit |
|-------------------------------------|--|
| Age-Restricted Development | 62 |
| Inclusionary Development | 244 |
| SERV Behavioral Health System, Inc. | 12 (5 supportive need, 7 family units) |
| Total | 318 |



Sources
 Parcels: NJ Meadowlands Commission;
 Roads: NJ DEP
 Aerial Photography: NJ Geographic Information Network, 2007

| | | | |
|---|---|------------------------------|--|
| Dwg. Title Affordable Housing Sites | Project No. 2119.04 | Dwg. Date 03/12/09 | Drawn By KAK |
|  BURGIS ASSOCIATES, INC. PROFESSIONAL PLANNERS / LANDSCAPE ARCHITECTS 25 WESTWOOD AVENUE WESTWOOD, N.J. 07675 201-666-1811 FAX: 201-666-2599 | Project Title North Bergen Master Plan Re-examination <small>CITY OF NORTH BERGEN HUDSON COUNTY, NEW JERSEY</small> | Dwg. Scale N.T.S. | Sheet No. 1 of 1 Drawing No. AHSites <small>2009 COPYRIGHT BA NOT TO BE REPRODUCED</small> |

Appendices

- A: Service List
- B: Development Fee Ordinance
- C: Draft Resolution Requesting COAH to Review Development Fee Ordinance
- D: Draft Spending Plan
- E: Draft Resolution Forwarding Spending Plan to COAH
- F: Escrow Agreement (To be inserted)
- G: Draft Affordable Housing Ordinance
- H: Draft Ordinance Creating the Position of Municipal Housing Liaison
- I: Draft Governing Body Resolution Designating the Municipal Housing Liaison
- J: Workbook B: Summary of Growth Share Determination Using Municipal Projections
- K: Workbook C: Summary of Adjusted Growth Share Projection Based on Land Capacity
- L: Resolution of Intent to Bond
- M: Theresa V. Ferraro Senior Building Monitoring Form

A: SERVICE LIST



MUNICIPALITY, COUNTY SERVICE LIST

N.J.A.C. 5:96-3.7



A municipality that petitions the Council on Affordable Housing (COAH) for substantive certification or is otherwise participating in COAH's substantive certification process must include an updated service list in order for COAH to review its submittal. At the time it files or petitions for substantive certification a municipality must provide COAH with a Service List which includes the following information (Please print clearly):

1. Current names and addresses of owners of sites included in previously certified or court settled plans that were zoned for low- and moderate-income housing and/or were to pay a negotiated fee(s). Owners of sites that have been completely developed may be excluded;

| | | | |
|-----------------------|--------------------------------|------------------|------------|
| PROJECT NAME | <u>Theresa V. Ferraro</u> | BLOCK | <u>205</u> |
| | <u>Apartments (North</u> | LOT | <u>68</u> |
| PROPERTY OWNER | <u>Bergen Renaissance I)</u> | TITLE | _____ |
| EMAIL | _____ | PHONE NO. | _____ |
| ADDRESS | <u>6121 Grand Ave</u> | FAX NO. | _____ |
| | <u>North Bergen, NJ- 07047</u> | | |

| | | | |
|-----------------------|-------|------------------|-------|
| PROJECT NAME | _____ | BLOCK | _____ |
| | _____ | LOT | _____ |
| PROPERTY OWNER | _____ | TITLE | _____ |
| EMAIL | _____ | PHONE NO. | _____ |
| ADDRESS | _____ | FAX NO. | _____ |
| | _____ | | |

| | | | |
|-----------------------|-------|------------------|-------|
| PROJECT NAME | _____ | BLOCK | _____ |
| | _____ | LOT | _____ |
| PROPERTY OWNER | _____ | TITLE | _____ |
| EMAIL | _____ | PHONE NO. | _____ |
| ADDRESS | _____ | FAX NO. | _____ |
| | _____ | | |

| | | | |
|-----------------------|-------|------------------|-------|
| PROJECT NAME | _____ | BLOCK | _____ |
| | _____ | LOT | _____ |
| PROPERTY OWNER | _____ | TITLE | _____ |
| EMAIL | _____ | PHONE NO. | _____ |
| ADDRESS | _____ | FAX NO. | _____ |
| | _____ | | |



**MUNICIPALITY, COUNTY
SERVICE LIST**

N.J.A.C. 5:96-3.7



| | | | |
|-----------------------|--|------------------|--|
| PROJECT NAME | | BLOCK | |
| | | LOT | |
| PROPERTY OWNER | | TITLE | |
| EMAIL | | PHONE NO. | |
| ADDRESS | | FAX NO. | |
| | | | |

| | | | |
|-----------------------|--|------------------|--|
| PROJECT NAME | | BLOCK | |
| | | LOT | |
| PROPERTY OWNER | | TITLE | |
| EMAIL | | PHONE NO. | |
| ADDRESS | | FAX NO. | |
| | | | |



**MUNICIPALITY, COUNTY
SERVICE LIST**
N.J.A.C. 5:96-3.7



2. The names and addresses of owners of all new or additional sites included in the Fair Share Plan;

| | | | |
|-----------------------|---|------------------|------------------|
| | | BLOCK | <u>27</u> |
| PROJECT NAME | <u>Milalinic Developments</u> | LOT | <u>27</u> |
| PROPERTY OWNER | <u>Rafi Yacoubian</u> | TITLE | <u>Lot Owner</u> |
| EMAIL | _____ | PHONE NO. | _____ |
| ADDRESS | <u>221 Cooper Ave</u> <u>New Milford, NJ 07646</u> | FAX NO. | _____ |

| | | | |
|-----------------------|--|------------------|--------------|
| | | BLOCK | <u>88</u> |
| PROJECT NAME | <u>L & G Management</u> | LOT | <u>25,26</u> |
| PROPERTY OWNER | <u>Leonard Edelson</u> | TITLE | _____ |
| EMAIL | _____ | PHONE NO. | _____ |
| ADDRESS | <u>3901 Liberty Ave</u> <u>North Bergen, NJ 07047</u> | FAX NO. | _____ |

| | | | |
|-----------------------|--|------------------|------------|
| | | BLOCK | <u>316</u> |
| PROJECT NAME | <u>Appleview LLC</u> | LOT | <u>1,3</u> |
| PROPERTY OWNER | <u>Appleview LLC</u> | TITLE | _____ |
| EMAIL | _____ | PHONE NO. | _____ |
| ADDRESS | <u>PO Box 835</u> <u>Ridgefield, NJ 07657</u> | FAX NO. | _____ |

| | | | |
|-----------------------|---|------------------|------------|
| | | BLOCK | <u>438</u> |
| PROJECT NAME | <u>Riverview Development</u> | LOT | <u>4</u> |
| PROPERTY OWNER | <u>Ronavar Inc.</u> | TITLE | _____ |
| EMAIL | _____ | PHONE NO. | _____ |
| ADDRESS | <u>115 River Rd</u> <u>Edgewater, NJ 07020</u> | FAX NO. | _____ |



**MUNICIPALITY, COUNTY
SERVICE LIST**
N.J.A.C. 5:96-3.7



3. Except for Mayors, Clerks, Municipal Attorneys and Municipal Housing Liaisons, which are automatically added to every Service List by COAH, the names and addresses of all municipal employees or designees that the municipality would like notified of all correspondence relating to the filing or petition;

| | | | |
|----------------|---------------------------------|------------------|--|
| NAME | <u>Diane Peirano Ingvaldsen</u> | TITLE | <u>Executive Director , North Bergen Renaissance, LP</u> |
| EMAIL | _____ | PHONE NO. | <u>201-295-8900</u> |
| ADDRESS | <u>6201 Grand Ave</u> | FAX NO. | _____ |
| | <u>North Bergen , NJ-07047</u> | | |

| | | | |
|----------------|--|------------------|---------------------|
| NAME | <u>Brian M. Chewcaskie</u> | TITLE | <u>Attorney</u> |
| EMAIL | _____ | PHONE NO. | <u>201-944-2300</u> |
| ADDRESS | <u>2200 Fletcher Ave</u> | FAX NO. | <u>201-944-1497</u> |
| | <u>9w Office Center Fort Lee, NJ 07024</u> | | |

| | | | |
|----------------|--------------------------------------|------------------|---------------------|
| NAME | <u>Joseph H. Burgis, AICP/PP</u> | TITLE | <u>Planner</u> |
| EMAIL | <u>jhb@burgis.com</u> | PHONE NO. | <u>201-666-1811</u> |
| ADDRESS | <u>25 Westwood Ave</u> | FAX NO. | <u>201-666-2599</u> |
| | <u>Westwood, NJ</u> | | |

| | | | |
|----------------|-------|------------------|-------|
| NAME | _____ | TITLE | _____ |
| EMAIL | _____ | PHONE NO. | _____ |
| ADDRESS | _____ | FAX NO. | _____ |
| | _____ | | |

| | | | |
|----------------|-------|------------------|-------|
| NAME | _____ | TITLE | _____ |
| EMAIL | _____ | PHONE NO. | _____ |
| ADDRESS | _____ | FAX NO. | _____ |
| | _____ | | |

| | | | |
|----------------|-------|------------------|-------|
| NAME | _____ | TITLE | _____ |
| EMAIL | _____ | PHONE NO. | _____ |
| ADDRESS | _____ | FAX NO. | _____ |
| | _____ | | |



MUNICIPALITY, COUNTY SERVICE LIST

N.J.A.C. 5:96-3.7



4. The names and addresses of relevant County, Regional and/or State entities; AND

| | | | |
|----------------|---------------------------------------|------------------|--|
| NAME | Stephen D. Marks, AICP/PP | TITLE | Director of Division of Planning |
| EMAIL | | PHONE NO. | 201-217-5137 |
| ADDRESS | Brennan Court House 583 Newark Ave | FAX NO. | |
| | Jersey City, NJ 07306 | | |

| | | | |
|----------------|---|------------------|--|
| NAME | Office of Smart Growth, Department of Community Affairs | TITLE | |
| EMAIL | | PHONE NO. | |
| ADDRESS | 101 South Broad St. PO Box 204 | FAX NO. | |
| | Trenton, NJ 08625 | | |

| | | | |
|----------------|--------------------------------------|------------------|--------------|
| NAME | New Jersey Meadowlands Commission | TITLE | |
| EMAIL | | PHONE NO. | 201-460-7100 |
| ADDRESS | 1 De Korte Park Plz | FAX NO. | |
| | Lyndhurst, NJ 07071 | | |

| | | | |
|----------------|--|------------------|--|
| NAME | | TITLE | |
| EMAIL | | PHONE NO. | |
| ADDRESS | | FAX NO. | |
| | | | |

| | | | |
|----------------|--|------------------|--|
| NAME | | TITLE | |
| EMAIL | | PHONE NO. | |
| ADDRESS | | FAX NO. | |
| | | | |



**MUNICIPALITY, COUNTY
SERVICE LIST**

N.J.A.C. 5:96-3.7



5. Names of known interested party(ies).

| | | | |
|----------------|----------------|------------------|-------|
| NAME | _____ | TITLE | _____ |
| EMAIL | _____ | PHONE NO. | _____ |
| ADDRESS | _____ _____ | FAX NO. | _____ |

| | | | |
|----------------|----------------|------------------|-------|
| NAME | _____ | TITLE | _____ |
| EMAIL | _____ | PHONE NO. | _____ |
| ADDRESS | _____ _____ | FAX NO. | _____ |

| | | | |
|----------------|----------------|------------------|-------|
| NAME | _____ | TITLE | _____ |
| EMAIL | _____ | PHONE NO. | _____ |
| ADDRESS | _____ _____ | FAX NO. | _____ |

| | | | |
|----------------|----------------|------------------|-------|
| NAME | _____ | TITLE | _____ |
| EMAIL | _____ | PHONE NO. | _____ |
| ADDRESS | _____ _____ | FAX NO. | _____ |

| | | | |
|----------------|----------------|------------------|-------|
| NAME | _____ | TITLE | _____ |
| EMAIL | _____ | PHONE NO. | _____ |
| ADDRESS | _____ _____ | FAX NO. | _____ |

| | | | |
|----------------|----------------|------------------|-------|
| NAME | _____ | TITLE | _____ |
| EMAIL | _____ | PHONE NO. | _____ |
| ADDRESS | _____ _____ | FAX NO. | _____ |

B: DEVELOPMENT FEE ORDINANCE

ORDINANCE NO. _____
TOWNSHIP OF NORTH BERGEN
HUDSON COUNTY, NEW JERSEY

WHEREAS, the purpose of this ordinance is to amend the Township's Ordinances to adopt a new development fee ordinance and affordable housing trust fund ordinance that conforms with the Council on Affordable Housing's recently adopted Third Round Regulations; and

WHEREAS, the purpose of this ordinance is to better protect the public health, safety, and general welfare of the residents of the Township.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Township of North Bergen as follows:

Section 1: Developer's fees

A. Purpose

- (1) In Holmdel Builders Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's ("COAH's") adoption of rules.
- (2) Pursuant to P.L. 2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring, and enforcement of municipal affordable housing trust funds and corresponding spending

plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.

- (3) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance with P.L. 2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

B. Basic requirements

- (1) This ordinance shall not be effective until approved by COAH pursuant to N.J.A.C. 5:96-5.1.
- (2) The Township of North Bergen shall not spend development fees until COAH has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

C. Definitions. The following terms, as used in this ordinance, shall have the following meanings:

- (1) **AFFORDABLE HOUSING DEVELOPMENT.** A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project, or a 100 percent affordable development.

- (2) COUNCIL ON AFFORDABLE HOUSING. The New Jersey Council on Affordable Housing established under the Fair Share Housing Act, which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.
- (3) DEMOLISHED. Any act or process that renders more than 50% of a structure or building unsafe for human occupancy or use shall be considered demolished for the purposes of this ordinance.
- (4) DEVELOPMENT FEE. Funds paid by any person for the improvement of property as permitted in N.J.A.C. 5:97-8.3.
- (5) DEVELOPER. The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
- (6) EQUALIZED ASSESSED VALUE. The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L. 1973, c.123 (C.54:1-35a through C.54:1-35c).
- (7) GREEN BUILDING STRATEGIES. Those strategies that minimize the impact of development on the environment, and enhance the health, safety, and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.
- (8) LIVING SPACE. All internal areas of a dwelling with a floor to ceiling

height of greater than six feet, exclusive of garages which are not to be considered as living space.

(9) NATURAL DISASTER. A catastrophic event, such as a hurricane, flood, earthquake, volcanic eruption, landslide, blizzard, or other natural phenomena that causes extensive human casualties, property damage, or both.

D. Residential Development fees.

(1) Imposed Fees.

(a) For all residential developments, residential developers shall pay a fee of one and one-half percent (1.5%) of the equalized assessed value for residential development, provided no increased density is permitted.

(b) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of six percent (6%) of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a

site that was zoned for two units, the fees could equal one and a half percent of the equalized assessed value on the first two units; and the specified higher percentage of six percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

- (2) Eligible exactions, ineligible exactions, and exemptions for residential development
 - (a) Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
 - (b) Developments that have received preliminary or final site plan approval prior to the adoption of any municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
 - (c) Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, except that expansion of an existing

residential structure which increases the living space by less than 20% and/or the volume of the existing structure by less than 20% shall be exempt from paying a development fee. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

- (d) A dwelling that is constructed as a replacement for a dwelling that was demolished as a result of a natural disaster shall be exempt from paying a development fee. The dwelling that is constructed as a replacement dwelling must be constructed on the same site as the dwelling that was demolished as a result of a natural disaster.

E. Non-residential Development fees

(1) Imposed fees

- (a) Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5%) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- (b) Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5%) percent of the increase in equalized assessed value resulting from any additions to existing structures to

be used for non-residential purposes.

- (c) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
- (2) Eligible exactions, ineligible exactions, and exemptions for non-residential development.
- (a) The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5%) percent development fee, unless otherwise exempted below.
 - (b) The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations, and repairs.
 - (c) Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L. 2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development

Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.

(d) A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L. 2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.

(e) If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Township as a lien against the real property of the owner.

F. Collection procedures

(1) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.

(2) For non-residential developments only, the developer shall also be

provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provide in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated final assessments as per the instructions provided in Form N-RDF.

- (3) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- (4) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- (5) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- (6) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the

developer of the amount of the fee.

- (7) Should the Township fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L. 2008, c.46 (C.40:55D-8.6).
- (8) Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- (9) Appeal of development fees
 - (1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Township. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - (2) A developer may challenge non-residential development fees

imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Township. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

G. Affordable Housing Trust Fund

- (1) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the chief financial officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- (2) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - (a) payments in lieu of on-site construction of affordable units;
 - (b) developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - (c) rental income from municipally operated units;

- (d) repayments from affordable housing program loans;
- (e) recapture funds;
- (f) proceeds from the sale of affordable units; and
- (g) any other funds collected in connection with the Township's affordable housing program.

(3) Within seven days from the opening of the trust fund account, the Township shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).

(4) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

H. Use of funds

(1) The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the Township's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential

buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable, housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8-7 through 8.9 and specified in the approved spending plan.

- (2) Funds shall not be expended to reimburse the Township for past housing activities.
- (3) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
 - (a) Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with

emergency repairs.

- (b) Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income. The use of development fees in this manner shall entitle the Township to bonus credits pursuant to N.J.A.C. 5:96-18.
- (c) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- (4) The Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- (5) No more than 20 percent of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or and affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of

households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

I. Monitoring

The Township shall complete and return to COAH all monitoring forms included in the annual monitoring report related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, and funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Township's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

J. Ongoing Collection of Fees

The ability for the Township to impose, collect, and expend development fees shall expire on the date of substantive certification unless the Township has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If the Township fails to renew its ability to impose and collect development fees prior to the date of expiration of substantive certification, it may

be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L. 1985, c.222 (C.52:27D-320). The Township shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification, nor shall the Township retroactively impose a development fee on such a development. The Township will not expend development fees after the expiration of its substantive certification.

Section 2: All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are repealed, but only to the extent of any inconsistencies.

Section 3: The provisions of this ordinance are severable. If any part of this ordinance is declared to be unconstitutional or invalid by any court, the remaining parts of this ordinance will remain in full force and effect.

Section 4: This ordinance shall take effect after review and approval by COAH and final approval and publication according to law.

| | | |
|---|------------------------|------------|
| | <u>Comm. Cabrera</u> | <u>Yes</u> |
| | <u>Comm. Ferraro</u> | <u>Yes</u> |
| Introduced: November 12, 2008 | <u>Comm. Gargiulo</u> | <u>Yes</u> |
| Published: November 15 and December 2, 2008 | <u>Comm. Pascual</u> | <u>Yes</u> |
| Adopted: November 25, 2008 | <u>President Sacco</u> | <u>Yes</u> |
| Attest: <u>Carol Ann Fontana</u> <u>Township Clerk</u> | | |

C: DRAFT RESOLUTION REQUESTING COAH TO REVIEW DEVELOPMENT FEE ORDINANCE

Draft Resolution Requesting COAH to review and Approve the township's Development Fee Ordinance

WHEREAS, the Governing Body of Township of North Bergen, Hudson County petitioned the Council on Affordable Housing (COAH) for substantive certification on *[insert date]*; and

WHEREAS, P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), permits municipalities that are under the jurisdiction of COAH or of a court of competent jurisdiction and that have a COAH-approved spending plan to impose and retain fees on residential and non-residential development; and

WHEREAS, subject to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), N.J.A.C. 5:97-8.3 permits a municipality to prepare and submit a development fee ordinance for review and approval by the Council on Affordable Housing (COAH) that is accompanied by and includes the following:

1. A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3(c) and (d);
2. A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(c);
3. A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(c) and (d);
4. A description of collection procedures per N.J.A.C. 5:97-8.3(f);
5. A description of development fee appeals per N.J.A.C. 5:97-8.3(g); and
6. A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h).

WHEREAS, Township of North Bergen has prepared a draft development fee ordinance that establishes standards for the collection, maintenance, and expenditure of development fees consistent with COAH's regulations at N.J.A.C. 5:97-8 and in accordance with P.L.2008, c.46, Sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

NOW THEREFORE BE IT RESOLVED that the Governing Body of Township of North Bergen, Hudson County requests that COAH review and approve Township of North Bergen's development fee ordinance.

Erin Barillas
Acting Municipal Clerk

D: DRAFT SPENDING PLAN

**DRAFT SPENDING PLAN
TOWNSHIP OF NORTH BERGEN
HUDSON COUNTY, NEW JERSEY**

INTRODUCTION

Township of North Bergen, Hudson County has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing was approved by COAH on *[insert date of approval]* and adopted by the municipality on November 25, 2008. The ordinance establishes the Township of North Bergen affordable housing trust fund for which this spending plan is prepared.

As of May 15, 2009 Township of North Bergen has collected \$ 90,017.27, expended \$ 0, resulting in a balance of \$ 90,017.27 as of May 15, 2009. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in T D Bank for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of third round substantive certification, Township of North Bergen considered the following:

(a) Development fees:

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

(b) Payment in lieu (PIL):

Actual and committed payments in lieu (PIL) of construction from developers as follows. Not applicable.

(c) Other funding sources:

Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, proceeds from the sale of affordable units and [*insert name of other fund(s)*]. NO other funds anticipated.

(d) Projected interest:

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate.

[Provide a breakdown by year for all sources of funds collected and/or anticipated during the substantive certification period. COAH will substitute actual revenue for the period between the preparation of this spending plan and COAH's approval, as entered by the municipality in the CTM system. Use and submit additional spreadsheet(s) as necessary. A sample spreadsheet format is provided below.]

| SOURCE OF FUNDS | PROJECTED REVENUES-HOUSING TRUST FUND - 2008 THROUGH 2018 | | | | | | | | | | | |
|--------------------------------------|---|-----------|---------|---------|---------|------|---------|------|------|------|------|-------|
| | 11/25/08 Through 05/15/09 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | Total |
| (a) Development fees: | | | | | | | | | | | | |
| 1. Approved Development | 90,017.27 | 2,187,690 | 911,823 | 171,525 | 727,310 | | 576,000 | | | | | |
| 2. Development Pending Approval | | | | | | | | | | | | |
| 3. Projected Development | | | | | | | | | | | | |
| (b) Payments in Lieu of Construction | | | | | | | | | | | | |
| (c) Other Funds (Specify source(s)) | | | | | | | | | | | | |
| (d) Interest | | | | | | | | | | | | |
| Total | 90,017.27 | 2,187,690 | 911,823 | 171,525 | 727,310 | | 576,000 | | | | | |

Township of North Bergen projects a total of \$ 4,664,365.27 in revenue to be collected between November 25, 2008 and December 31, 2018. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by Township of North Bergen:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with Township of North Bergen’s development fee ordinance for both residential and non-residential developments in accordance with COAH’s rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

(b) Distribution of development fee revenues:

See Housing Plan section for distribution.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) **Rehabilitation and new construction programs and projects (N.J.A.C. 5:97-8.7)**

Township of North Bergen will dedicate \$ 4,810,000 for rehabilitation of 481 units by 2012. Additional amount will be provided for the remaining 481 units by the end of the substantive certification period.

New construction project(s): The proposed developments are all inclusionary with no cost being expended by the

(b) **Affordability Assistance (N.J.A.C. 5:97-8.8)**

Projected minimum affordability assistance requirement:

| | | |
|---|----------|----------------|
| Actual development fees through 05/15/2009 (including interest earned) | | \$ 90,017.27 |
| Development fees projected* 2009-2018 | + | \$ 4,574,348 |
| Interest projected* 2009-2018 | + | \$ 727,499 |
| Less housing activity expenditures through 6/2/2008 | - | \$0 |
| Total | = | 5,391,864.27 |
| 30 percent requirement | x 0.30 = | \$1,617,559.28 |
| Less Affordability assistance expenditures through 12/31/2004 | - | \$0 |
| PROJECTED MINIMUM Affordability Assistance Requirement 1/1/2005 through 12/31/2018 | = | \$1,617,559.28 |
| PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 1/1/2005 through 12/31/2018 | ÷ 3 = | \$539,186.42 |

* Note: The 2009 portion of this projection reflects 2009 subsequent to May15 as the remainder of 2009 is included in the actual figure reported above.

Township of North Bergen will dedicate \$ 1,617,559.28 from the affordable housing trust fund to render units more affordable, including \$ 539,186.42 to render units more affordable to households earning 30 percent or less of median income by region.

(c) **Administrative Expenses (N.J.A.C. 5:97-8.9)**

Township of North Bergen projects that \$1,078,372.85 will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

Preparation of Housing Element and Fair Share Plan
Preparation of COAH Monitoring and Trust Fund Monitoring
Consultant's fees for the development of proposed affordable housing project.
Implementation of affirmative marketing program.

4. EXPENDITURE SCHEDULE

Township of North Bergen intends to use affordable housing trust fund revenues for the creation and/or rehabilitation of housing units. Where applicable, the creation/rehabilitation funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows.

[In developing this spending plan, it is important to note that all funds in the municipal trust fund as of May 15, 2009 must be fully expended or committed to be expended within four years of COAH's approval of the spending plan.]

[A sample spreadsheet format is provided below.]

5. EXCESS OR SHORTFALL OF FUNDS

Pursuant to the Housing Element and Fair Share Plan, the governing body of Township of North Bergen has adopted a resolution agreeing to fund any shortfall of funds required for implementing Rehabilitation Program. In the event that a shortfall of anticipated revenues occurs, Township of North Bergen will handle the shortfall of funds through adopting a resolution to bond. A copy of the draft resolution is attached.

6. BARRIER FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with Township of North Bergen's Affordable Housing Ordinance in accordance with N.J.A.C. 5:97-8.5.

SUMMARY

Township of North Bergen intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in the housing element and fair share plan dated *[insert date]*.

Township of North Bergen has a balance of \$ 90,017.27 as of May 15, 2009 and anticipates an additional \$ 4,574,348 in revenues before the expiration of substantive certification for a total of \$ 5,391,864.27. The municipality will dedicate \$ \$1,617,559.28 to render units more affordable, and \$1,078,372.85 to administrative costs. Any shortfall of funds will be offset by adopting a resolution with intent to bond. The municipality will dedicate any excess funds towards future affordable housing.

| SPENDING PLAN SUMMARY | |
|---|-------------------------|
| Balance as of May 15, 2009 | \$ 90,017.27 |
| PROJECTED REVENUE May 16, 2009-2018 | |
| Development fees | + \$4,574,348 |
| Payments in lieu of construction | + \$ |
| Other funds | + \$ |
| Interest | + \$727,499 |
| TOTAL REVENUE | = \$5,391,864.27 |
| EXPENDITURES | |
| Funds used for Rehabilitation | - \$ TBD |
| Funds used for New Construction | |
| 1. <i>[list individual projects/programs]</i> | - \$ |
| 2. | - \$ |
| 3. | - \$ |
| 4. | - \$ |
| 5. | - \$ |
| 6. | - \$ |
| 7. | - \$ |
| 8. | - \$ |
| 9. | - \$ |
| 10. | - \$ |
| Affordability Assistance | - \$1,617,559.28 |
| Administration | - \$1,078,372.85 |
| Excess Funds for Additional Housing Activity | = \$ |
| 1. <i>[list individual projects/programs]</i> | - \$ |
| 2. | - \$ |
| 3. | - \$ |
| TOTAL PROJECTED EXPENDITURES | = \$ TBD |
| REMAINING BALANCE | = \$ TBD |

E: DRAFT RESOLUTION FORWARDING SPENDING PLAN TO COAH

Draft Resolution Forwarding Spending Plan to COAH

WHEREAS, the Governing Body of Township of North Bergen, Hudson County petitioned the Council on Affordable Housing (COAH) for substantive certification on *(insert date)*; and

WHEREAS, Township of North Bergen received approval from COAH on *[insert date]* of its development fee ordinance; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units, and/or *[insert any other funds collected in connection with your municipality's affordable housing program]*;

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from COAH prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;
5. A schedule for the expenditure of all affordable housing trust funds;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and

8. A plan to spend the trust fund balance as of July 17, 2008 within four years of the Council's approval of the spending plan, or in accordance with an implementation schedule approved by the Council;
9. A plan to spend and/or contractually commit all development fees and any payments in lieu of construction within three years of the end of the calendar year in which funds are collected, but no later than the end of third round substantive certification period;
10. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
11. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, Township of North Bergen has prepared a spending plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.

NOW THEREFORE BE IT RESOLVED that the Governing Body of Township of North Bergen, Hudson County requests that COAH review and approve Township of North Bergen's spending plan.

Erin Barillas
Acting Municipal Clerk

F: ESCROW AGREEMENT (TO BE INSERTED)

G: DRAFT AFFORDABLE HOUSING ORDINANCE

Ordinance _____
Township of North Bergen
Hudson County, New Jersey

AN ORDINANCE OF TOWNSHIP OF NORTH BERGEN TO ADDRESS THE REQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING (COAH) REGARDING COMPLIANCE WITH THE MUNICIPALITY'S PRIOR ROUND AND THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS

Section 1. Affordable Housing Obligation

- (a) This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.
- (b) The Township of North Bergen Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways Township of North Bergen shall address its fair share for low- and moderate-income housing as determined by the Council on Affordable Housing (COAH) and documented in the Housing Element.
- (c) This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:97, as may be amended and supplemented.
- (d) The Township of North Bergen shall file monitoring reports with COAH in accordance with N.J.A.C. 5:96, tracking the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by COAH in accordance with N.J.A.C. 5:96 shall be available to the public at the Township of North Bergen Municipal Building, Municipal Clerk's Office, 4233 Kennedy Boulevard, North Bergen, New Jersey 07047, or from COAH at 101 South Broad Street, Trenton, New Jersey and on COAH's website, www.nj.gov/dca/affiliates/coah.

Section 2. Definitions

The following terms when used in this Ordinance shall have the meanings given in this Section:

"Accessory apartment" means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

"Act" means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

"Adaptable" means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

"Administrative agent" means the entity responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.

"Affirmative marketing" means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

“Affordability average” means the average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable development” means a housing development all or a portion of which consists of restricted units.

“Affordable housing development” means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80 percent of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Assisted living residence” means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the median household income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable county, as adopted annually by COAH.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by COAH’s adopted Regional Income Limits published annually by COAH.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHARP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

“Very low-income household” means a household with a total gross annual household income equal to 30 percent or less of the median household income.

“Very low-income unit” means a restricted unit that is affordable to a very low-income household.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

Section 3. Affordable Housing Programs

The Township of North Bergen has determined that it will use the following mechanisms to satisfy its affordable housing obligations:

- (a) A Rehabilitation program.
 1. Township of North Bergen shall participate in the Hudson County Housing Rehabilitation Program in order to meet its rehabilitation obligation. The rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
 2. Both owner occupied and renter occupied units shall be eligible for rehabilitation funds.
 3. All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner occupied units the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.
 4. The Township of North Bergen Program shall dedicate a minimum of \$10,000 for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
 5. The Township of North Bergen shall adopt a resolution committing to fund any shortfall in the rehabilitation programs.
 6. Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9 and Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
 - i. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:97-9 and UHAC.

- ii. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.
- iii. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.
- iv. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:97-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

Section 4. Reserved

Section 5. Reserved

Section 6. Reserved

Section 7. Inclusionary Zoning

(a) **Presumptive densities and set-asides.** To ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, inclusionary zoning permits minimum presumptive densities and presumptive maximum affordable housing set-asides as follows:

1. Rental Developments

- i. Inclusionary zoning permits a presumptive minimum density of 12 units per acre and a presumptive maximum affordable housing set-aside of 20 percent of the total number of units in the development and the zoning provides for at least 10 percent of the affordable units to be affordable to households earning 30 percent or less of the area median income for the COAH region.

The zoning of the *[insert name of zone]* zone provides for a *[insert the percentage indicated in the Fair Share Plan]* percent set-aside for restricted units and a density of *[insert the density indicated in the Fair Share Plan]* units per acre. *[List specific zones and the specific density and set-aside for each zone.]*

- 2. Additional incentives to subsidize the creation of affordable housing available to very-low income households may be included in the zoning section of this ordinance or specified in a developer's or redeveloper's agreement.

[Describe additional incentives to subsidize the creation of affordable housing available to very low income households here.]

(b) **Phasing.** In inclusionary developments the following schedule shall be followed:

| Maximum Percentage of Market-Rate Units Completed | Minimum Percentage of Low- and Moderate-Income Units Completed |
|--|---|
| 25 | 0 |
| 25+1 | 10 |
| 50 | 50 |
| 75 | 75 |
| 90 | 100 |

- (c) **Design.** In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- (d) **Payments-in-lieu and off-site construction.** The standards for the collection of Payments-in-Lieu of constructing affordable units or standards for constructing affordable units off-site, shall be in accordance with N.J.A.C. 5:97-6.4.
- (e) **Utilities.** Affordable units shall utilize the same type of heating source as market units within the affordable development.

Section 8. New Construction

The following general guidelines apply to all newly constructed developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

- (a) Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:
 - 1. The fair share obligation shall be divided equally between low- and moderate- income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit.
 - 2. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
 - 3. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - i. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - ii. At least 30 percent of all low- and moderate-income units shall be two bedroom units;
 - iii. At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
 - iv. The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
 - 4. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.
- (b) Accessibility Requirements:
 - 1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.
 - 2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - i. An adaptable toilet and bathing facility on the first floor;

- ii. An adaptable kitchen on the first floor;
- iii. An interior accessible route of travel on the first floor;
- iv. An interior accessible route of travel shall not be required between stories within an individual unit;
- v. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
- vi. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, or evidence that the Township of North Bergen has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
 - A. Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - B. To this end, the builder of restricted units shall deposit funds within the Township of North Bergen's affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
 - C. The funds deposited under paragraph B. above shall be used by the Township of North Bergen for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - D. The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Township of North Bergen.
 - E. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, and that the cost estimate of such conversion is reasonable, payment shall be made to the Township of North Bergen's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.
 - F. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

(c) Maximum Rents

- 1. In establishing rents prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and in COAH, utilizing the regional income limits established by COAH.
- 2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.

3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
 - i. At least 10 percent of all low- and moderate-income rental units shall be affordable to households earning no more than 30 percent of median income.

****NOTE:** N.J.S.A. 52:27D-329.1 (P.L. 2008, C. 46) includes the requirement that all municipal fair share plans provide for the reservation of at least 13% of the affordable units for very low income households, i.e. households earning 30% or less of the median income. The new statute states that the requirement is not project-specific. Each municipality's version of this ordinance must reflect the determinations made in the Fair Share Plan as to the percentage of units necessary for very low income units in rental projects. Additional incentives to subsidize the creation of affordable housing available to very-low income households may be included in the zoning section of this ordinance or specified in a developer's or redeveloper's agreement.

4. In determining the initial rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
 - i. A studio shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household;
 - iii. A two-bedroom unit shall be affordable to a three-person household;
 - iv. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - v. A four-bedroom unit shall be affordable to a six-person household.
5. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
 - i. A studio shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household; and
 - iii. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
7. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
8. The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.
9. **Utilities.** Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

The following general guidelines apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low-and moderate-income housing units.

Section 9. Affirmative Marketing Requirements

- (a) Township of North Bergen shall adopt by resolution an Affirmative Marketing Plan, subject to approval of COAH, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- (b) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region I and covers the period of deed restriction.
- (c) *Optional.* The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region I comprised of Bergen, Hudson, Passaic and Sussex counties.
- (d) The Administrative Agent designated by the Township of North Bergen shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- (e) In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (f) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- (g) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Township of North Bergen.

Section 10. Occupancy Standards

- (a) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 1. Provide an occupant for each bedroom;
 2. Provide children of different sex with separate bedrooms; and
 3. Prevent more than two persons from occupying a single bedroom.
- (b) Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

Section 11. Control Periods for Restricted Rental Units

- (a) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance until the Township of North Bergen elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election,

a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.

- (b) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Hudson. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- (c) A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
 - 1. Sublease or assignment of the lease of the unit;
 - 2. Sale or other voluntary transfer of the ownership of the unit; or
 - 3. The entry and enforcement of any judgment of foreclosure.

Section 12. Price Restrictions for Rental Units; Leases

- (a) A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- (b) No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- (c) Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

Section 13. Tenant Income Eligibility

- (a) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - 1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
 - 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
 - 3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
- (b) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 3. The household is currently in substandard or overcrowded living conditions;
 4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 5. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- (c) The applicant shall file documentation sufficient to establish the existence of the circumstances in (b)1 through 5 above with the Administrative Agent, who shall counsel the household on budgeting.

Section 14. Administration

- (a) The position of Municipal Housing Liaison (MHL) for the Township of North Bergen is established by this ordinance. The *[insert name of the governing body or the chief executive, if applicable]* shall make the actual appointment of the MHL by means of a resolution *[or a letter in the case of a chief executive]*.
1. The MHL must be either a full-time or part-time employee of Township of North Bergen.
 2. The person appointed as the MHL must be reported to COAH for approval.
 3. The MHL must meet all COAH requirements for qualifications, including initial and periodic training.
 **NOTE: if the MHL position is one that will always be included in the job description for a particular position in the local staff, e.g. Township Clerk, that position can be named in this ordinance.
 4. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of North Bergen, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - i. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - ii. The implementation of the Affirmative Marketing Plan and affordability controls.
 - iii. When applicable, supervising any contracting Administrative Agent.
 - iv. Monitoring the status of all restricted units in the Township of North Bergen's Fair Share Plan;
 - v. Compiling, verifying and submitting annual reports as required by COAH;
 - vi. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
 - vii. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by COAH.

- (b) The Township of North Bergen shall designate by resolution of the [*governing body name*], subject to the approval of COAH, one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC.
- (c) An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of COAH. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).

****NOTE:** If it is decided that an employee of the municipality will act as administrative agent or if the Housing Affordability Service (HAS) of the Agency is selected, the determination of such can be included in this ordinance.

- (d) The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
 1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 2. Affirmative Marketing;
 2. Household Certification;
 3. Affordability Controls;
 4. Records retention;
 5. Resale and re-rental;
 6. Processing requests from unit owners; and
 7. Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
 8. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

Section 15. Enforcement of Affordable Housing Regulations

- (a) Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- (b) After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:

- i. A fine of not more than [*insert amount*] or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
 - ii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Township of North Bergen Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - iii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
2. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.
- (c) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
 - (d) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.
 - (e) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
 - (f) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens

and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

- (g) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (h) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

Section 16. Appeals

Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed in writing with the Executive Director of COAH.

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as provided by law.

H: DRAFT ORDINANCE CREATING THE POSITION OF MUNICIPAL HOUSING LIAISON

ORDINANCE NO. _____ - _____

AN ORDINANCE TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING TOWNSHIP OF NORTH BERGEN'S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT.

BE IT ORDAINED by the Governing Body of Township of North Bergen in the County of Hudson and State of New Jersey that the following amendments be made to Chapter XX of Township of North Bergen:

Section 1. Purpose.

The purpose of this article is to create the administrative mechanisms needed for the execution of Township of North Bergen's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

Section 2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

MUNICIPAL HOUSING LIAISON – The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for Township of North Bergen.

ADMINISTRATIVE AGENT – The entity responsible for administering the affordability controls of some or all units in the affordable housing program for Township of North Bergen to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low- and moderate-income households.

Section 3. Establishment of Municipal Housing Liaison position and compensation; powers and duties.

- A. Establishment of position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for Township of North Bergen.
- B. Subject to the approval of the Council on Affordable Housing (COAH), the Municipal Housing Liaison shall be appointed by the Governing Body and may be a full or part time municipal employee.
- C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Township of North Bergen, including the following responsibilities which may not be contracted out, exclusive of item 6 which may be contracted out:

- (1) Serving as Township of North Bergen's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents, and interested households;
 - (2) Monitoring the status of all restricted units in Township of North Bergen's Fair Share Plan;
 - (3) Compiling, verifying, and submitting annual reports as required by COAH;
 - (4) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
 - (5) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 - (6) If applicable, serving as the Administrative Agent for some or all of the restricted units in Township of North Bergen as described in F. below.
- D. Subject to approval by COAH, Township of North Bergen may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body, which entity shall have the responsibility of administering the affordable housing program of Township of North Bergen, except for those responsibilities which may not be contracted out pursuant to subsection C above. If Township of North Bergen contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.
- E. Compensation. Compensation shall be fixed by the Governing Body at the time of the appointment of the Municipal Housing Liaison.
- F. Administrative powers and duties assigned to the Municipal Housing Liaison. *[Select only those tasks that are not delegated specifically to an approved Administrative Agent as part of a contract and will therefore be the responsibility of the Municipal Housing Liaison.]*
- (1) Affirmative Marketing
 - (a) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of *[insert name of municipality]* and the provisions of N.J.A.C. 5:80-26.15; and
 - (b) Providing counseling or contracting to provide counseling services to low and moderate income applicants on subjects such as

budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

(2) Household Certification

- (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
- (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
- (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
- (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et. seq.;
- (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
- (f) Employing the random selection process as provided in the Affirmative Marketing Plan of *[insert name of municipality]* when referring households for certification to affordable units.

(3) Affordability Controls

- (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
- (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
- (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;
- (d) Communicating with lenders regarding foreclosures; and

- (e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
- (4) Resale and rental
 - (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
 - (b) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.
- (5) Processing request from unit owners
 - (a) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
 - (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems; and
 - (c) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.
- (6) Enforcement
 - (a) Securing annually lists of all affordable housing units for which tax bills are mailed to absentee owners and notifying all such owners that they must either move back to their unit or sell it;
 - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - (c) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with

the telephone number of the Administrative Agent where complaints of excess rent can be made;

- (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
 - (e) Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;
 - (f) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls; and
 - (g) Providing annual reports to COAH as required.
- (7) The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

Section 4. 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 in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

Section 5. 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 6. Effective Date.

This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

Adopted: (Insert date)

ATTEST:

APPROVED:

Erin Barillas, Acting Clerk

Mayor Nicholas J. Sacco

**I: DRAFT GOVERNING BODY RESOLUTION DESIGNATING THE MUNICIPAL HOUSING
LIAISON**

Draft resolution appointing Municipal Housing Liaison

[Township of North Bergen, Hudson County]

WHEREAS, the Governing Body of Township of North Bergen petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan on *[insert date]*; and

WHEREAS, Township of North Bergen's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1, et. seq.); and

WHEREAS, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq., Township of North Bergen is required to appoint a Municipal Housing Liaison for the administration of Township of North Bergen's affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq.; and

WHEREAS, Township of North Bergen has amended Chapter *XX* entitled *XXX* to provide for the appointment of a Municipal Housing Liaison to administer Township of North Bergen's affordable housing program.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of Township of North Bergen in the County of Hudson County, and the State of New Jersey that Chris Pianese, Township Administrator is hereby appointed by the Governing Body of Township of North Bergen as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with Sections *XX* of Township of North Bergen's Land Development Code.

Erin Barillas
Acting Municipal Clerk

J: WORKBOOK B: SUMMARY OF GROWTH SHARE DETERMINATION USING MUNICIPAL PROJECTIONS

Workbook B:
Summary of Growth Share Determination Using Municipal Projections

Municipality Name: North Bergen

(Note: Municipalities seeking a lower growth projection based on the lack of available land may not use Workbook B. Rather, these municipalities must use Workbook C.)

[CLICK HERE to go to Workbook C](#)

This workbook contains two separate worksheets to be used for determining the projected Municipal Growth Share Obligation. Worksheet A must be completed by all municipalities. Worksheet A is the tool that allows the user to enter COAH-generated Growth Projections included in Appendix F(2) of the revised Third Round Rules to determine the Growth Share Obligation after applying exclusions permitted by N.J.A.C. 5:97-2.4. Municipalities that accept the COAH-generated Growth projections need only use Worksheet A.

[Click Here to complete Worksheet A](#)

Municipalities anticipating that growth through 2018 is likely to exceed the growth through 2018 that has been projected by COAH should complete Worksheet A and Worksheet B. Worksheet A establishes a projected Growth Share Obligation based on COAH-generated growth projections against which the municipally determined Growth Share Obligation will be compared. Municipal alternative growth projections that exceed COAH projections would be used if the municipality anticipates growth higher than what COAH has projected and seeks to plan accordingly.

[Click Here to complete Worksheet B](#)

Summary Of Worksheet Comparison

| COAH Projected Growth Share | COAH Projected Growth Share (From Worksheet A) | Municipally Projected Growth Share (From Worksheet B) |
|--------------------------------|--|---|
| Residential Growth | 43 | 1,885 |
| Residential Exclusions | 1,220 | 1,220 |
| Net Residential Growth | -1,177 | 665 |
| Residential Growth Share | 0.00 | 133.00 |
| | | |
| Non-Residential Growth | 0 | 0 |
| Non-Residential Exclusions | 0 | 0 |
| Net Non- Residential Growth | 0 | 0 |
| Non-Residential Growth Share | 0.00 | 0.00 |
| | | |
| Total Growth Share | 0 | 133 |

The Municipal growth share projection exceeds the COAH projection. Please file Workbook B and use a Residential Growth share of 133 units plus a Non-residential growth share of 0 units for a total growth share obligation of 133 affordable units.

| | | |
|---|--|------------------------------|
| Total Municipal Projections From Above | 1,885 | 0 |
| Subtract the following Residential Exclusions pursuant to 5:97-2.4(a) from Worksheet A | <u>If you have not yet completed Worksheet A, Please click here to do so before continuing with Worksheet B.</u> | |
| COs for prior round affordable units built or projected to be built post 1/1/04 | | |
| Inclusionary Development | 244 | |
| Alternative Living Arrangements | 0 | |
| Accessory Apartments | 0 | |
| Municipally Sponsored or 100% Affordable | 0 | |
| Assisted Living | 0 | |
| Other | 0 | |
| Market Units in Prior Round Inclusionary development built post 1/1/04 | 976 | |
| Non-Residential Exclusions Pursuant to 5:97-2.4(b) | | |
| Affordable units | 0 | |
| Associated Jobs | | 0 |
| Net Growth Projection | 665 | 0 |
| Projected Growth Share Divide Residential Growth by 5 and Jobs by 16 | 133.00 Affordable Units | 0.00 Affordable Units |
| Total Projected Growth Share Obligation | 133.00 | Affordable Units |

[Click Here to return to Workbook B Summary sheet](#)

Worksheet A: Growth Share Determination Using Published Data

(From Appendix F(2), *Allocating Growth To Municipalities*)

COAH Growth Projections
Must be used in all submissions

Municipality Name: North Bergen

Enter the COAH generated growth projections from Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. on Line 1 of this worksheet. Use the Tab at the bottom of this page or the links within the page to toggle to the exclusions portion of this worksheet. After entering all relevant exclusions, toggle back to this page to view the growth share obligation that has been calculated based on COAH's growth projections.

| | Residential | Non-Residential |
|--|--|-----------------------|
| 1 Enter Growth Projections From Appendix F(2)* | 43 | |
| 2 Subtract the following Residential Exclusions pursuant to 5:97-2.4(a) from "Exclusions" tab | Click Here to enter Prior Round Exclusions | |
| COs for prior round affordable units built or projected to be built post 1/1/04 | | |
| Inclusionary Development | 244 | |
| Supportive/Special Needs | 0 | |
| Accessory Apartments | 0 | |
| Municipally Sponsored or 100% Affordable | 0 | |
| Assisted Living | 0 | |
| Other | 0 | |
| Market Units in Prior Round Inclusionary development built post 1/1/04 | 976 | |
| Subtract the following Non-Residential Exclusions Pursuant to 5:97-2.4(b) | | |
| Affordable units | 0 | |
| Associated Jobs | | 0 |
| 3 Net Growth Projection | -1,177 | 0 |
| 4 Projected Growth Share (Conversion to Affordable Units Divide HH by 5 and Jobs by 16) | 0.00 Affordable Units | 0.00 Affordable Units |
| 5 Total Projected Growth Share Obligation | | 0 Affordable Units |

[Click Here to return to Workbook B Summary](#)

* Use Appendix F(2), Figure A.1, Housing Units by Municipality for Residential growth and Appendix F(2), Figure A.2, Employment by Municipality for Non-residential growth.

Affordable and Market-Rate Units Excluded from Growth

Municipality Name: North Bergen

Prior Round Affordable Units NOT included in Inclusionary Developments Built post 1/1/04

| Development Type | Number of COs Issued and/or Projected |
|---|--|
| Supportive/Special Needs Housing | 0 |
| Accessory Apartments | 0 |
| Municipally Sponsored and 100% Affordable | 0 |
| Assisted Living | 0 |
| Other | 0 |
| Total | 0 |

Market and Affordable Units in Prior Round Inclusionary Development Built post 1/1/04 N.J.A.C. 5:97-2.4(a)

(Enter Y for yes in Rental column if rental units resulted from N.J.A.C. 5:93-5.15(c)5 incentives)

| Development Name | Rental? Y/N | Total Units | Market Units | Affordable Units | Market Units Excluded |
|--------------------------|----------------|----------------|-----------------|---------------------|--------------------------|
| Milalinic Developments | | 117 | 94 | 23 | 92 |
| L & G Management | | 62 | 50 | 12 | 48 |
| Riverview Development | | 256 | 205 | 51 | 204 |
| Lane Acquisition | | 300 | 240 | 60 | 240 |
| Columbia Park+ Appleview | | 490 | 392 | 98 | 392 |
| Total | | 1,225 | 981 | 244 | 976 |

Jobs and Affordable Units Built as a result of post 1/1/04 Non-Residential Development N.J.A.C. 5:97-2.4(b)

| Development Name | Affordable Units Provided | Permitted Jobs Exclusion |
|------------------|---------------------------------|--------------------------------|
| | 0 | 0 |
| | 0 | 0 |
| | 0 | 0 |
| | 0 | 0 |
| Total | 0 | 0 |

[When finished, click here to return to Worksheet A](#)

K: WORKBOOK C: SUMMARY OF ADJUSTED GROWTH SHARE PROJECTION BASED ON LAND CAPACITY

Summary of Adjusted Growth Share Projection Based On Land Capacity

(Introduction to Workbook C)

Municipality Name: Township of North Bergen

This workbook contains two separate worksheets to be used for determining the projected Municipal Growth Share Obligation. Worksheet A must be completed by all municipalities. The Worksheet is a tool that allows the user to enter COAH-generated Growth Projections included in Appendix F(2) of the revised Third Round Rules to determine the projected Growth Share Obligation after applying exclusions permitted by N.J.A.C. 5:97-2.4. Municipalities that accept the COAH-generated Growth projections need only use Worksheet A.

[Click Here to complete Worksheet A](#)

Municipalities seeking to request a downward adjustment to the COAH-generated growth projections may do so by providing a detailed analysis of municipal land capacity. After completing this analysis, the growth projections may be lowered if the resulting growth share obligation results in a figure that is at least 10 percent lower than the projected Growth Share Obligation that would result from the COAH-generated growth projections. Actual growth must first be determined using the Actual Growth worksheet. A growth projection adjustment may only apply to any remaining growth.

[Click Here to Enter Actual Growth to Date](#)

[Click Here to Complete the Residential Parcel Inventory and Capacity Analysis](#)

[Click Here to Complete the Non-residential Parcel Inventory and Capacity Analysis](#)

Summary Of Worksheet Comparison

| | COAH Projected Growth Share (From Worksheet A) | Growth Share Based on Municipal Capacity (From Worksheet C) |
|------------------------------|--|---|
| Residential Growth | 43 | 0 |
| Residential Exclusions | 0 | 0 |
| Net Residential Growth | 43 | 0 |
| Residential Growth Share | 8.60 | 0.00 |
| Non-Residential Growth | 3,468 | 315 |
| Non-Residential Exclusions | 0 | 0 |
| Net Non- Residential Growth | 3,468 | 315 |
| Non-Residential Growth Share | 216.75 | 19.70 |
| Total Growth Share | 225 | 20 |

The Municipal land capacity analysis results in a reduction to the COAH-generated growth projection. Please file Workbook C and use a Residential Growth Share of 0 plus a Non-residential Growth Share of 19.7 for a total Growth Share Obligation of 20 affordable units

Growth Projection Adjustment - Actual Growth

Municipality Name: Township of North Bergen

Actual Growth 01/01/04 to Present

| Residential COs Issued | Square Feet Added (COs Issued) | Square Feet Lost Demolition Permits Issued) | Jobs/1,000 SF | Total Jobs |
|-----------------------------------|--------------------------------|---|---------------|------------|
| Non-residential CO's by Use Group | | | | |
| B | | | 2.8 | 0.00 |
| M | | | 1.7 | 0.00 |
| F | | | 1.2 | 0.00 |
| S | | | 1.0 | 0.00 |
| H | | | 1.6 | 0.00 |
| A1 | | | 1.6 | 0.00 |
| A2 | | | 3.2 | 0.00 |
| A3 | | | 1.6 | 0.00 |
| A4 | | | 3.4 | 0.00 |
| A5 | | | 2.6 | 0.00 |
| E | | | 0.0 | 0.00 |
| I | | | 2.6 | 0.00 |
| R1 | | | 1.7 | 0.00 |
| Total | 0 | 0 | | 0 |

[Return to Growth Projection Adjustment Summary Screen](#)

[Proceed to Inventory of Vacant Residential Land](#)

[Proceed to Inventory of Non-residential Land](#)

Township of North Bergen Growth Projection Adjustment - Non-Residential Parcel Inventory

| Block | Lot | Address | Owner | SDRP Planning Area | Urban Center (Y/N) | Sewer Service Area (Y/N) | HUC 11 NO3 Density* | Total Acreage | Constrained Acreage | Constraint Description | Remaining Buildable Acreage | Density (Jobs/Ac) | Capacity (Jobs) |
|-------|-----|--------------------|---------------------|--------------------|--------------------|--------------------------|---------------------|---------------|---------------------|------------------------|-----------------------------|-------------------|-----------------|
| 100 | 1 | 2030-2038 45th St | John Stalknecht, Jr | 1 | N | Y | | 0.30 | 0.30 | Parking for adjoini | 0.00 | 80.00 | 0.00 |
| 100 | 24 | 2037-2045 46th St | Eagle Recycling Sy | 1 | N | Y | | 0.19 | 0.19 | 100-Year Floodpl | 0.00 | 80.00 | 0.00 |
| 103 | 114 | 1809 44th St | Reo, Raymond | 1 | N | Y | | 0.06 | 0.06 | Parking for adjoini | 0.00 | 80.00 | 0.00 |
| 104 | 24 | 1900 42nd St | Pagnozzi, Gaetano | 1 | N | Y | | 0.04 | 0.04 | Part of adjoining g | 0.00 | 80.00 | 0.00 |
| 106 | 221 | 2009 41st St | Khan, Mez Fooz | 1 | N | Y | | 0.05 | 0.05 | 100-Year Floodpl | 0.00 | 80.00 | 0.00 |
| 106 | 210 | 4004-4010 Dell Av | Robert R Albericci | 1 | N | Y | | 0.20 | 0.20 | 100-Year Floodpl | 0.00 | 80.00 | 0.00 |
| 106 | 208 | 2025-2027 41st St | Robert R Albericci | 1 | N | Y | | 0.06 | 0.06 | 100-Year Floodpl | 0.00 | 80.00 | 0.00 |
| 106 | 225 | 2001 41st St | Guido, John | 1 | N | Y | | 0.02 | 0.02 | 100-Year Floodpl | 0.00 | 80.00 | 0.00 |
| 106 | 267 | 2014-2016 40th St | Robert R Albericci | 1 | N | Y | | 0.11 | 0.11 | 100-Year Floodpl | 0.00 | 80.00 | 0.00 |
| 108 | 196 | 1722 41st St | Correa, Michael | 1 | N | Y | | 0.05 | 0.05 | Driveway/Yard of | 0.00 | 80.00 | 0.00 |
| 148 | 19 | 4504-06 Bergenwo | Mocco, Lorraine | 1 | N | Y | | 0.11 | 0.11 | | 0.11 | 80.00 | 8.80 |
| 148 | 11 | 4521 Kennedy Blvc | Mocco, Lorraine | 1 | N | Y | | 0.09 | 0.09 | Parking for adjoini | 0.00 | 80.00 | 0.00 |
| 16 | 32 | 803-07 Kennedy Bl | Ascione Building | 1 | N | Y | | 0.12 | 0.12 | Used car lot. | 0.00 | 80.00 | 0.00 |
| 16 | 31 | 809 Patterson Plan | Ascione Bldg Corp | 1 | N | Y | | 0.05 | 0.05 | Used car lot. | 0.00 | 80.00 | 0.00 |
| 167 | 1 | 5013 Tonnelle Ave | Reuther Realty Cor | 1 | N | Y | | 0.44 | 0.44 | 100-Year Floodpl | 0.00 | 80.00 | 0.00 |
| 193 | 29 | 5127-5131 Kenned | 1122 53rd St LLC | 1 | N | Y | | 0.68 | 0.68 | Parking/circulator | 0.00 | 80.00 | 0.00 |
| 195 | 61 | 5601-5623 Kenned | Avalon Bay Commi | 1 | N | Y | | 0.66 | 0.66 | Under constructio | 0.00 | 80.00 | 0.00 |
| 195 | 68 | 5711 Kennedy Blvc | 5711 Realty LLC | 1 | N | Y | | 2.15 | 2.15 | Approved for deve | 0.00 | 80.00 | 0.00 |
| 198 | 10 | 5815-5817 Kenned | 5711 Realty LLC | 1 | N | Y | | 0.05 | 0.05 | Parking | 0.00 | 80.00 | 0.00 |
| 198 | 11 | 5811 Kennedy Blvc | 5711 Realty LLC | 1 | N | Y | | 0.05 | 0.05 | Parking | 0.00 | 80.00 | 0.00 |
| 198 | 12 | 5807-09 Kennedy E | 5711 Realty LLC | 1 | N | Y | | 0.05 | 0.05 | Parking | 0.00 | 80.00 | 0.00 |
| 208 | 5 | 6110 Tonnelle Ave | Independent Realty | 1 | N | Y | | 0.64 | 0.64 | | 0.64 | 80.00 | 51.20 |

Subtotal This Page 60.00
 Subtotal Page 2 221.60
 Subtotal Page 3 12.00
 Subtotal Page 4 21.60
Grand Total 315.2

[Add More Sheets](#)

[Click Here to Return to Workbook C Summary](#)
[Click Here to Proceed to Residential Parcel Inventory and Capacity Analysis](#)

* Note: Hyperlink to GIS files requires GIS software. Files must be downloaded first and then opened in a GIS Viewer.

Worksheet A: Growth Share Determination Using Published Data
 (Appendix F(2), *Allocating Growth To Municipalities*)

| |
|--|
| <p>COAH Growth Projections</p> <p>Must be used in all submissions</p> |
|--|

Municipality Name: Township of North Bergen

Enter the COAH generated growth projections form Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. on Line 1 of this worksheet. Use the Tab at the bottom of this page or the links within the page to toggle to the exclusions portion of this worksheet. After entering all relevant exclusions, toggle back to this page to view the growth share obligation that has been calculated based on COAH's growth projections.

| | Residential | Non-Residential |
|--|--|--------------------------------|
| 1 Enter Growth Projections From Appendix F(2)* | 43 | 3,468 |
| 2 Subtract the following Residential Exclusions pursuant to 5:97-2.4(a) from "Exclusions" tab | Click Here to enter Prior Round Exclusions | |
| COs for prior round affordable units built or projected to be built post 1/1/04 | | |
| Inclusionary Development | 0 | |
| Supportive/Special Needs Housing | 0 | |
| Accessory Apartments | 0 | |
| Municipally Sponsored or 100% Affordable | 0 | |
| Assisted Living | 0 | |
| Other | 0 | |
| Market Units in Prior Round Inclusionary development built post 1/1/04 | 0 | |
| 3 Subtract the following Non-Residential Exclusions (5:97-2.4(b)) | | |
| Affordable units | 0 | |
| Associated Jobs | | 0 |
| 4 Net Growth Projection | 43 | 3,468 |
| 5 Projected Growth Share (Conversion to Affordable Units Divide HH by 5 and Jobs by 16) | 8.60 Affordable Units | 216.75 Affordable Units |
| 6 Total Projected Growth Share Obligation | | 225 Affordable Units |

[Click Here to return to Workbook C Summary](#)

* For Residential Growth, See Appendix F(2), Figure A.1, Housing Units by Municipality. For Non-residential Growth, See Appendix F(2), Figure A.2, Employment by Municipality

Township of North Bergen Growth Projection Adjustment - Non-Residential Parcel Inventory - Page 2

| Block | Lot | Address | Owner | SDR Planning Area | Urban Center (Y/N) | Sewer Service Area (Y/N) | HUC 11 NO3 Density* | Total Acreage | Constrained Acreage | Constraint Description | Remaining Buildable Acreage | Density (Jobs/Ac) | Capacity (Jobs) |
|-------|-------|-----------|--------------------------|-------------------|--------------------|--------------------------|---------------------|---------------|---------------------|------------------------|-----------------------------|-------------------|-----------------|
| 208 | 3 | 6004-6022 | Tonne Independel | 1 | N | Y | | 1.24 | | | 1.24 | 80.00 | 99.20 |
| 208 | 4 | 6100-6110 | Tonne Independel | 1 | N | Y | | 0.16 | | | 0.16 | 80.00 | 12.80 |
| 208 | 9.02 | 6222-6312 | Tonne Dell Auto S | 1 | N | Y | | 1.06 | | | 1.06 | 80.00 | 84.80 |
| 224 | 25 | 6717 | Kennedy Bl La Pira, Vic | 1 | N | Y | | 0.06 | | | 0.06 | 80.00 | 4.80 |
| 224 | 24 | 6711 | Kennedy Bl La Pira, Vic | 1 | N | Y | | 0.05 | | | 0.05 | 80.00 | 4.00 |
| 23 | 1 | 1201-11 | Patterson Hudson Ne | 1 | N | Y | | 0.12 | 0.12 | Parking lot. | 0.00 | 80.00 | 0.00 |
| 241 | 12 | 6902 | Tonnelle Av 6900Tonne | 1 | N | Y | | 0.07 | 0.07 | Parking/circl | 0.00 | 80.00 | 0.00 |
| 241 | 1 | 6924 | Tonnelle Av Dinnersteir | 1 | N | Y | | 0.05 | 0.05 | Car sales lot | 0.00 | 80.00 | 0.00 |
| 241 | 41 | 7006 | Tonnelle Av Williams, Ra | 1 | N | Y | | 0.09 | 0.09 | | 0.09 | 80.00 | 7.20 |
| 243 | 40 | 7043 | Kennedy Bl McGuire Jr | 1 | N | Y | | 0.09 | 0.09 | Car sales lot | 0.00 | 80.00 | 0.00 |
| 243 | 7.01 | 7045-7047 | Kenne McGuire C | 1 | N | Y | | 0.06 | 0.06 | Car sales lot | 0.00 | 80.00 | 0.00 |
| 249 | 1.02 | 1708 | 71st St Serrano, Li | 1 | N | Y | | 0.11 | 0.11 | | 0.11 | 80.00 | 8.80 |
| 251 | 5 | 7304 | Tonnelle Av Hranyczny, | 1 | N | Y | | 0.06 | 0.06 | Parking for a | 0.00 | 80.00 | 0.00 |
| 254 | 75 | 7400-7406 | Tonne TES Prope | 1 | N | Y | | 0.23 | 0.23 | Parking for a | 0.00 | 80.00 | 0.00 |
| 27 | 22 | 1601-1605 | Patter Cohen, Ro | 1 | N | Y | | 0.78 | 0.78 | Parking for a | 0.00 | 80.00 | 0.00 |
| 27 | 14 | 1212-1218 | Tonne Ruxman, L | 1 | N | Y | | 0.42 | 0.42 | Parking for a | 0.00 | 80.00 | 0.00 |
| 27 | 15.02 | 1408 | Tonnelle Av Ratan, LLC | 1 | N | Y | | 0.09 | 0.09 | Outdoor stor | 0.00 | 80.00 | 0.00 |
| 27 | 42 | 2208-2216 | E Ton JZ Icycle L | 1 | N | Y | | 0.40 | 0.40 | Parking for a | 0.00 | 80.00 | 0.00 |
| 27 | 16.02 | 1400-1408 | Tonne B & S Prop | 1 | N | Y | | 1.03 | 1.03 | Parking lot. | 0.00 | 80.00 | 0.00 |
| 27 | 11 | 1100-1106 | Tonne Sierra, Jua | 1 | N | Y | | 0.23 | 0.23 | Parking lot. | 0.00 | 80.00 | 0.00 |
| 3 | 18 | 909 | Tonnelle Ave Tonnelle M | 1 | N | Y | | 0.38 | 0.38 | Outdoor stor | 0.00 | 80.00 | 0.00 |
| 3 | 27.01 | 803 | Tonnelle Ave Robiana, J | 1 | N | Y | | 0.05 | 0.05 | Outdoor stor | 0.00 | 80.00 | 0.00 |
| | | | | | | | | | | | Subtotal This Page | 221.60 | |

Add More Sheets

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* Note: Hyperlink to GIS files requires GIS software. Files must be downloaded first and then opened in a GIS Viewer.

Township of North Bergen Growth Projection Adjustment - Non-Residential Parcel Inventory - Page 3

| Block | Lot | Address | Owner | SDRP Planning Area | Urban Center (Y/N) | Sewer Service Area (Y/N) | HUC 11 NO3 Density* | Total Acreage | Constrained Acreage | Constraint Description | Remaining Buildable Acreage | Density (Jobs/Ac) | Capacity (Jobs) |
|--------------------|-------|-------------------------------|-------|--------------------|--------------------|--------------------------|---------------------|---------------|---------------------|------------------------|-----------------------------|-------------------|-----------------|
| 3 | 25 | 805-807 Tonnelle Robaina, J | | 1 | N | Y | | 0.11 | 0.11 | Outdoor stor | 0.00 | 80.00 | 0.00 |
| 305 | 52 | 7314 Broadway Sparacio, v | | 1 | N | Y | | 0.03 | 0.03 | Parking lot. | 0.00 | 80.00 | 0.00 |
| 316 | 7.011 | 7517-7709 River I 7601 River | | 1 | N | Y | | 3.88 | 3.88 | Approved for | 0.00 | 80.00 | 0.00 |
| 316 | 12.02 | 7401-7515 River I U & G Dev | | 1 | N | Y | | 1.47 | 1.47 | Steep slopes | 0.00 | 80.00 | 0.00 |
| 316 | 20.01 | 7600 Boulevard E 7601 River | | 1 | N | Y | | 0.24 | 0.24 | Approved for | 0.00 | 80.00 | 0.00 |
| 316 | 21.01 | 7700 Boulevard E 7601 River | | 1 | N | Y | | 0.57 | 0.57 | Approved for | 0.00 | 80.00 | 0.00 |
| 316 | 3 | 7101 River Road Apple View, | | 1 | N | Y | | 0.48 | 0.48 | Tennis/bask | 0.00 | 80.00 | 0.00 |
| 316 | 12.01 | 7440 Boulevard E U & G Dev | | 1 | N | Y | | 0.94 | 0.94 | Steep slopes | 0.00 | 80.00 | 0.00 |
| 316 | 5.02 | 7001-7401 River I Apple View, | | 1 | N | Y | | 1.14 | 1.14 | Application t | 0.00 | 80.00 | 0.00 |
| 320 | 21 | 7716-7724 Kenne Zimatore, C | | 1 | N | Y | | 0.57 | 0.57 | 24 Communi | 0.00 | 80.00 | 0.00 |
| 326 | 1 | 7624 Tonnelle Av C2OJ Corp, | | 1 | N | Y | | 0.09 | 0.09 | Parking for a | 0.00 | 80.00 | 0.00 |
| 326 | 2.02 | 7618 Tonnelle Av AAC Realti | | 1 | N | Y | | 0.09 | 0.09 | | 0.09 | 80.00 | 7.20 |
| 339 | 97 | 8710 Tonnelle Av Monteaug | | 1 | N | Y | | 0.06 | 0.06 | | 0.06 | 80.00 | 4.80 |
| 339 | 25 | 8614-8624 Tonnelle ave | | 1 | N | Y | | 0.18 | 0.18 | Parking for a | 0.00 | 80.00 | 0.00 |
| 349 | 41 | 7801 Kennedy Bl Meadowlar | | 1 | N | Y | | 0.07 | 0.07 | Parking for a | 0.00 | 80.00 | 0.00 |
| 349 | 40 | 7807 Kennedy Bl Meadowlar | | 1 | N | Y | | 0.08 | 0.08 | Parking for a | 0.00 | 80.00 | 0.00 |
| 349 | 39 | 7811 Kennedy Bl Meadowlar | | 1 | N | Y | | 0.07 | 0.07 | Parking for a | 0.00 | 80.00 | 0.00 |
| 35 | 5.02 | 1501 Tonnelle Av AMB Inst A | | 1 | N | Y | | 0.54 | 0.54 | Ramp | 0.00 | 80.00 | 0.00 |
| 35 | 1 | 1101-1105 Tonne Tonnelle M | | 1 | N | Y | | 0.59 | 0.59 | Parking for a | 0.00 | 80.00 | 0.00 |
| 35 | 4.02 | 1417-1427 Tonne AMB Inst A | | 1 | N | Y | | 0.75 | 0.75 | Parking for a | 0.00 | 80.00 | 0.00 |
| 355 | 39 | 8315-8319 Kenne Nickal LLC | | 1 | N | Y | | 0.11 | 0.11 | | 0.00 | 80.00 | 0.00 |
| Subtotal This Page | | | | | | | | | | | 12.00 | | |

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Township of North Bergen Growth Projection Adjustment - Non-Residential Parcel Inventory - Page 4

| Block | Lot | Address | Owner | SDRP Planning Area | Urban Center (Y/N) | Sewer Service Area (Y/N) | HUC.11 NO3 Density * | Total Acreage | Constrained Acreage | Constraint Description | Remaining Buildable Acreage | Density (Jobs/Ac) | Capacity (Jobs) |
|--------------------|-------|------------------|--------------|--------------------|--------------------|--------------------------|----------------------|---------------|---------------------|------------------------|-----------------------------|-------------------|-----------------|
| 356 | 22.01 | 8427A Kennedy | E Somick ED | 1 | N | Y | | 0.01 | | | 0.00 | 80.00 | 0.00 |
| 395.1 | 39 | 8901-8925 Berge | AJR Realty | 1 | N | Y | | 0.91 | 0.91 | Parking for a | 0.00 | 80.00 | 0.00 |
| 401 | 27 | 9000-9008 Tonne | Koeppel, R | 1 | N | Y | | 0.18 | | | 0.18 | 80.00 | 14.40 |
| 401 | 22 | 8914 Tonnelle Av | Lugo, Carl | 1 | N | Y | | 0.06 | 0.06 | Parking lot. | 0.00 | 80.00 | 0.00 |
| 401 | 30 | 9012 Tonnelle Av | Koeppel, R | 1 | N | Y | | 0.09 | | | 0.09 | 80.00 | 7.20 |
| 415 | 1 | 9000-9002 Berge | Crest Point | 1 | N | Y | | 0.23 | 0.23 | Parking for a | 0.00 | 80.00 | 0.00 |
| 416 | 19 | 9259-9263 Kenne | Dublin Proj | 1 | N | Y | | 0.25 | 0.25 | Approved for | 0.00 | 80.00 | 0.00 |
| 416 | 20 | 9265-9271 Kenne | Dublin Proj | 1 | N | Y | | 0.34 | 0.34 | Approved for | 0.00 | 80.00 | 0.00 |
| 437 | 2.01 | 7909-8121 River | 7903 River | 1 | N | Y | | 0.53 | 0.53 | Riverview Pt | 0.00 | 80.00 | 0.00 |
| 438 | 17 | 8200-8516 River | Riverview I | 1 | N | Y | | 1.89 | 1.89 | Site under re | 0.00 | 80.00 | 0.00 |
| 438 | 11.02 | 7700 Marine Roa | North Huds | 1 | N | Y | | 2.84 | 2.84 | Part of adjoi | 0.00 | 80.00 | 0.00 |
| 438 | 18 | 8200-8516 River | Riverview I | 1 | N | Y | | 3.34 | 3.34 | Site under re | 0.00 | 80.00 | 0.00 |
| 438 | 1 | 8200-8516 River | Riverview I | 1 | N | Y | | 5.17 | 5.17 | Site under re | 0.00 | 80.00 | 0.00 |
| 456 | 34 | 6915 Tonnelle Av | Murray, Ch | 1 | N | Y | | 0.05 | 0.05 | Part of adjoi | 0.00 | 80.00 | 0.00 |
| 456 | 36 | 6905-6909 Tonne | Ayala, Antc | 1 | N | Y | | 0.16 | 0.16 | Vehicle store | 0.00 | 80.00 | 0.00 |
| 456 | 39 | 6901-6903 Tonne | Ayala, Antc | 1 | N | Y | | 0.06 | 0.06 | Vehicle store | 0.00 | 80.00 | 0.00 |
| 457 | 55.02 | 2101-2121 83rd | S Bonanno R | 1 | N | Y | | 0.26 | 0.26 | Parking lot. | 0.00 | 80.00 | 0.00 |
| 457 | 50.02 | 2121 83rd St | 83rd St Re | 1 | N | Y | | 0.07 | 0.07 | Part of adjoi | 0.00 | 80.00 | 0.00 |
| 458 | 16.02 | 2117-2119 85th | S Bonanno R | 1 | N | Y | | 0.26 | 0.26 | Truck yard. | 0.00 | 80.00 | 0.00 |
| 458 | 8 | 2100-2132 85th | S North Berg | 1 | N | Y | | 14.51 | 14.51 | Truck yard/1 | 0.00 | 80.00 | 0.00 |
| 461 | 2.031 | Rear Railroad Av | AWD Corp | 1 | N | Y | | 0.15 | 0.15 | Auto storage | 0.00 | 80.00 | 0.00 |
| 462 | 2 | 9515-9517 Railro | Dottino, Ed | 1 | N | Y | | 0.10 | 0.10 | Auto storage | 0.00 | 80.00 | 0.00 |
| Subtotal This Page | | | | | | | | | | | 21.60 | | |

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Township of North Bergen Growth Projection Adjustment - Non-Residential Parcel Inventory - Page 4

| Block | Lot | Address | Owner | SDRP Planning Area | Urban Center (Y/N) | Sewer Service Area (Y/N) | HUC 11 NO3 Density * | Total Acreage | Constrained Acreage | Constraint Description | Remaining Buildable Acreage | Density (Jobs/Ac) | Capacity (Jobs) |
|-------|-------|--------------------------------|-------------|--------------------|--------------------|--------------------------|----------------------|---------------|---------------------|------------------------|-----------------------------|-------------------|-----------------|
| 462 | 1 | 9519-9527 Railroad Fairview In | | 1 | N | Y | | 1.24 | 1.24 | Auto storage | 0.00 | 80.00 | 0.00 |
| 5 | 5 | 709 Liberty Ave | Citro, Vinc | 1 | N | Y | | 0.06 | 0.06 | Yard of adjac | 0.00 | 80.00 | 0.00 |
| 5 | 33 | 906 Tonnelle Ave | Burakovsk | 1 | N | Y | | 0.05 | 0.05 | Gas station. | 0.00 | 80.00 | 0.00 |
| 5 | 30 | 912 Tonnelle Ave | Hernandez | 1 | N | Y | | 0.05 | 0.05 | Yard of adjac | 0.00 | 80.00 | 0.00 |
| 50 | 6.02 | 2500-2512 Paters North Berg | | 1 | N | Y | | 0.59 | 0.44 | Steep slopes | 0.15 | 80.00 | 12.00 |
| 50 | 2.01 | 2310-2406 Paters Kennedy B | | 1 | N | Y | | 0.68 | 0.68 | Parking/Ste | 0.00 | 80.00 | 0.00 |
| 50.01 | 12.02 | 2627 Jane St | Suratwala | 1 | N | Y | | 0.05 | 0.05 | Approved fo | 0.00 | 80.00 | 0.00 |
| 50.01 | 1.01 | 2706-2708 Paters Outdoor S) | | 1 | N | Y | | 0.15 | 0.15 | | 0.15 | 80.00 | 12.00 |
| 50.01 | 7 | 2632-2640 Paters Om Vitthe | | 1 | N | Y | | 0.42 | 0.42 | Approved fo | 0.00 | 80.00 | 0.00 |
| 50.01 | 12.01 | 2630 Paterson Pl: Suratwala | | 1 | N | Y | | 0.06 | 0.06 | Approved fo | 0.00 | 80.00 | 0.00 |
| 55 | 1 | 2416-2418 Tonne Dry Fork R | | 1 | N | Y | | 1.14 | 1.14 | Lumber Yarc | 0.00 | 80.00 | 0.00 |
| 56 | 13 | 2517-2609 Tonne Hudson Cit | | 1 | N | Y | | 0.95 | 0.40 | 100-Year Fic | 0.55 | 80.00 | 44.00 |
| 58.01 | 65 | 2701 Tonnelle Av | Hudson Cit | 1 | N | Y | | 0.18 | 0.18 | | 0.18 | 80.00 | 14.40 |
| 58.01 | 55.01 | 2801-2805 Dell A Dell Realty | | 1 | N | Y | | 0.11 | 0.11 | 100-Year Fic | 0.00 | 80.00 | 0.00 |
| 62 | 2 | 2818 Paterson Pl: J&S Motel | | 1 | N | Y | | 0.25 | 0.25 | Parking | 0.00 | 80.00 | 0.00 |
| 63.01 | 19.02 | 2900-2906 Paters J&S Motel | | 1 | N | Y | | 0.40 | 0.30 | Steep slopes | 0.10 | 80.00 | 8.00 |
| 64.01 | 21 | 1700-1702 29th S | North River | 1 | N | Y | | 0.08 | 0.08 | | 0.08 | 80.00 | 6.40 |
| 65 | 1.01 | 3323 Liberty Ave | 3309 LLC | 1 | N | Y | | 0.06 | 0.06 | | 0.06 | 80.00 | 4.80 |
| 65 | 1.02 | 3319 Liberty Ave | 3309 LLC | 1 | N | Y | | 0.06 | 0.06 | | 0.06 | 80.00 | 4.80 |
| 65 | 6 | 3309 Liberty Ave | 3309 LLC | 1 | N | Y | | 0.06 | 0.06 | | 0.06 | 80.00 | 4.80 |
| 65 | 1.04 | 3315 Liberty Ave | 3309 LLC | 1 | N | Y | | 0.06 | 0.06 | | 0.06 | 80.00 | 4.80 |
| 65 | 13 | 3221 Liberty Ave | Casci Albe | 1 | N | Y | | 0.06 | 0.06 | | 0.06 | 80.00 | 4.80 |
| | | | | | | | | | | | Subtotal This Page | 120.80 | |

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Township of North Bergen Growth Projection Adjustment - Non-Residential Parcel Inventory - Page 4

| Block | Lot | Address | Owner | SDRP Planning Area | Urban Center (Y/N) | Sewer Service Area (Y/N) | HUC 11 NO3 Density* | Total Acreage | Constrained Acreage | Constraint Description | Remaining Buildable Acreage | Density (Jobs/Ac) | Capacity (Jobs) |
|-------|--------|------------------|-------------|--------------------|--------------------|--------------------------|---------------------|---------------|---------------------|------------------------|-----------------------------|-------------------|-----------------|
| 65 | 1.03 | 3317 Liberty Ave | 3309 LLC | 1 | N | Y | | 0.06 | | | 0.06 | 80.00 | 4.80 |
| 65 | 5 | 3311 Liberty Ave | 3309 LLC | 1 | N | Y | | 0.06 | | | 0.06 | 80.00 | 4.80 |
| 68.01 | 7 | 3301-3305 Paters | Rofhschild | 1 | N | Y | | 0.16 | 0.01 | 100-Year Fic | 0.15 | 80.00 | 12.00 |
| 68.01 | 3.02 | 3311 Paterson Pl | Rofhschild | 1 | N | Y | | 0.05 | 0.01 | 100-Year Fic | 0.04 | 80.00 | 3.20 |
| 77 | 23 | 1445 37th St | Finkel, Joh | 1 | N | Y | | 0.04 | | | 0.04 | 80.00 | 3.20 |
| 86 | 277 | 2005-2007 40th S | Eberhard F | 1 | N | Y | | 0.10 | 0.10 | Parking lot/1 | 0.00 | 80.00 | 0.00 |
| 86 | 18 | 3719-3727 Tonne | N Pappas | 1 | N | Y | | 0.28 | 0.28 | Parking | 0.00 | 80.00 | 0.00 |
| 86 | 280 | 2001 40th St | Eberhard F | 1 | N | Y | | 0.03 | 0.03 | 100-Year Fic | 0.00 | 80.00 | 0.00 |
| 86 | 23 | 3711-3717 Tonne | N Pappas | 1 | N | Y | | 0.23 | 0.23 | Parking | 0.00 | 80.00 | 0.00 |
| 86 | 275 | 2011-40th St | Robert R A | 1 | N | Y | | 0.05 | 0.05 | 100-Year Fic | 0.00 | 80.00 | 0.00 |
| 86 | 273.02 | 3903-07 Tonnelle | Webjo Cor | 1 | N | Y | | 0.35 | 0.35 | 100-Year Fic | 0.00 | 80.00 | 0.00 |
| 90 | 167 | 4307 Dell Ave | Dell Auto S | 1 | N | Y | | 0.06 | 0.06 | 100-Year Fic | 0.00 | 80.00 | 0.00 |
| 90 | 162 | 4309-4319 Dell A | 4401 Dell F | 1 | N | Y | | 0.31 | 0.31 | 100-Year Fic | 0.00 | 80.00 | 0.00 |
| 93 | 47 | 4709-4711 Tonne | Triana, Laz | 1 | N | Y | | 0.11 | 0.11 | Parking for a | 0.00 | 80.00 | 0.00 |
| 95 | 4 | 2109-2111 49th S | TG Investn | 1 | N | Y | | 0.11 | 0.11 | Parking | 0.00 | 80.00 | 0.00 |
| 96 | 7 | 4805 Tonnelle Av | Crespo, Jo | 1 | N | Y | | 0.05 | 0.05 | Yard of adjoi | 0.00 | 80.00 | 0.00 |
| 99 | 3.01 | 2011A 47th St | Gay, Entlic | 1 | N | Y | | 0.02 | 0.02 | Yard of adjoi | 0.00 | 80.00 | 0.00 |

Subtotal This Page

28.00

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L: RESOLUTION OF INTENT TO BOND

Draft Resolution to Intent to Bond

WHEREAS, Township of North Bergen, Hudson County has petitioned the Council on Affordable Housing (COAH) for substantive certification of its adopted Housing Element and Fair Share Plan; and

WHEREAS, the plan submitted to COAH allocates funds for:

1. ; Rehabilitation Program
2. ; Affordability Assistance

and;

WHEREAS, Township of North Bergen anticipates that funding will come from the following sources to satisfy these obligations:

1. *development fees*

and;

WHEREAS, in the event that the above funding sources prove inadequate to complete the affordable housing programs included in Township of North Bergen's COAH-certified Housing Element and Fair Share Plan, Township of North Bergen shall provide sufficient funding to address any shortfalls.

NOW THEREFORE BE IT RESOLVED by the Governing Body of Township of North Bergen, Hudson County, State of New Jersey, that the Governing Body does hereby agree to appropriate funds or authorize the issuance of debt to fund any shortfall in its affordable housing program that may arise whether due to inadequate funding from other sources or for any other reason; and

BE IT FURTHER RESOLVED that, upon written notification by COAH after a finding that inadequate funding exists to complete the affordable housing programs included in Township of North Bergen's COAH-certified Housing Element and Fair Share Plan, Township of North Bergen agrees to appropriate funds or authorize the issuance of debt within 90 days of written notification by COAH; and

BE IT FURTHER RESOLVED that [insert name of municipality] may repay debt through future collections of development fees, as such funds become available.

Erin Barillas
Acting Municipal Clerk

M: THERESA V. FERRARO SENIOR BUILDING MONITORING FORM

PROJECT / PROGRAM INFORMATION FORM

Changes to the highlighted areas are to be made directly into the CTM system. Fields highlighted in grey will be added to the CTM screen in January. All other changes must be made on the form and submitted to COAH.

PART A – PROJECT HEADER

Municipality: Township of North Bergen County: Hudson

Project or Program Name: Theresa V. Ferraro Senior Building

Project Status (circle current status and enter date of action for that status)

Status Date

Proposed/Zoned

Preliminary Approval

Final Approval

Affordable Units under Construction

Completed (all affordable certificates of occupancy (C.O.) issued)

3-16-01

Deleted from Plan

(date approved by COAH) _____)

Mechanisms - Project / Program Type (circle one)

Assisted Living Facility

Alternative Living Arrangement

Accessory Apartment

Market to Affordable

Credits without Controls

ECHO

100 Percent Affordable

Inclusionary

Rehabilitation

Redevelopment

If an Inclusionary project, identify subtype (circle all that apply)

Units constructed on-site

Units constructed off-site

Combination

Contributory

Growth Share Ordinance

If an Alternative Living Arrangement project, identify subtype (circle one)

Transitional Facility for the Homeless

Residential Health Care Facility

Congregate Living Facility

Group Home

Boarding Homes (A through E) (only eligible for credit for 1987-99 plans)

Permanent Supportive Housing (unit credit)

Supportive Shared Living Housing (bedroom credit)

PART B – PROJECT DETAIL (Complete all applicable sections)

COAH Rules that apply to project: Round 1 Round 2 Round 3

Project Address: 6201 Grand Avenue North Bergen NJ 07047

Project Block/Lot/Qualifier (list all) Block 205, Lot 68, 77A, 83

Project Acreage: 1.5 **Density:** 70 **Set Aside:** _____

Project Sponsor: (circle one) Municipally Developed Nonprofit Developed Private Developer

Project Sponsor name: North Bergen Renaissance I Urban Renewal, L.P.

Project Developer name: Alpert Group

Planning Area (circle all that apply)

1 2 3 4 4B 5 5B
Highland Preservation Highlands Planning Area Pinelands Meadowlands
CAFRA Category 1 Watershed

Credit Type

Prior-cycle (1980 – 1986) Post-1986 completed Proposed/Zoned Rehabilitation

Credit Sub-Type (if applicable)

Addressing Unmet Need Extension of Controls

Construction Type (circle one) New (includes reconstruction and conversions) Rehabilitation

Flags (circle all that apply) 3.1 Phased Durational Adjustment Conversion Court Project
Density Increase Granted Mediated Project Overlay Zone Result of Growth Share Ordinance
High Poverty Census Tract Off-Site Partnership Project RCA Receiving Project
Reconstruction Part of Redevelopment Plan

Project Waiver granted yes no **Round waiver was granted** R1 R2 R3

Type of Waiver _____

Number of market units proposed _____ **Number of market units completed** 1

Number of market units with certificates of occupancy issued after 1/1/2004 _____

Number of affordable units under construction _____

Condo Fee percentage (if applicable) _____

Affordability Average Percentage¹ _____

¹ "Affordability Average" means an average of the percentage of median income at which restricted units in an affordable development are affordable to low and moderate-income households.

For Contributory or Combination Sites

Total payment in lieu of building affordable units on site _____

Number of affordable units created with payment _____

Municipal or RCA funds committed to project _____

Municipal or RCA funds expended _____

Funding Sources (circle all that apply)

County HOME County Rehab Funds CDBG Federal Home Loan Bank HODAG HUD HUD 202
 HUD 236 HUD 811 HUD HOPE VI HUD HOME McKinney Funds Fannie Mae Multi-Family
 UDAG UHORP USDA-FHA Rural Development USDA-FHA - Section 515 Development Fees
 Municipal Bond Municipal Funds Payment in Lieu Private Financing RCA Capital Funding
Balanced Housing Balanced Housing – Home Express DCA – Low Income House Tax Credit NPP
 DCA Shelter Support Services DDD DHSS DHHS HMFA Low Income House Tax Credit
 HMFA HMFA HOME MONI Section 8 Small Cities Other _____

Effective date of affordability controls 3-16-01

Length of Affordability Controls (in years) 30 or Perpetual

Administrative Agent _____

For Redevelopment Projects

Does this project require deed restricted units to be removed? Yes No

If Yes

of deed restricted units removed _____

of moderate income units removed _____

of low income units removed _____

of very low income units removed _____

of rental units removed _____

of for-sale units removed _____

of one-bedroom units removed _____

of two-bedroom units removed _____

of three-bedroom units removed _____

PART C – COUNTS

Affordable Unit Counts

Total non-age-restricted _____ Sales _____ Rentals _____ Total age-restricted _____ Sales _____ Rentals 104

Complete the chart for the number of non-age-restricted and age-restricted units that are **restricted** for the following income categories (do not report on the income levels of residents currently residing in the units)

| <u>Low Income</u> | <u>Non-age restricted</u> | <u>Age-restricted</u> |
|-----------------------------------|---------------------------|-----------------------|
| 30% of median income ² | _____ | _____ |
| 35% of median income ³ | _____ | _____ |
| 50% of median income | _____ | 104 |
| <u>Moderate Income</u> | | |
| 80% of median income | _____ | _____ |

Note: 30% = less than or equal to 30 percent of median income
 35% = greater than 30 percent and less than or equal to 35 percent of median income
 50% = greater than 35 percent and less than or equal to 50 percent of median income
 80% = greater than 50 percent and less than 80 percent of median income

Bedroom Distribution of Affordable Units

| | | | | | | | | |
|--------------|----------------|-------|---------------|-------|---------------|-------|---------------|-------|
| Sale units | efficiency low | _____ | 1 bedroom low | _____ | 2 bedroom low | _____ | 3 bedroom low | _____ |
| | efficiency mod | _____ | 1 bedroom mod | _____ | 2 bedroom mod | _____ | 3 bedroom mod | _____ |
| Rental units | efficiency low | _____ | 1 bedroom low | 94 | 2 bedroom low | 10 | 3 bedroom low | _____ |
| | efficiency mod | _____ | 1 bedroom mod | _____ | 2 bedroom mod | _____ | 3 bedroom mod | _____ |

Completed Units

Number of affordable units completed in this project 104

Number of affordable units in this project lost through foreclosures, illegal sale or expired affordability controls _____

² Pursuant to N.J.A.C. 5:97-3.7 units deed restricted to households earning 30% or less of median income may be eligible for Bonus Credit for Very-Low Income Units. (RCA receiving units not eligible for bonus credits)

³ Pursuant to N.J.A.C. 5:80-26.3(d) At least 10 percent of all low- and moderate-income rental units must be deed restricted to households earning no more than 35 percent of median income

