

**MASTER PLAN  
HOUSING ELEMENT AND  
FAIR SHARE PLAN  
  
NORTH HALEDON, NEW JERSEY**

**April 20, 2018  
Revised October 24, 2019  
Revised March 9, 2020**

**Prepared for:  
The Borough of North Haledon**

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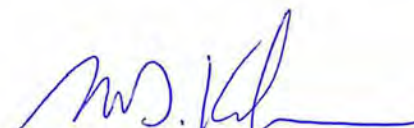
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This copy conforms to the original copy of this report which is stamped and signed by Michael D. Kauker, Professional Planner's License Number 5737 and Michael F. Kauker, Professional Planner's License Number 993, in accordance with N.J.S.A. 45:14A regulating the practice of Professional Planning in the State of New Jersey.



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## INTRODUCTION

In the Supreme Court’s March 10, 2015 decision, In re N.J.A.C. 5:96 & 5:97, 221 NJ 1 (2015) (“Mt. Laurel IV”), the Court set forth a framework for the submission by a municipality and review by the Courts of a municipality’s plan to meet its constitutional affordable housing obligation. In that decision, the Court determined that an action for a declaratory judgement seeking compliance of an affordable housing plan is necessary and “will be judged on the merits of the records developed in individual actions before the Court”. The Court also opined that municipalities should utilize the methodologies set forth in prior Round 1 and Round 2 regulations to establish need and determine a municipality’s affordable housing obligation. The Court also affirmed that many aspects of the two earlier versions of the Round Three rules were also found valid by previous courts and could be used in preparing and assessing a plan for compliance. With respect to the prior round obligations, the Court indicated that Mt. Laurel IV did not eradicate the prior round obligations and that municipalities were still expected to fulfill those prior round obligations. The unfulfilled prior round obligations should be the starting point for municipal compliance. The affordable housing obligation established by COAH as part of the second-round regulations in 1993 shall be utilized as the basis for establishing the prior round affordable housing obligation.

The Court in Mt. Laurel IV emphasized that the reviewing courts should be flexible in assessing a town’s plan for compliance and may utilize prior Rounds 1 and 2 regulations and Round 3 regulations that were not invalidated by the Court. In In re Decl. Judgment Actions, 227 N.J. 508 (2017) (“Mt. Laurel V”), the New Jersey Supreme Court held that municipalities are obligated to provide a realistic opportunity for their fair share of affordable housing for low and moderate-income households during the period of 1999-2015, also known as the “Gap Period.”

The mechanisms proposed by the Borough of North Haledon will promote the constitutional goal of creating the realistic opportunity for producing its fair share of the present and prospective need for low- and moderate-income housing.

The Housing Element and Fair Share Plan (HEFSP) presented in this report is responsive to Mt. Laurel IV and Mt. Laurel V and fulfills the requirements of the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.) and of the Fair Housing Act (N.J.S.A. 52:27D-301, et seq.). The Fair Housing Act provides a framework for New Jersey’s municipalities to address their constitutional obligation to provide a reasonable opportunity for the construction of affordable housing meeting the needs of citizens in the region in which the community is located. Pursuant to Mt. Laurel IV, the Superior Court is responsible for the review of a municipality’s Housing Element and Fair Share Plan. It is now the Court’s purview to ensure that each municipality meets its affordable housing obligation in accordance with the Fair Housing Act.

This document has been amended to reflect the Settlement Agreement between the Borough of North Haledon and the Fair Share Housing Center. The HEFSP includes the information contained in the *Fair Housing Act* and COAH’s Rounds 1 and 2 regulations and Round 3 regulations that were not invalidated by the Court. These particular elements are outlined below:

### **Content of a Housing Element**

The Housing Element submitted to the Court shall include the minimum requirements prescribed by N.J.S.A 52:27D-310 of the *Fair Housing Act*. These requirements are as follows:

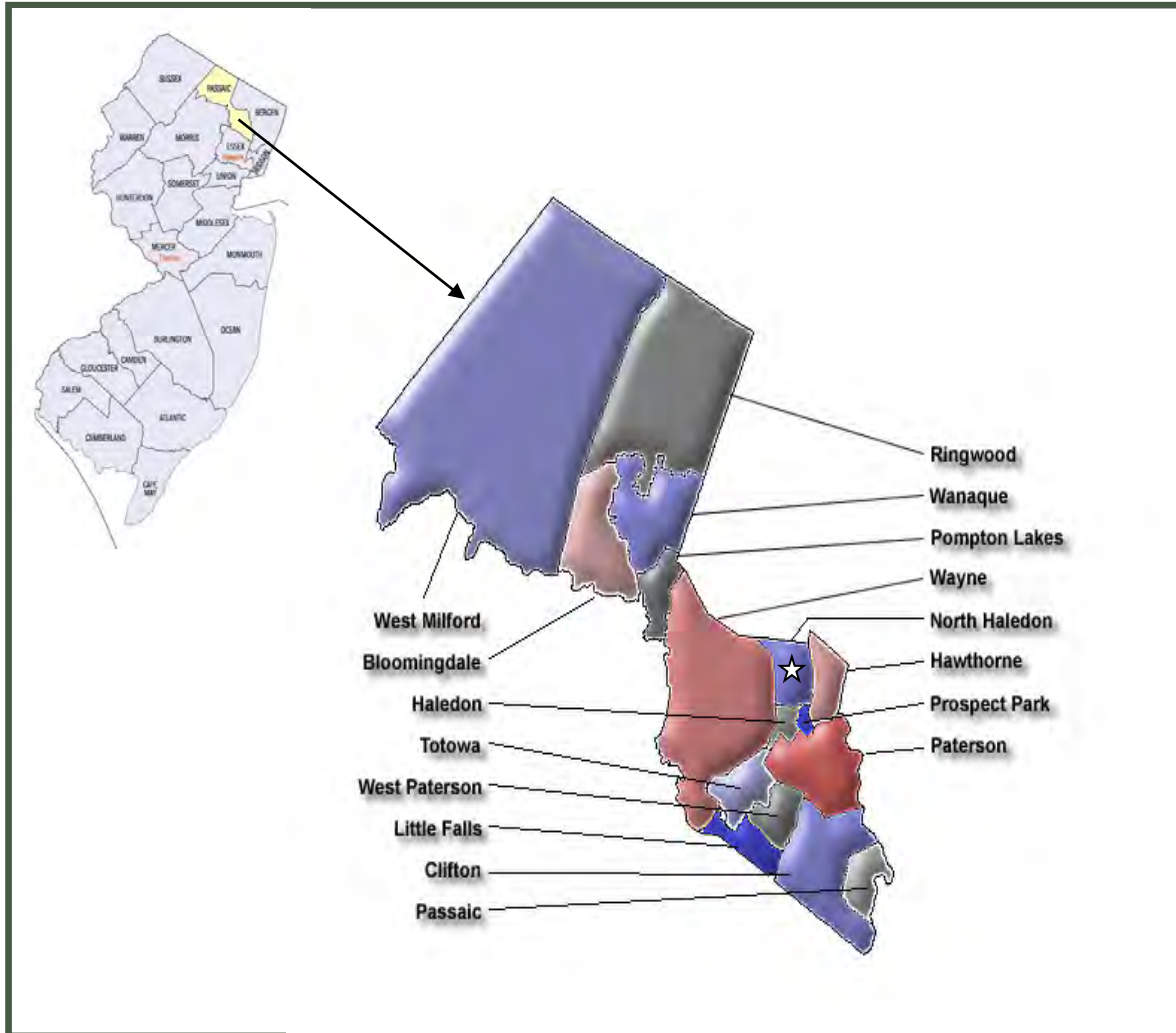
1. An inventory of the Borough's housing stock by age, condition, purchase or rental value, occupancy characteristics and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated.
2. An analysis of the Borough's demographic characteristics including, but not limited to, household size, income level and age.
3. An analysis of the existing and probable future employment characteristics of the Borough.
4. A determination of the Borough's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing.
5. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing.

### **Content of a Fair Share Plan**

The Fair Share Plan describes the completed or proposed mechanisms and funding sources, if applicable, that will be utilized to address a municipality's affordable housing obligation as established in the Housing Element. More specifically, it will address the rehabilitation share, Prior Round Obligation (1987-1999) and fair share obligation (2015 to 2025). It shall also include if applicable draft ordinances necessary to implement that plan and other information that may be required by the Court or other reviewing agency.

### **HOUSING ELEMENT**

The Borough of North Haledon is a 3.44 square mile municipality located in the central portion of Passaic County in Northern New Jersey. In 2000, the Borough had a population of 7,920 people making it the second smallest municipality in Passaic County. Passaic County is part of Housing Region 1 as established by COAH consisting of Bergen, Passaic, Hudson and Sussex Counties. North Haledon shares its border with four other municipalities in Passaic County and two other municipalities in Bergen County. Along its northern border are the Boroughs of Wyckoff and Franklin Lakes both in Bergen County. To the west is the Township of Wayne, to the south are the Borough's Haledon and Prospect Park and to the east is the Borough of Hawthorne all of which are located in Passaic County. The location of North Haledon in relation to the surrounding municipalities is shown on the Regional Location Map.



Source: <http://www.passaiccountynj.org/Municipalities.htm>.

**I. An inventory of the municipality’s housing stock by age, condition, purchase or rental value, occupancy characteristics and type, including the number of units affordable to low- and moderate- income households and substandard housing capable of being rehabilitated.**

An inventory of the municipality’s housing stock including an analysis of housing characteristics is presented in the following section of this report.

The Borough of North Haledon is primarily a fully developed single-family residential community. As of the 2010 U.S. Census there were a total of 3,213 housing units in the Borough of North Haledon. There were 3,123 occupied housing units as compared to only 90 vacant housing units. Out of the 3,123 occupied housing units, 86.6% or 2,704 were owner-occupied as compared to 13.4% or 419 renter-occupied housing units. In addition, 76.4% or 2,386 of the housing units were occupied by family households as compared to 23.6% or 737 non-family

households. The average household size of these units was 2.67 persons per household and the average family size was slightly higher at 3.10 persons per family.

Most of the development activity in the Borough occurred between 1950 and 1969. Development has declined since that time with the exception of an increase in development from 2000 to 2009. The decline in housing construction is a result of a corresponding reduction in the amount of developable land. The age of the existing housing stock is depicted in the following table.

TABLE 1  
AGE OF HOUSING UNIT BY YEAR BUILT

Year Structure Built	Number	Percent
<b>Total housing units</b>	3,043	3,043
<b>Built 2010 or later</b>	0	0.0%
<b>Built 2000 to 2009</b>	473	15.5%
<b>Built 1990 to 1999</b>	102	3.4%
<b>Built 1980 to 1989</b>	96	3.2%
<b>Built 1970 to 1979</b>	263	8.6%
<b>Built 1960 to 1969</b>	684	22.5%
<b>Built 1950 to 1959</b>	714	23.5%
<b>Built 1940 to 1949</b>	223	7.3%
<b>Built 1939 or earlier</b>	488	16.0%

Source: US Census, 2010-2014 American Community Survey 5-year Estimates DP04

The condition of these units is generally very good and according the 2010-2014 American Community Survey 5-Year Estimates, there are 0 units that are lacking complete plumbing facilities, 0 units that are lacking complete kitchen facilities and only 11 or 0.4% that had no telephone service. There are 2,655 units or 89.4% that use gas as their primary source of house heating fuel, 0 units that use bottled, tank, or LP gas, 112 units or 3.8% that use electricity, 202 units or 6.8% that use fuel oil or kerosene.

Table 2 below indicates the number of units in each structure. As shown in Table 2, 89.4% of the housing units are single-family homes.

TABLE 2  
NUMBER OF HOUSING UNITS IN STRUCTURE

Units In Structure	# of Housing	
	Units	Percent
<b>Total housing units</b>	3,043	3,043
<b>1-unit, detached</b>	2,403	79.0%
<b>1-unit, attached</b>	316	10.4%
<b>2 units</b>	107	3.5%
<b>3 or 4 units</b>	137	4.5%
<b>5 to 9 units</b>	18	0.6%
<b>10 to 19 units</b>	18	0.6%
<b>20 or more units</b>	31	1.0%
<b>Mobile home</b>	13	0.4%
<b>Boat, RV, van, etc.</b>	0	0.0%

Source: US Census, 2010-2014 American Community Survey 5-year Estimates DP04



The value of specified owner-occupied housing units as reported in the 2010-2014 American Community Survey 5-year Estimates is shown below.

TABLE 3  
OWNER-OCCUPIED HOUSING UNITS BY VALUE

Value	# of Housing Units	Percent
<b>Owner-occupied units</b>	2,690	100%
<b>Less than \$50,000</b>	68	2.5%
<b>\$50,000 to \$99,999</b>	17	0.6%
<b>\$100,000 to \$149,999</b>	12	0.4%
<b>\$150,000 to \$199,999</b>	32	1.2%
<b>\$200,000 to \$299,999</b>	287	10.7%
<b>\$300,000 to \$499,999</b>	1,335	49.6%
<b>\$500,000 to \$999,999</b>	914	34.0%
<b>\$1,000,000 or more</b>	25	0.9%
<b>Median (dollars)</b>	449,400	(X)

Source: US Census, 2010-2014 American Community Survey 5-year Estimates DP04

The majority of housing units were valued between \$300,000 and \$499,999. The median value of owner-occupied housing units according to the 2000 Census was \$449,400.

According to the 2010-2014 American Community Survey 5-year Estimates, the median monthly owner costs for persons with a mortgage were \$2,705 and \$1,000 for persons without a mortgage.

The cost of specified renter-occupied housing units as reported in the 2010-2014 American Community Survey 5-year Estimates is shown below.

TABLE 4  
GROSS RENT PER UNIT

Gross Rent	# of Units	Percent
<b>Occupied units paying rent</b>	267	100%
<b>Less than \$200</b>	0	0.0%
<b>\$200 to \$299</b>	0	0.0%
<b>\$300 to \$499</b>	0	0.0%
<b>\$500 to \$749</b>	0	0.0%
<b>\$750 to \$999</b>	36	13.5%
<b>\$1,000 to \$1,499</b>	87	32.6%
<b>\$1,500 or more</b>	144	53.9%
<b>Median (dollars)</b>	1,569	(X)
<b>No rent paid</b>	12	(X)

Source: US Census, 2010-2014 American Community Survey 5-year Estimates DP04

The majority of renters paid \$1,500 or more per month on rent, while the median rent was \$1,569 per month.

**II. An analysis of the municipality’s demographic characteristics including, but not limited to, household size, income level and age.**

The Borough’s population has remained relatively stable over the past ten years. The 2010 population of 8,417 persons shows an increase of 497 persons or 6.3% from the 2000 population of 7,920 persons. The racial composition of North Haledon’s population is predominately white, accounting for 98.4% of Borough residents.

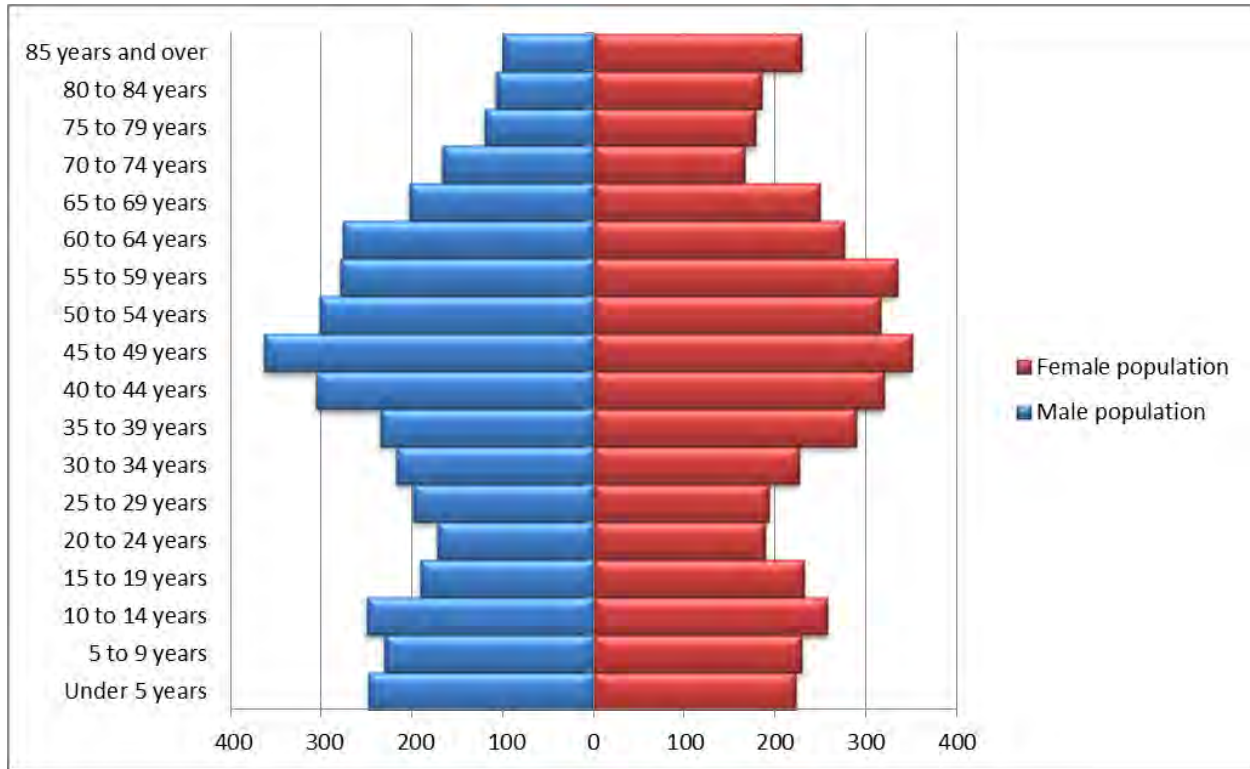
**Gender and Race**

Both the Borough and the County have a fairly even distribution between males and females, with only a slightly larger percentage of more females than males in 2010.

TABLE 5  
GENDER, 2010  
BOROUGH OF NORTH HALEDON

Age	Male Population		Female Population	
	Number	Percent	Number	Percent
Under 5 years	249	2.96	222	2.64
5 to 9 years	231	2.74	229	2.72
10 to 14 years	251	2.98	257	3.05
15 to 19 years	192	2.28	231	2.74
20 to 24 years	173	2.06	188	2.23
25 to 29 years	199	2.36	192	2.28
30 to 34 years	218	2.59	226	2.69
35 to 39 years	236	2.80	289	3.43
40 to 44 years	307	3.65	319	3.79
45 to 49 years	364	4.32	350	4.16
50 to 54 years	303	3.60	315	3.74
55 to 59 years	280	3.33	334	3.97
60 to 64 years	277	3.29	276	3.28
65 to 69 years	204	2.42	248	2.95
70 to 74 years	168	2.00	166	1.97
75 to 79 years	121	1.44	178	2.11
80 to 84 years	109	1.29	185	2.20
85 years and over	101	1.20	229	2.72
	3983		4434	

Source: U.S. Census Bureau, 2010



Source: U.S. Census Bureau, 2010

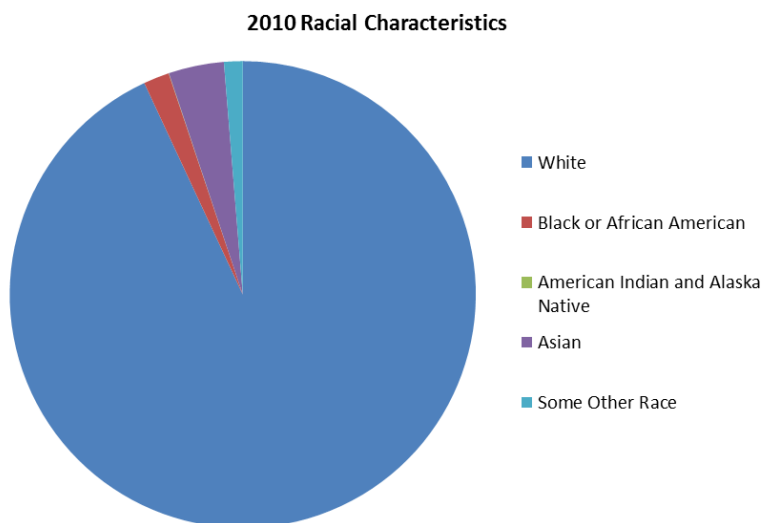
The racial characteristics of North Haledon’s residents are identified in **Table 6**.

TABLE 6  
2010 RACIAL CHARACTERISTICS

Race	Number	Percent
<b>Total population</b>	8,417	100.0
<b>One Race</b>	8,279	98.4
<b>White</b>	7,704	91.5
<b>Black or African American</b>	148	1.8
<b>American Indian and Alaska Native</b>	2	0.0
<b>Asian</b>	318	3.8
<b>Asian Indian</b>	93	1.1
<b>Chinese</b>	57	0.7
<b>Filipino</b>	58	0.7
<b>Japanese</b>	7	0.1
<b>Korean</b>	88	1.0
<b>Vietnamese</b>	2	0.0
<b>Other Asian</b>	13	0.2
<b>Native Hawaiian and Other Pacific Islander</b>	0	0.0
<b>Native Hawaiian</b>	0	0.0
<b>Guamanian or Chamorro</b>	0	0.0
<b>Samoan</b>	0	0.0
<b>Other Pacific Islander</b>	0	0.0
<b>Some Other Race</b>	107	1.3
<b>Two or More Races</b>	138	1.6
<b>White; American Indian and Alaska Native</b>	14	0.2
<b>White; Asian</b>	41	0.5
<b>White; Black or African American</b>	30	0.4

White; Some Other Race	31	0.4
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Source: US Census Bureau, 2010.

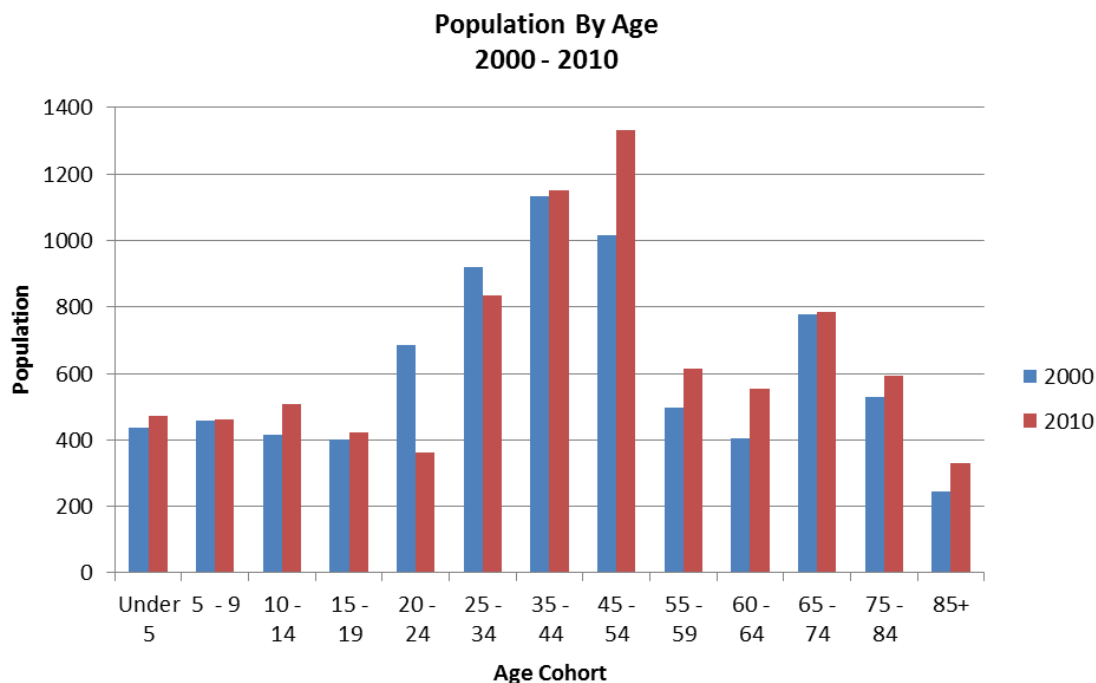


The Borough’s population shows some degree of change in its age groups. The most significant difference between 2000 and 2010 is the change in the 20 to 24 age cohort, which decreased by 47.5%. The largest increase in population occurred in the 60 to 64 age cohort, with an increase of 36.5%. This was followed by the 85 and over age cohort which increased by 34.1%. This continues the trend of the increase in the 85 and over age cohort and is characteristic of the entire country as life expectancy rates are increasing. Other cohorts that had significant growth were the 10 to 14 age cohort, which increased by 22.4%, the 45 to 54 age cohort, which increased by 31.2% and the 55 to 59 age cohort which increased by 23.3%. The age group characteristics based upon the 2000 and 2010 US Censuses are shown in **Table 7**.

TABLE 7  
POPULATION CHANGE - 2000 TO 2010

Age	2000		2010		Change 2000 - 2010	
	#	%	#	%	#	%
<b>Total population</b>	7,920	100.0	8,417	100.0	497	6.3
<b>Under 5 years</b>	436	5.5	471	5.6	35	8.0
<b>5 to 9 years</b>	458	5.8	460	5.5	2	0.4
<b>10 to 14 years</b>	415	5.2	508	6.0	93	22.4
<b>15 to 19 years</b>	402	5.1	423	5.0	21	5.2
<b>20 to 24 years</b>	687	8.7	361	4.3	(-326)	(-47.5)
<b>25 to 34 years</b>	919	11.6	835	9.9	(-84)	(-9.14)
<b>35 to 44 years</b>	1,134	14.3	1,151	13.6	17	1.5
<b>45 to 54 years</b>	1,015	12.8	1,332	15.8	317	31.2
<b>55 to 59 years</b>	498	6.3	614	7.3	116	23.3
<b>60 to 64 years</b>	405	5.1	553	6.6	148	36.5
<b>65 to 74 years</b>	777	9.8	786	9.4	9	1.2
<b>75 to 84 years</b>	528	6.7	593	7.1	65	12.3
<b>85 years and over</b>	246	3.1	330	3.9	84	34.1
<b>Median age (years)</b>	40.5	(X)	45.0	(X)		

Source: US Census Bureau, 2010



In 2014 the median household income in North Haledon was \$93,641. The 20014 breakdown of income categories is shown in **Table 8**.

TABLE 8  
HOUSEHOLD INCOMES - 2014

Income	# of Households	Percent
<b>Total households</b>	<b>2,969</b>	<b>100%</b>
Less than \$10,000	21	0.7%
\$10,000 to \$14,999	32	1.1%
\$15,000 to \$24,999	95	3.2%
\$25,000 to \$34,999	217	7.3%
\$35,000 to \$49,999	283	9.5%
\$50,000 to \$74,999	472	15.9%
\$75,000 to \$99,999	477	16.1%
\$100,000 to \$149,999	578	19.5%
\$150,000 to \$199,999	162	5.5%
\$200,000 or more	632	21.3%
Median household income (dollars)	93,641	(X)
Mean household income (dollars)	124,903	(X)

Source: US Census, 2010-2014 American Community Survey 5-year Estimates DP03

**III. An analysis of the existing and probable future employment characteristics of the municipality.**

The most recent employment data for the Borough of North Haledon indicate that as of 2016 there were 1,255 jobs located within the Borough. This represents an increase of 54 jobs from

2015, where there were 1,201 jobs located within the Borough. The following table shows employment in terms of the number of jobs in the Borough from 2014 to 2016.

TABLE 9  
NUMBER OF JOB BY YEAR

Year	Number of Jobs	# Change	% Change
2014	1,200	-	-
2015	1,201	1	0.08%
2016	1,255	54	4.5%

Source: NJ Department of Labor and Workforce Development

The following table shows the most recently available in-place employment data by industry sectors and the number of employed persons who reside in the Borough of North Haledon. This data provided is from US Census 2011-2015 American Community Survey 5-year estimate. The two industry sectors with the highest number of employees were the educational services, and health care and social assistance, followed by the professional, scientific, and management, and administrative and waste management services.

TABLE 10  
NUMBER OF JOBS BY INDUSTRY SECTOR

INDUSTRY	Number of Jobs
Civilian employed population 16 years and over	4,523
Agriculture, forestry, fishing and hunting, and mining	0
Construction	322
Manufacturing	462
Wholesale trade	281
Retail trade	495
Transportation and warehousing, and utilities	164
Information	119
Finance and insurance, and real estate and rental and leasing	471
Professional, scientific, and management, and administrative and waste management services	568
Educational services, and health care and social assistance	1,252
Arts, entertainment, and recreation, and accommodation and food services	129
Other services, except public administration	165
Public administration	95

Source: US Census 2011-2015 American Community Survey 5-year estimate

**IV. A determination of the municipality’s present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and**

**prospective housing needs, including its fair share for very low, low- and moderate-income housing.**

The Borough of North Haledon is participating in the municipal consortium, which has retained Econsult Solutions to prepare an analysis to determine its affordable housing obligation for the Third Round. However, pursuant to the Settlement Agreement between the Borough and The Fair Share Housing Center, (F.S.H.C.) the Borough has agreed to utilize the Housing obligations as set forth in the Settlement Agreement between the Borough of North Haledon and the Fair Share Housing Center (F.S.H.C.).

The Borough's present and prospective fair share for low and moderate-income housing is presented below and consists of the Rehabilitation Share (Present Need), the Prior Round Obligation (1987-1999), Gap Present Need Obligation (1999-2015) and the Third Round Prospective Need Obligation (2015-2025).

***Rehabilitation Share***

Deficient housing units occupied by low- and moderate-income households which are referred to as rehabilitation share.

The rehabilitation share (present need) for affordable housing is the number of existing housing units as of 2015 that are both deficient and occupied by households of low or moderate-income as determined through the methodology provided for in the Kinsey Report. The rehabilitation share as calculated in the Kinsey Report is 0 housing units.

***Prior Round Obligation***

Prior Round (1987 – 1999) Obligation assigned to a municipality by COAH or the court for the period 1987 - 1999

The Prior Round Obligation for Rounds 1 and 2 for the period from 1987 -1999 is 92 units.

***Third Round Obligation***

Third Round Prospective Need Obligation (1999 – 2025)

Pursuant to the Mercer County Decision by the Honorable Mary C. Jacobson A.J.S.C. the Prospective Need Third Round Obligation is 329 units which includes the 1999-2015 Gap Period.

***Total Fair Share Obligation***

The Borough of North Haledon has a total obligation including the Rehabilitation Share (Present Need), Prior Round Obligation (1987-1999) and Third Round Obligation of 329 units. Additional obligation are broken down as follows: Rehabilitation (Present Need) – 0 units; Prior Round Obligation – 92.

TABLE 11  
FAIR SHARE OBLIGATION: 1987-2025

Borough of North Haledon Affordable Housing Obligations May 17, 2016 Kinsey. Report	
Rehabilitation (Present Need)	0
Prior Round (1987-1999)	92
Third Round (Prospective Need 1999-2025)	329
Total:	421

The Borough of North Haledon has adequate infrastructure capacity to accommodate its present and prospective housing need as established in this report and taking into consideration the adjustment due to the lack of land. As previously mentioned it is a predominantly fully developed community.

There is no anticipated demand for the types of uses permitted in the zoning ordinance based on the existing and anticipated demographic characteristics of the Borough and because of lack of remaining developable land. The uses permitted in the zoning ordinance are reflected by existing uses within the town for the most part. As mentioned the predominant land use in the community is the single-family home and some multiple-family development to help balance the residential land uses within the community. There are compact nodes of commercial development along High Mountain Road and Belmont Avenue which serve the community.

Since North Haledon is a fully developed community with established land use patterns, it is not anticipated that the existing land use patterns within the Borough would change.

As mentioned most of land within the Borough is already developed. Most of the remaining vacant parcels of land are vacant because they are preserved for public recreation and open space and because of environmental constraints that hinder development of the properties. A majority of the vacant land within the Borough is constrained by steep slopes.

## **PROPOSED FAIR SHARE PLAN**

### **Prior Round Certified Plan of Compliance**

The Borough of North Haledon received substantive certification of its Prior Round 2 Housing Plan on May 2, 2001. As noted above, its Prior Round Obligation is 92 units, of which 77 units were constructed, leaving an unmet need of 15 units. The following Prior Round Compliance Table utilizes credits from currently proposed and constructed Low- and Moderate-income Housing projects to fully satisfy our Round 2- 92 unit obligation.



TABLE 12  
PRIOR ROUND PLAN OF COMPLIANCE

Name	Total Units	On-site	Off-site (RCA)	Bonus Credits	Total Credits
India Quarry-Hovnanian	287	53			53
Squaw Brook Run (Cahill)	64		13		13
Summit Point (Laino)	52		11		11
920 Belmont Ave. Acquisitions, LLC	180	5		5	10
Belmont Group, LLC <sup>1</sup>	50	3		3	6
Total:	663	61	24	8	93

***Description of properties included in Prior Round Plan***

**India Quarry-Hovnanian** - 53 credits

(Block 23.00, Lots 14, 15 & 15.01, Block 24.00, Lots 8, 12, 15, 22.01, 23 & 24)

The India Quarry-Hovnanian development has already been constructed. There was a total of 287 for sale Townhome units constructed in this development, which includes 53 low- and moderate-income units built on-site. The property is part of the Borough's certified Round 2 Plan and was zoned Affordable Townhouse District 1 (AHTD-1).

**Squaw Brook Run (Cahill)** - 13RCA units

(Block 6100, Lots 6.01, 8 and 7)

The Squaw Brook Run (Cahill) development has already been constructed and received all Certificates of Occupancy prior to January 1, 2004. There were a total of 64 for sale townhome units constructed in this development. As part of this development's affordable Housing obligation a monetary contribution was made in order to fund a 13 unit RCA in accordance with an agreement with Hoboken. The project was part of the Borough's certified Round 2 Plan and was zoned Affordable Housing Townhouse District 2(AHTD-2).

**Summit Point (Laino)** - 11 RCA units

The Summit Point (Laino) development has already been constructed. There was a total of 56 for sale Townhome units constructed in this development. As part of the developer's affordable housing obligation a monetary contribution was made in order to fund 11 RCA's, as part of an agreement with Hoboken. The property was part of the Borough's certified Round 2 plan and was zoned Affordable Housing Townhouse District 2 (AHTD-2).

**920 Belmont Acquisitions, LLC** – 10 credits (5 build units with a 5-unit Bonus Credit)

(Block 30, Lots 12 and 12.01)

The 920 Belmont acquisitions project was approved by the Planning Board in 2019. A Total of 180 rental townhome units will be built on this 20-acre site, with construction to start in early spring of 2020. Pursuant to an Order entered by the Honorable Thomas F. Brogan on September 11, 2015, in the Declaratory Judgement proceeding, IMO 920 Belmont Acquisition, LLC,

<sup>1</sup> Belmont Group, LLC is constructing 10 total units on-site, 3 units will be assigned to the Prior Round and 7 units to the Third Round.

Docket No. PAS-L-1913-15, the project will include 5 family rental units subject to standard bedroom and income mix requirements pursuant to UHAC. The project was part of the Borough, certified Round 2 Plan and was zoned AAHD. Documentation of the Decision is provided in Appendix B, 920 Belmont court Order.

Belmont Group, LLC (Mountain Falls) - 6 credits (3 built on-site and 3 bonus credits)  
(Block 31, Lot 10.04)

This project is currently before the Borough Planning Board for revisions to the Site Plan approved in 2019. The site is 5.61 acres in area and is part of the Belmont Ave Redevelopment Plan. It will consist of 50 stacked rental units. There will be a total of 10 affordable housing units constructed on-site, 3 of which will be applied to the Prior Round and 7 will be applied to the Third Round. The projects credits have been allocated to both the Prior Round Plan and the Third Round Plan.

**V. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing.**

The Borough is a predominantly fully developed community with little opportunity for continued growth except for limited infill development and redevelopment. Most of the vacant lands that exist within the Borough are either environmentally or too small to be developed.

The Borough has taken affirmative steps over the last few years to create affordable housing through redevelopment of appropriate sites. A redevelopment plan was prepared that identified three sites for redevelopment. These properties will be described in further detail in the Fair Share Plan.

The Belmont Avenue Redevelopment Area is centrally located in the southern core of the Borough. The Redevelopment Area is concentrated along the Belmont Avenue Corridor and extends from Vine Street and Morningside Avenue to the north and just north of Overlook Avenue to the south. The High Mountain Middle School is located to the east. The William Paterson University campus is located to the west. Residential neighborhoods are located to the north and south with commercial and industrial uses located along Belmont Avenue.

The Redevelopment Area consists of 19 parcels or properties in total. Seven of the properties in the Redevelopment Area are located on the western side of Belmont Avenue. All the properties located on the western side of Belmont Avenue are in Block 31 on the Tax Maps of North Haledon and have street frontage on Belmont Avenue. Twelve of the properties in the Redevelopment Area are located on the eastern side of Belmont Avenue. All the properties on the eastern side of Belmont Avenue are in Block 30 on the Tax Maps of North Haledon. The largest parcel (Lot 12.01) consisting of approximately 19.2 acres is commonly referred to as the Doretsky Tract.

The properties that make up the Belmont Avenue Redevelopment Area are identified as follows on the Tax Maps of North Haledon:

Block 30	Lots 9, 11, 12, 12.01, 13, 13.01, 13.02, 14, 15, 16, 27, and 27.02.
Block 31	Lots 10, 10.04, 11, 11.02, 11.03, 11.04, and 12.

### **Lack of Land**

The Borough of North Haledon has very little vacant developable land available to accommodate its prospective affordable housing obligation. At this time the Borough has prepared a Vacant Land Analysis pursuant to N.J.A.C. 5:93-4.2 and is requesting an adjustment to their overall obligation due to a lack of land.

### ***Vacant Land Analysis***

The Borough of North Haledon is a fully developed community with very little vacant, suitable and developable land. To provide the Master and the Court with the required documentation in accordance with the Vacant Land Adjustment requirements contained in COAH's Round 2 Substantive Regulations, we have procured and evaluated an official list of vacant lands from the Borough as contained in the Borough's official Tax Assessment records. A complete listing of these lands is provided in Appendix A, Vacant Land Inventory. The purpose of this analysis is to document the fully developed nature of the Borough of North Haledon and its limited ability to accommodate additional housing opportunities. This Vacant Land Analysis is prepared in accordance with N.J.A.C. 5:93-4.2. The vacant land adjustment procedure consists of three (3) steps.

#### **Step 1**

In step 1, the municipality must provide a map, including all vacant land within the municipality. This map must also show existing environmental constraints. There are three (3) maps included with this analysis, the Vacant Land Inventory Map, Environmental Constraints Map and a third map depicting USGS topographical conditions. In addition, an inventory of all vacant land must be provided identifying the vacant parcels by block and lot and including the acreage and ownership of each vacant parcel. This vacant land inventory list is attached hereto as Appendix A.

#### **Step 2**

In the second step the municipality must analyze each parcel to determine its suitability for development. Reasons for exclusion of a site are found in N.J.A.C. 5:93-4.2(c), (e) and (f). This information is also contained in the vacant land inventory list described above.

As shown in the vacant land inventory (Appendix A), there are a total of 84 parcels listed as vacant in the tax data obtained from the Borough. Of these 84 vacant parcels in this list, all 84 parcels can be excluded because they are either too small to support inclusionary development sufficient to generate at least one low and moderate-income unit in accordance with COAH's Round 2 requirements for vacant land evaluation or because of environmental constraints, which make the site unsuitable for development. Pursuant to N.J.A.C. 5:93-4.2(c)2, a municipality

shall exclude from the vacant land inventory any vacant contiguous parcels of land in private ownership of a size which would accommodate less than five dwelling units. Pursuant to N.J.A.C. 5:93-4.2(e) 2ii, municipalities may exclude sites encumbered by wetlands, flood hazard areas and steep slopes in excess of 15 percent.

Step 3

In the third and final step, the municipality shall calculate the Realistic Development Potential (RDP) based on the remaining vacant parcels that have been determined suitable and developable. Pursuant to N.J.A.C. 5:93-4.2(f), each remaining vacant site considered suitable and developable is assigned a presumptive density of at least 6 units per acre and a 20% set aside.

***Calculation of Third Round Realistic Development Potential***

As shown in Appendix A, vacant undevelopable lands are either constrained or too small for development. The Third Round RDP for the Borough of North Haledon is 20 units and the unmet need is 329 units. The following properties were determined to be vacant, developed or developable and serve as the basis for the 20-unit RDP.

TABLE 13  
REALISTIC DEVELOPMENT POTENTIAL

Block	Lot	Developable Acres	Presumptive Density	Set Aside	RDP
See note 2					7 <sup>2</sup>
22.01	22	1.1	8	0.2	2
38	8	3.5	10	0.2	7
65	17.01	0.9	6	0.2	1
23	13.06	2.56	6	0.2	3
					<b>20</b>

<sup>2</sup> 20% of the total 36 units to be constructed at the Belmont Estates Redevelopment site equals a 7-unit RDP

**Third Round Plan of Compliance – Satisfaction of RDP**

TABLE 14  
THIRD ROUND PLAN OF COMPLIANCE

Name	Total Units	On-site	Off-site (RCA)	Bonus Credits	Total Credits
Prior Round Credits	1	1			1
Belmont Estates Urban Renewal	36	2			2
Belmont Group, LLC <sup>3</sup>	50	7		5	12
Eastern Christian Group Home 277 North Haledon Avenue	3	3			3
Eastern Christian Group Home 1209 Belmont Avenue	3	3			3
Total:	93	16		5	21

***Description of Properties Included in Third Round Plan***

Belmont Estates Urban Renewal

Belmont Estates Urban Renewal (Block 30, Lots 3 13.02, 14, 15, 16, 27, and 27.02) is included in the Belmont Ave Redevelopment Plan adopted November 12, 2015. Pursuant to that Redevelopment Plan the developer has constructed 34 luxury rental townhouse units and is required to provide 2 affordable rental housing units in two adjacent single family dwellings at 972 and 978 Belmont Ave. Construction permits were issued on 11/25/2019.

Belmont Group LLC (Mountain Falls)

This 5.61-acre property is identified as Block 31, Lot 10.04 and is in the Belmont Ave Redevelopment area. A total of 50 multiple family rental units were approved by the Planning Board in 2019. The project is proposed to provide a 20% set-aside for affordable units which credits will be distributed to both the round 2 and round 3 Compliance Plans. Amendments to the project site plan design will be brought to the Planning Board in the spring of 2020. The project will provide 7 third round on-site build credits and 5 bonus credits for a total of 12 credits.

Group Homes located at 277 North Haledon Avenue and 1209 Belmont Avenue

These group home properties are owned and managed by Eastern Christian. They provide accommodations for developmentally disabled persons. Each home has 3 bedrooms for a total of 6 affordable housing credits.

<sup>3</sup> Belmont Group, LLC is constructing 10 total units on-site, 3 units will be assigned to the Prior Round and 7 units to the Third Round.

### Satisfaction of Unmet Need

The RDP of 20 units subtracted from the 329-unit Third Round Obligation results in an unmet need of 309 units, which shall be addressed through the following mechanisms.

- a. One credit from the above chart.
- b. Hay Overlay Zone (Block 23.01, Lot 10) The Borough has adopted an Overlay Zone on this 13 plus acre property, permitting multi-family residential development at a density of 7 units per acre, requiring a 20% set-aside for owner occupied units and a 15% set-aside for rental units, further subject to the requirements of the UHAC. A copy of the implementing ordinance # 18-2019 is provided in Appendix C.
- c. North Jersey Trucking Site (Block 31, Lots 10 and 11.03) The Borough has adopted a Redevelopment Plan for this 6.4-acre property known as the Belmont Avenue Redevelopment Plan. Development is permitted at a density of 9 units per acre, with a 20% set aside for Owner occupied units and a 15% set aside for Rental Units. Mixed use with first floor commercial development and apartments on the second floor are permitted and contemplated on this property.
- d. Brookview and High Mountain B-2 Business Overlay Zone. Residential apartments will be permitted on the second floor of a building containing a permitted use on the ground floor on selected properties within the B-2 Business Zone. Owner occupied units will require a 20% set aside and renter occupied units will require a 15% set aside. They are designated as Block 34.01, Lots 1, 2, 2.01 and 3; Block 35 Lot 1, and Block 29 Lots 9, 12, 13, and 14. Affordable units must meet the 35-foot height requirement of the B-2 Zone and applicable UHAC Requirements.
- e. Daibes Property (Block 19, Lot 1) The Borough has adopted Ordinance #2-2007 which permits development of 5 housing units, one of which shall be an affordable unit subject to the 35 foot and height requirement and applicable UHAC requirements. This Ordinance shall be amended to replace section 180-241 with a required one-unit set aside based on a total of 5 units on site. A copy of the implementing ordinance # 18-2019 is provided in Appendix D.
- f. Mandatory set-aside Ordinance - The Borough will adopt a Mandatory set-aside Ordinance that requires a 20% set-aside for sale units and a 15% set-aside for rental units for all new Multi-family residential developments of 5 or more additional units (over and above those already permitted as of right) that are developed at a density of (6) or more per acre and that become permissible through either a use variance, a density variance, increasing the permissible density at the site, a rezoning permitting multi-family residential housing where not previously permitted or a new redevelopment plan. This does not give any developer the right to any such zoning variance, redevelopment designation or other relief or establish any obligation on the part of North Haledon to grant such rezoning, variance, redevelopment designation or other relief. This provision shall not apply to sites zoned for inclusionary residential development to meet the RDP or to overlay zones created to meet the unmet need in the Borough's HEFSP, which sites and zones shall comply with the applicable zoning or redevelopment plan requirements for the provision of affordable housing as outlined in the settlement agreement between the Borough of North Haledon and the Fair Share Housing Center. No site shall be subdivided so as to avoid compliance with this requirement.

### **Prior Round Rental Obligation**

Under Rounds 1 and 2 the rental obligation was calculated as a percentage of the Borough's new construction requirement based on the following formula:

$$\text{Rental obligation} = .25 (92 \text{ unit}) = 23 \text{ units}$$

This rental obligation will be addressed through the Squaw Brook Run development which RCA 13 rental unit and the Laino development which will RCA 11 rental units.

### **Prior Round Age-Restricted Units**

Prior round regulations permitted the Borough to age-restrict 25 percent of its 1987-1999 affordable housing obligation addressed within the municipality.

$$\text{Age-restricted units} = .25 (92 \text{ unit} - 24 \text{ RCA}) = 17 \text{ units}$$

The Borough is permitted to age-restrict 17 units. Currently there are no age-restricted projects.

### **Third Round Rental Requirement**

To calculate the rental requirement, we relied on N.J.A.C. 5:93-5.15(a). For a municipality that receives an adjustment pursuant to N.J.A.C. 5:93-4.2, the rental obligation shall equal 25 percent of the RDP. As the Unmet Need is addressed, the number of required rental units increases, as does the permitted number of rental bonus credits.

$$\text{Rental Requirement} = 25 \text{ percent (RDP)}$$

$$\text{Rental Requirement} = .25 (20 \text{ unit}) = 5 \text{ units}$$

This rental obligation for the Third Round is 5. Pursuant to N.J.A.C. 5:93-5.15(d)2, no rental bonus shall be granted for rental units in excess of the rental obligation. The eligible rental bonus for the Prior Round cannot exceed the rental obligation and therefore the Borough would be limited to 3 rental bonus credits.

### **Third Round Age-Restricted Units**

To calculate the rental requirement, we relied on N.J.A.C. 5:93-5.14(a)2. For municipalities that received or are receiving a vacant land adjustment: age restricted units = .25 (realistic development potential + rehabilitation component - credits pursuant to N.J.A.C. 5:93-3.4) - any age restricted units in addressing the 1987-1993 housing obligation. As the Unmet Need is addressed, the number of units that can be age-restricted increases.

Age-Restricted Maximum = 25 percent (realistic development potential + rehabilitation component - credits pursuant to N.J.A.C. 5:93-3.4) - any age restricted units in addressing the 1987-1993 housing obligation.

$$\text{Age-restricted Maximum} = .25(20 + 0 - 0 - 0) = 5$$

The Borough would be permitted to age-restrict 5 units.

**Very Low-Income Housing Requirement**

An amendment to the Fair Housing Act in 2008 (A-500) requires that 13% of all affordable housing units be made available to very low-income individuals. Very low-income housing is housing made available for persons with a household income equal to 30% or less of the median gross income for households of the same size within the housing region in which the housing unit is located. This would result in a requirement of 3 very low-income units based upon the obligation of 20 units.



## AFFIRMATIVE MARKETING PLAN

This Affirmative Marketing Plan applies to all developments that contain low- and moderate-income units.

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, affection or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer/sponsor, municipality and/or designated administrative agency of affordable housing. The plan addresses the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26. In addition, the plan prohibits discrimination in the sale, rental, financing or other services related to housing on the basis of race, color, sex, affectional or sexual orientation, religion, handicap, age, familial status/size or national origin.

North Haledon is in COAH Housing Region 1 consisting of Bergen, Hudson, Passaic and Sussex Counties.

The affirmative marketing program is a continuing program and will meet the following requirements:

- The affirmative marketing process for available affordable units shall begin at least four months prior to expected occupancy. Advertising and outreach shall take place during the first week of the marketing program and each month thereafter until all available units have been leased or sold.
- One advertisement will be published in the following newspaper(s) of general circulation within the housing region:

Herald News  
Hawthorne Press

NOTE: See Attached as Appendix E. Affirmative Fair Housing Marketing Plan additional names and addresses of region 1 contacts

- The advertisement will include the following:
  - The location of the units;
  - Directions to the housing units;
  - A range of prices for the housing units;
  - The size, as measured in bedrooms, of the housing units;
  - The maximum income permitted to qualify for the housing units;
  - The business hours when interested households may obtain an application for a housing unit; and
  - Application fees, if any.
  
- Applications will be mailed to prospective applicants upon request.

- The following is the location of applications, brochure(s), sign(s), and/or poster(s) used as part of the affirmative marketing program:
  1. The county administrative building and/or the county library for each county within the housing region;
  2. The municipal administrative building(s) and the municipal library;
  3. The developer's sales/rental office.
- The following is a list of community and regional organizations that will aid in soliciting low- and moderate-income applicants:

Religious Groups  
Tenant Organizations  
Civic Organizations

- The following is a description of the random selection method that will be used to select occupants of low- and moderate-income housing:

Each applicant upon submission of an application will be designated a number. Two categories will be created: one for low-income households and one for moderate-income households. A blind drawing will be undertaken: one each for low- and moderate-income households who are eligible for the specific affordable units.

- A waiting list of all eligible candidates will be maintained in accordance with the provisions contained in N.J.A.C. 5:80-26 et. seq.
- Households who live or work in Housing Region 1 shall be given preference for sales and rental units constructed within this Housing Region. Applicants living outside this Housing Region will have an equal opportunity for units after regional applicants have been initially serviced.

North Haledon is ultimately responsible for administering the affordability controls and the Affirmative Marketing Plan.

North Haledon will create the position of a Municipal Liaison and delegate this responsibility to a municipal employee, who shall administer the affordable housing program, including administering and enforcing the affordability controls and this Affirmative Marketing Plan, in accordance with the provisions of the ordinance creating the position of the Municipal Liaison, the regulations of the Council of Affordable Housing pursuant to N.J.A.C. 5:97 et. seq. and the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26 et. seq.

Subject to approval of COAH, North Haledon may contract with one or more administrative agents to administer some or all of the affordability controls and/or the Affirmative Marketing Plan in accordance with the provisions of North Haledon's Code, the regulations of the Council on Affordable Housing pursuant to N.J.A.C. 5:94 et. Seq. and the New Jersey Uniform Housing

Affordability Controls pursuant to N.J.A.C. 5:80-26 et. seq. If North Haledon enters into such a contract, the Municipal Liaison shall supervise the contracting administrative agent(s) and shall serve as liaison to the contracting administrative agent(s).

Developers of low- and moderate-income units may assist in the marketing of the affordable units in their respective developments if so designated by the Governing Body of the North Haledon in accordance with the provisions of North Haledon's Code, the regulations of the Council on Affordable Housing pursuant to N.J.A.C. 5:94 et . Seq. and the New Jersey Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26 et. seq. If North Haledon enters into such a contract, the Municipal Liaison shall supervise the contracting administrative agent(s) and shall serve as liaison to the contracting administrative agent(s).

## **Appendix A: Vacant Land Inventory**

## Appendix A

### Borough of North Haledon – Vacant Land Inventory

Site #	Block	Lot	Acreage	Owner	Notes	Developable Acres
1	1	6	0.9504	The Nature Conservancy	<u>N.J.A.C. 5:93-4.2(e)2.ii</u>	0
2	1	26	3.5	The Nature Conservancy	<u>N.J.A.C. 5:93-4.2(e)2.ii</u>	0
3	3	1	0.6887	Borough of North Haledon	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
4	6	17	0.2296	Ko, Michael	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
5	6	21.01	0.1286	Borough of North Haledon	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
6	7	1	0.4326	Borough of North Haledon	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
7	9	1	0.049	Micks, Glenn E.	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
8	9	2	0.1220	Witt, Daniel S & Beirl, Jennifer P	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
9	10	12	0.0543	Carter, Richard L.	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
10	18	1.01	0.2197	Borough of North Haledon	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
11	18.01	5	1.46	535 Associates, LLC	Developed	0
12	18.01	10.13	0.1721	Borough of North Haledon	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
13	18.01	10.18	0.1721	Borough of North Haledon	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
14	19	1	0.523	Daibes Gas 18, LLC	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
15	19.02	1	0.1090	Borough of North Haledon	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
16	22	1	0.0746	Patel, Anand H	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
17	22	1	0.0746	Alessandrello, Tom	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
18	22	1.01	0.0181	Scaltro, Francesco & Sebastiana	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
19	22.01	2.03	0.5052	Faber, Kurt D & Priestner, Kelly A	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
20	22.02	6	0.6784	Payne, Alvin L & Sandra M	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
21	22.03	18.01	0.03	Unknown	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
22	22.03	18.02	0.51	Redzeposki, Sebaedin	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
23	23	1.13	0.593	Maisano, Pasquale & Rosemarie	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
24	23	1.15	0.604	Maisano, Pasquale & Rosemarie	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
25	23	13.06	2.56	Domingues, Jose & Julie	<u>N.J.A.C. 5:93-4.2(e)2.ii</u>	0
26	24	14	3.88	Hofer Heights	<u>N.J.A.C. 5:93-4.2(e)2.ii</u>	0
27	24.01	1.02	0.5219	Weber, Betty L	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
28	28	9.04	0.5597	Kush, Aytul & Kush, Daniel	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
29	30	12	0.2904	920 Belmont Acquisitions, LLC	Approved, 5 Affordable units	0

Site #	Block	Lot	Acreage	Owner	Notes	Developable Acres
30	30	12.01	19.2	920 Belmont Acquisitions, LLC	Approved, 5 affordable units	0
31	31	10.04	5.2	The Belmont Group, LLC	Application under review	0
32	31	14	0.8838	895 Belmont Avenue, LLC	Developed	0
33	31	22	8.9	William Paterson University	<u>N.J.A.C. 5:93-4.2(e)2.ii</u>	0
34	31	23	37.8	The Nature Conservancy	<u>N.J.A.C. 5:93-4.2(e)2.ii</u>	0
35	31	24.01	12.77	The Nature Conservancy	<u>N.J.A.C. 5:93-4.2(e)2.ii</u>	0
36	31	24.02	15.9	William Paterson University	<u>N.J.A.C. 5:93-4.2(e)2.ii</u>	0
37	31	65	4	The Nature Conservancy	<u>N.J.A.C. 5:93-4.2(e)2.ii</u>	0
38	31	65.06	0.86	The Nature Conservancy	<u>N.J.A.C. 5:93-4.2(e)2.ii</u>	0
39	36.05	19	0.5227	Nurmen Construction of NY	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
40	37	29.01	0.0528	Pilz, Anton	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
41	38	8	3.45	Schott, J & Twomey, M & Schott S	<u>N.J.A.C. 5:93-4.2(e)2.ii</u>	0
42	47	9	0.1722	Van Buren, Joseph & Gibson, Eliza	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
43	47	18.01	0.4017	Tolsma, Mark & Kristen	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
44	53	6	0.4298	Borough of North Haledon	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
45	54	34.02	5.327	Loreng, Walter F & Arlene M	<u>N.J.A.C. 5:93-4.2(e)2.ii</u>	0
46	54	34.15	36.006	The Nature Conservancy & NJDEP	<u>N.J.A.C. 5:93-4.2(e)2.ii</u>	0
47	54	34.16	34.242	The Nature Conservancy	<u>N.J.A.C. 5:93-4.2(e)2.ii</u>	0
48	54	34.17	17.369	Wayne Twp, NJDEP & Nature Con.	<u>N.J.A.C. 5:93-4.2(e)2.ii</u>	0
49	54	62	2.68	Haledon MUA	<u>N.J.A.C. 5:93-4.2(e)2.ii</u>	0
50	54	66.01	4.6369	The Nature Conservancy	<u>N.J.A.C. 5:93-4.2(e)2.ii</u>	0
51	55	3.02	0.3684	Borough of North Haledon	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
52	59	4	0.5688	Hearthstone Est. Homeowners	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
53	59	14.02	0.57	Homestead Builds Company, LLC	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
54	59	18.01	0.0757	Cornett Family Trust	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
55	59	21.01	0.136	Johnson, Robert & Jaqueline	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
56	59.01	1	0.6921	55 Shepherds Lane, LLC	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
57	60	3	0.4502	Porporino, Francesco & Francesca	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
58	61	2.04	0.3766	Ellis, Robert	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
59	61.06	4	3.34	Borough of North Haledon	<u>N.J.A.C. 5:93-4.2(e)2.ii</u>	0
60	61.07	34	0.26	Unknown	<u>N.J.A.C. 5:93-4.2(c)2</u>	0

Site #	Block	Lot	Acreage	Owner	Notes	Developable Acres
61	62.01	33.03	0.7719	Rielly, Thomas & Nancy	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
62	63.01	5.04	2.74	North Country Holdings, LLC	Narrow access, <u>N.J.A.C. 5:93-4.2(e)2.ii</u>	0
63	65	7.02	0.1791	Borough of North Haledon	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
64	65	17.01	0.8046	Joan Yablonski 2011 Childrens Trst	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
65	67	5.02	0.05	Borough of North Haledon	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
66	67.03	9	0.1	Petrucelli, Frank A & Virginia	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
67	67.03	46	0.062	Unknown	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
68	68	7.01	0.0643	Unknown	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
69	68	9	0.05	Eastern Christian Children Retreat	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
70	68	17.01	0.0443	Unknown	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
71	69	1.02	0.07	Onderdonk, John & Trang	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
72	69	3.01	0.0746	Unknown	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
73	70	5	21.40	Borough of Franklin Lakes	Reservoir	0
74	70	6.11	1.46	Bastug, Gregory & Eve	Landlocked	0
75	70	6.15	0.201	Sutter, Urban & Anna	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
76	70	6.16	0.16	Fastert, Herbert P & Karin	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
77	70	7.01	2.93	Bonanno, Joseph & Concetta	Developed	0
78	70	7.12	1.99	Ahnert Development LLC	Not Shown on Tax Map	?
79	70	11.01	0.43	Dziuba, Staniskawa	<u>N.J.A.C. 5:93-4.2(c)2</u>	0
80	72	36	4.38	The Nature Conservancy & NJDEP	<u>N.J.A.C. 5:93-4.2(e)2.ii</u>	0
81	74	1	1.66	The Nature Conservancy	<u>N.J.A.C. 5:93-4.2(e)2.ii</u>	0
82	74	33	41.51	The Nature Conservancy	<u>N.J.A.C. 5:93-4.2(e)2.ii</u>	0
83	74	34	1.39	Reservoir Pointe Homeowners A	Part of approved subdivision	0
84	75	14	4.07	The Nature Conservancy	<u>N.J.A.C. 5:93-4.2(e)2.ii</u>	0
						<b>00.00</b>

**Appendix B: 920 Belmont Court Order**



APP B.



# PARKER McCAY

Parker McCay P.A.  
9000 Midlantic Drive, Suite 300  
P.O. Box 5054  
Mount Laurel, New Jersey 08054-5054

P: 856.596.8900  
F: 856.596.9631  
www.parkermccay.com

Ronald C. Morgan, Esquire  
P: 856-985-4010  
F: 856-552-1427



September 14, 2015

File No. 15774-0001 RCM

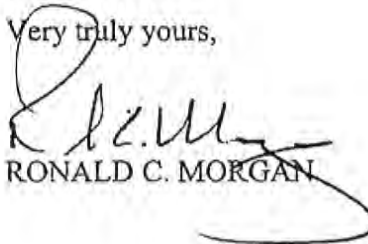
Renate Elatab, Clerk  
North Haledon Borough  
Municipal Building  
103 Overlook Avenue  
North Haledon, NJ 07508

Re: IMO 920 Belmont Acquisition, LLC  
Docket No. PAS-L-1913-15 (Mount Laurel)

Dear Ms. Elatab:

For the Borough's records, enclosed please find a copy of an Order entered by the Honorable Thomas F. Brogan on September 11, 2015 in the above-captioned declaratory judgment proceedings confirming the number of affordable housing units/credits that must be produced by 920 Belmont Acquisition, LLC in connection with the inclusionary Belmont Avenue redevelopment project. On behalf of my client, I would like to thank the Borough and Mr. DeMarco for their cooperation and courtesies in connection with this matter.

Very truly yours,

  
RONALD C. MORGAN

RCM/lkc  
Enclosure

cc: Michael DeMarco, Esq. – Borough Solicitor  
Joseph Petriello, Esq.  
Jerry Nardella  
Paul E. Martinelli

COUNSEL WHEN IT MATTERS.<sup>SM</sup>

Mount Laurel, New Jersey | Lawrenceville, New Jersey | Atlantic City, New Jersey

77

File No. 15774-0001 RCM  
Law Offices  
PARKER McCAY P.A.  
Ronald C. Morgan, Esquire  
ID No. 003881978  
9000 Midlantic Drive, Suite 300  
P.O. Box 5054  
Mount Laurel, New Jersey 08054  
(856) 596-8900

EMERGED

FILED

SEP 11 2015

Attorneys for Petitioner, 930 Belmont Acquisition, LLC THOMAS F. BROGAN, P.J.Cv.

IN THE MATTER OF THE  
APPLICATION OF 920 BELMONT  
ACQUISITION, LLC,

Petitioner.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
PASSAIC COUNTY  
DOCKET NO. PAS-L-1913-15

CIVIL ACTION

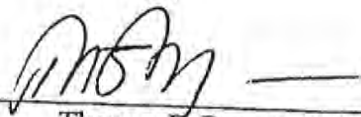
ORDER REGARDING AFFORDABLE  
HOUSING IN PETITIONER'S  
BELMONT AVENUE  
REDEVELOPMENT PROJECT

THIS MATTER being opened to the Court upon the motion of Petitioner 920 Belmont Acquisition, LLC seeking a declaration and determination by the Court with respect to the financially feasible number of affordable housing units/credits to be produced within the Petitioner's inclusionary Belmont Avenue Redevelopment Project in the Borough of North Haledon upon notice and opportunity to be heard by the Borough; and the Court having reviewed the Petitioner's supporting submissions including, but not limited to, the financial feasibility study dated May 11, 2015 prepared by Richard B. Reading Associates entitled "Summary Evaluation - Economic and Financial Implications for Inclusionary Housing - 920 Belmont Avenue - Borough of North Haledon, Passaic County, New Jersey"; and the Court having heard and considered the argument of counsel; and for good cause shown:

IT IS on this 11 day of Sept, 2015 ORDERED

AND ADJUDGED:

1. In order to maintain the financial viability of the Petitioner's Belmont Avenue Redevelopment Project at Block 30, Lots 12 and 12.01 in the Borough of North Haledon, the project shall produce 6 affordable housing credits that the Borough may apply against its fair share obligation.
2. Inasmuch as the Court's determination resolves the limited issue before the Court, the within declaratory judgment proceedings are dismissed without prejudice.
3. Counsel for Petitioner shall submit a copy of this Order to the Clerk and attorney for the Borough of North Haledon within five (5) days of receipt.

  
\_\_\_\_\_  
Thomas F. Brogan, P.J.S.C.

*For the reasons set forth in  
the record 9/11/15*

**Appendix C: Article XXA Affordable Housing Overlay Zone**

**Ordinance # 18-2019**

**BOROUGH OF NORTH HALEDON**

**ORDINANCE# 18-2019**

**AN ORDINANCE OF THE BOROUGH OF NORTH HALEDON  
AMENDING AND SUPPLEMENTING CHAPTER 600, ZONING  
OF THE CODE OF THE BOROUGH OF NORTH HALEDON**

**BE IT ORDAINED**, by the Governing Body of the Borough of North Haledon, County of Passaic, State of New Jersey, as follows:

SECTION 1 - Purpose

The following Affordable Housing Overlay Zone requirements are designed to provide for the future development of Affordable Housing to address the Borough of North Haledon's Third Round affordable housing obligation related to Unmet Need.

SECTION 2 - Overlay Zone Location

The proposed Overlay Zone is located in the southern part of North Haledon in the RA-1 Low Density Residential Zone, which permits single-family homes on 25,000 square foot lots. The overlay zone will be located on a single 13.39-acre property, commonly known as the Alexander Hay property, and is identified as Block 23.01, Lot 10 in the Borough's tax records. The property is currently used as a wholesale greenhouse flower growing operation. The property has been operated in this manner for over 100 years by the same family. The property is moderately to steeply sloped with the easterly portion located in wetlands.

SECTION 3 - Principal Permitted Use

Townhouses which shall include one garage for each unit. The attached maps show the location of the property and the surrounding area.

SECTION 4 - Development Vision Plan

It is the express objective of the Overlay Zone to encourage a Low-Density Townhouse development, which would be consistent and compatible with the surrounding low-density single-family home environment. As a result, the recommended density for the Overlay Zone is 6 units per acre, which is consistent with, but at a slightly higher density than three existing developments located in similar areas throughout the Borough.

A second compelling reason in support of this density recommendation is the presence environmental constraints in the form of wetlands and steep slopes

SECTION 5 - Proposed Yard and Bulk Regulations

Minimum Lot Area	10 acres
Maximum Density	6 units per acre
Maximum Building Height	2/1/2 stories / 35 feet
Minimum Front Yard	45 feet
Minimum Side Yards, from property line	30 feet
Minimum Side Building Separation	30 feet
Minimum Rear Yard	50 feet
Minimum Rear Yard Buffer	25 feet
Parking	In accordance with RSIS
Maximum Road Width	23 feet
Maximum Building Coverage	25%
Maximum Impervious Coverage	60%
Minimum Landscaped Open Space and Recreation Area	10%

SECTION 6

If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be Unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of the Ordinance.

SECTION 7

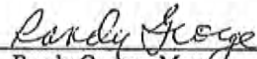
This Ordinance shall take effect as provided by law.

NOTICE


Notice is hereby given that the above ordinance was introduced and passed first reading at the Regular Meeting of the Mayor and Council of the Borough of North Haledon on June 19, 2019, and will be considered for final passage after public hearing at the Regular Meeting of the Mayor and Council to be held on July 17, 2019 at the Municipal Bldg., 103 Overlook Ave., North Haledon, NJ at 7:30 p.m., or shortly thereafter at which time anyone interested therein or affected thereby will be given an opportunity to be heard

NOTICE

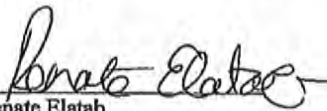
Notice is hereby given that the above ordinance passed its second and final reading at the Regular Meeting of the Mayor and Board of Council of the Borough of North Haledon which was held on July 17, 2019 at the Municipal Building, 103 Overlook Avenue, North Haledon, N.J., and is hereby declared a passed ordinance in accordance with law.

  
Randy George, Mayor

Passed first reading on  
June 19, 2019

  
Renate Elatab  
Municipal Clerk

Passed second and final reading  
July 17, 2019

  
Renate Elatab  
Municipal Clerk



**Alexander Hay Property**

*Source: Google Earth*



**Alexander Hay Property**

*Source: Passaic County GIS*



**Appendix D: Residential/Multifamily Townhouse (MFTH) Zone (Article XXI  
in Borough Code)**

**Ordinance # 2-2007**



**ORDINANCE #2-2007**  
**AN ORDINANCE TO AMEND CHAPTER § 180-228 OF THE ZONING**  
**CODE OF THE BOROUGH OF NORTH HALEDON**

**ARTICLE XXII**  
**RESIDENTIAL / MULTI-FAMILY TOWNHOUSE (MFTH) ZONE**

**§ 180-228 Purpose**

- A. The purpose of the Multi-Family/Townhouse Housing (MFTH) District is to provide an additional housing option for North Haledon residents in the form of a high-quality age-restricted residential community limited to persons 55 years old and over. No children under the age of 18 years of old will be permitted to reside within the residences.
- B. The purpose of this chapter is establish rules, regulations, standards and procedures designed to promote the integrated and logical development of an area within the designated Block 19, Lot 1 on the Borough's Official Tax Maps.

**§ 180-229 Permitted Uses**

- A. In the Residential/Townhouse Zone, only Townhouses shall be permitted.

**§ 180-230 Accessory Uses**

- A. Signs
  - 1. No signs shall be permitted identifying the development.
  - 2. Other signs, such as directional signs shall be provided as otherwise regulated in Borough ordinances.
- B. Off-street parking for private vehicles.
- C. Fences and walls

**§ 180-231 General Requirements**

- A. Site plan approval shall be required for all Townhouse developments.
- B. The site plan review shall consider solid waste management, lighting, pedestrian and vehicular circulation, parking location and arrangement, building sighting and arrangement, signs, landscaping and open space.
- C. The common open space provided as part of any Townhouse development shall be owned and maintained in accordance with N.J.S.A. 40:55D-43. An applicant shall submit to the Board the master deed or such other legal documents establishing said open space organization providing for the use, enjoyment and responsibilities of all of the owners of the units who would benefit from the common open space. Such master deed or other legal documents shall be approved by the Planning Board Attorney
- D. All facilities and utilities shall be built to Borough specifications.

**§ 180-232 Density**

The maximum density shall be eight (8) units per acre.

**§ 180-233 Floor Area Ratio**

The Floor Area Ratio shall not exceed .75. This calculation shall be made exclusive of the garage and parking structures.

**§ 180-234 Bulk Regulations**

- A. Minimum lot area: .50 acres.
- B. Maximum height: 2 1/2 stories or (35) feet.
- C. Minimum lot frontage along a county or municipal road: 100 feet.

- D. Minimum setbacks from roadways: twenty five (25') feet from the right-of-way line of any exterior public road; ten (10') feet from the center line of any private interior road; and twenty (20') feet from any perimeter boundary.
- E. Minimum side yard shall be fifteen (15') feet.
- F. A buffer of twenty (20') feet from adjacent existing single family developments.
- G. End wall to end-wall (no windows): twenty (20') feet.
- H. End wall to window wall: thirty (30') feet.
- I. Window wall to window wall: forty (40') feet.
- J. Maximum building coverage shall be twenty five (25%) percent.
- K. Maximum impervious surface coverage shall be fifty (50%) percent.
- L. Minimum interior road from curb to curb shall be not less than twenty-four (24') feet wide.

**§ 180-235 Building Requirements**

- A. Width. No residential Townhouses shall be less than twenty-two (22') feet wide.
- B. Patio. All Townhouses, if providing patios, shall be provided with not less than ten (10') feet in depth.
- C. There shall not be more than four (4) Townhouses in a single row.
- D. Not more than two (2) adjacent dwellings units shall be constructed without providing a front wall setback of not less than four (4') feet.
- E. The buildings shall front upon and face High Mountain Road.

**§ 180-236 Parking Requirements**

- A. No parking shall be permitted on any road or access-way within the Townhouse development.
- B. A minimum of 1.8 parking spaces and 2.0 parking spaces shall be provided for one and two bedroom dwellings respectively as per New Jersey Residential Site Improvement Standards (RSIS).
- C. All parking shall be confined to the area specifically designated on the site plan for such purpose.
- D. Parking areas shall be paved and curbed and provided with an adequate system of storm-water drainage.
- E. No parking area shall be constructed within a required front yard setback area. Parking area may be constructed in the rear and side yards but in no event closer than five (5) feet to any side or rear lot line.
- F. Visitor parking will be on site and be no less than one parking space per unit. The Planning Board, upon submission of credible evidence may grant variances on this requirement.

**§ 180-237 Utilities, Facilities, Landscaping and Circulation**

- A. Refuse and recyclable materials shall be placed curbside.
- B. All utility wiring shall be underground. Utility connections for each separate apartment shall be independently or jointly metered as would be appropriate to the form of occupancy/ownership of the apartments.
- C. Open space areas shall be attractively landscaped and shall be concentrated and located at the south end of the site adjacent to the Borough owned lands. The landscape plan shall be subject to approval by the Planning Board.
- D. Sidewalks or other suitable means of pedestrian circulation shall be provided throughout the development along all streets and between buildings and any sidewalks within the public right-of-way.
- E. Vehicular access shall be from Oakwood Avenue.
- F. Garage doors shall face Oakwood Avenue.

**§ 180-238 Common Open Space Implementation Requirements**

- A. A minimum of 10% of the total site area shall be set aside as passive open space.
- B. Buffer areas, wetlands and conservation easements shall be eligible as open space as required by this section.
- C. All passive open space shall be connected to residential areas with walkways or other reasonable means of access.

**§ 180-239 Circulation and parking standards** – All public streets, internal roadways and private driveways shall be in accordance with the requirements of the *New Jersey Residential Site Improvement Standards*.

**§ 180-240 Developments subject applicable ordinances** – Any development in the Townhouse District shall be subject to all applicable ordinances of the Borough of North Haledon. Where there is any conflict between the provisions of this section and the provisions of the Site Plan Ordinance and/or the Land Subdivision Ordinance, the provision of this section shall prevail.

**§ 180-241 Low and Moderate Income Housing Requirements –**

- A. Any development in the Townhouse District shall be subject to North Haledon's Housing Element and Fair Share as per COAH's Third Round Rules and Regulations. Money in lieu of construction shall be required in the amount of \$125,000 for each low and moderate unit.
- B. Under Third-Round rules one affordable housing unit is required for every eight market rate units constructed. If the affordable housing requirement incurred on a proposed development within this zone is a fractional amount based on the 1 for 8 ratio, the developer is still required to pay the proportional amount of \$125,000 for money in lieu of construction for affordable housing units.
- C. If an affordable housing unit is to be built within the Multi-Family Townhouse Zone, this unit shall be subject to the affordability controls as determined by the Council on Affordable Housing and the 18 and under and the 55 and over age restricted controls.

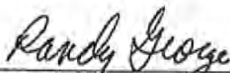
**§ 180-242 Date of effect** – This Ordinance shall take effect upon final passage, approval, and publication as required by law.

**NOTICE**

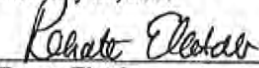
Notice is hereby given that the above ordinance was re-introduced and passed first reading at the Regular Meeting of the Mayor and Council of the Borough of North Haledon on February 21, 2007, and will be considered for final passage after public hearing at the Regular Meeting of the Mayor and Council to be held on March 21, 2007, at the Municipal Building, 103 Overlook Avenue, North Haledon NJ at 7:30 p.m. or shortly thereafter at which time anyone interested therein or affected thereby will be given an opportunity to be heard.

**NOTICE**

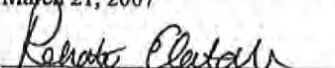
Notice is hereby given that the above ordinance passed its second and final reading at the regular meeting of the Mayor and Board of Council of the Borough of North Haledon which was held on March 21, 2007, at the Municipal Building, 103 Overlook Avenue, North Haledon, N.J., and is hereby declared a passed ordinance in accordance with law.

  
Randy George, Mayor

Passed first reading on  
February 21, 2007

  
Renate Elatab  
Acting Municipal Clerk

Passed second and final reading on  
March 21, 2007

  
Renate Elatab  
Acting Municipal Clerk

## **Appendix E: Affirmative Fair Housing Marketing Plan**

## AFFIRMATIVE FAIR HOUSING MARKETING PLAN

### For Affordable Housing in **(REGION 1)**

#### I. APPLICANT AND PROJECT INFORMATION

(Complete Section I individually for all developments or programs within the municipality.)

1a. Administrative Agent Name, Address, Phone Number		1b. Development or Program Name, Address	
1c. Number of Affordable Units: Number of Rental Units:  Number of For-Sale Units:	1d. Price or Rental Range From  To	1e. State and Federal Funding Sources (if any)	
1f. <input type="checkbox"/> Age Restricted <input type="checkbox"/> Non-Age Restricted	1g. Approximate Starting Dates  Advertising: <span style="float: right;">Occupancy:</span>		
1h. County <b>Bergen, Hudson, Passaic, Sussex</b>		1i. Census Tract(s):	
1j. Managing/Sales Agent's Name, Address, Phone Number			
1k. Application Fees (if any):			

(Sections II through IV should be consistent for all affordable housing developments and programs within the municipality. Sections that differ must be described in the approved contract between the municipality and the administrative agent and in the approved Operating Manual.)

#### II. RANDOM SELECTION

2. Describe the random selection process that will be used once applications are received.
--

#### III. MARKETING

3a. Direction of Marketing Activity: (indicate which group(s) in the housing region are least likely to apply for the housing without special outreach efforts because of its location and other factors)
---

White (non-Hispanic)   
 Black (non-Hispanic)   
 Hispanic   
 American Indian or Alaskan Native  
 Asian or Pacific Islander   
 Other group:

3b. **HOUSING RESOURCE CENTER** ([www.njhousing.gov](http://www.njhousing.gov)) A free, online listing of affordable housing

3c. Commercial Media (required) (Check all that applies)

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
<b>TARGETS ENTIRE HOUSING REGION 1</b>			
Daily Newspaper			
<input type="checkbox"/>		Star-Ledger	Northern and Central New Jersey

<b>TARGETS PARTIAL HOUSING REGION 1</b>			
Daily Newspaper			
<input type="checkbox"/>		Record, The	Bergen
<input type="checkbox"/>		Jersey Journal	Hudson
<input type="checkbox"/>		Herald News	Passaic
<input type="checkbox"/>		New Jersey Herald	Sussex

**TARGETS PARTIAL HOUSING REGION 1**

Non-Daily Newspaper			
	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
<input type="checkbox"/>		Bayonne Community News	Hudson
<input type="checkbox"/>		Northern Valley Suburbanite	Northern Bergen
<input type="checkbox"/>		Teaneck Suburbanite	Teaneck, Bergen
<input type="checkbox"/>		Twin Boro News	Northern Bergen
<input type="checkbox"/>		Shopper News	Bergen
<input type="checkbox"/>		The Ramsey Reporter	Ramsey, Bergen
<input type="checkbox"/>		The Town Journal	Franklin Lakes, Bergen
<input type="checkbox"/>		The Village Gazette	Ridgewood, Bergen
<input type="checkbox"/>		Messenger	Garfield, Bergen
<input type="checkbox"/>		Observer	Hasbrouck Heights, Bergen
<input type="checkbox"/>		Weekly News	Hasbrouck Heights, Bergen
<input type="checkbox"/>		Hawthorne Press	Hawthorne, Passaic
<input type="checkbox"/>		Journal America	Passaic

<input type="checkbox"/>		Hoboken Reporter	Hoboken, Hudson
<input type="checkbox"/>		Hudson Current	Hudson
<input type="checkbox"/>		Jersey City Register	Hudson
<input type="checkbox"/>		The Shoppers' Friend	Sussex
<input type="checkbox"/>		The Commercial Leader	Lyndhurst, Bergen
<input type="checkbox"/>		North Bergen Register	Hudson
<input type="checkbox"/>		Secaucus Reporter	Secaucus, Hudson
<input type="checkbox"/>		Weehawken Reporter	Weehawken, Hudson
<input type="checkbox"/>		West New York/Union City Reporter	West New York/Union City, Hudson
<input type="checkbox"/>		Observer	Hudson
<input type="checkbox"/>		The Commercial Leader	Lyndhurst, Bergen
<input type="checkbox"/>		The Leader Free Press	Lyndhurst, Bergen
<input type="checkbox"/>		News Leader of Rutherford	Rutherford, Bergen
<input type="checkbox"/>		North Arlington Leader	North Arlington, Bergen
<input type="checkbox"/>		Our Town	Maywood, Bergen
<input type="checkbox"/>		The Ridgewood Times – Zone 2	Midland Park/Ridgewood, Bergen
<input type="checkbox"/>		The Villadom Times Midland Park	Midland Park/Ridgewood, Bergen
<input type="checkbox"/>		The Palisadian	Bergen
<input type="checkbox"/>		Aim Community News/Aim Action Ads	Passaic
<input type="checkbox"/>		Shoppers Guide to Sussex County	Sussex
<input type="checkbox"/>		Bergen News	Bergen
<input type="checkbox"/>		Press Journal	Palisades Park, Bergen
<input type="checkbox"/>		Korean Bergen News	Bergen
<input type="checkbox"/>		Sun Bulletin	Bergen
<input type="checkbox"/>		News Beacon	Paramus
<input type="checkbox"/>		Slovak Catholic Falcon	(Slovak/English) Passaic
<input type="checkbox"/>		Independence News	Passaic
<input type="checkbox"/>		Home and Store News	Bergen
<input type="checkbox"/>		Our Town	Northern Bergen
<input type="checkbox"/>		The Glen Rock Gazette	Glen Rock, Bergen

<input type="checkbox"/>		Ridgewood News	Ridgewood, Bergen
<input type="checkbox"/>		Suburban News	Northern Bergen
<input type="checkbox"/>		Town News	Northern Bergen
<input type="checkbox"/>		Wyckoff Suburban News	Wyckoff, Bergen
<input type="checkbox"/>		The South Bergenite	Southern Bergen
<input type="checkbox"/>		Secaucus Home News	Secaucus, Hudson
<input type="checkbox"/>		The Advertiser	Sussex
<input type="checkbox"/>		The Advertiser News	Sussex
<input type="checkbox"/>		Sparta Independent	Sparta, Sussex
<input type="checkbox"/>		Sussex County Chronicle	Sparta, Sussex
<input type="checkbox"/>		The Connection Newspaper	Southern Bergen
<input type="checkbox"/>		Jewish Community News	(Jewish) Bergen
<input type="checkbox"/>		Jewish Standard	(Jewish) Bergen
<input type="checkbox"/>		Avance	(Spanish) Hudson
<input type="checkbox"/>		Continental	(Spanish) Hudson
<input type="checkbox"/>		La Tribuna de North Jersey	(Spanish) Hudson
<input type="checkbox"/>		The Argus	West Paterson, Passaic
<input type="checkbox"/>		Suburban Life	Passaic
<input type="checkbox"/>		Today Newspaper	Passaic
<input type="checkbox"/>		Community Life	Northern Bergen
<input type="checkbox"/>		Wood Ridge Independent	Wood Ridge

**TARGETS ENTIRE HOUSING REGION 1**

	<b>DURATION &amp; FREQUENCY OF OUTREACH</b>	<b>NAMES OF REGIONAL TV STATION(S)</b>	<b>CIRCULATION AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE</b>
<input type="checkbox"/>		2 WCBS-TV Cbs Broadcasting Inc.	NYC Metropolitan Area
<input type="checkbox"/>		4 WNBC NBC Telemundo License Co. (General Electric)	NYC Metropolitan Area
<input type="checkbox"/>		5 WNYW Fox Television Stations, Inc. (News Corp.)	NYC Metropolitan Area
<input type="checkbox"/>		7 WABC-TV American Broadcasting Companies, Inc (Walt Disney)	NYC Metropolitan Area



<input type="checkbox"/>		11 WPIX Wpix, Inc. (Tribune)	NYC Metropolitan Area
<input type="checkbox"/>		13 Wpix, Inc. (Tribune) Educational Broadcasting Corporation	NYC Metropolitan Area
<input type="checkbox"/>		25 WNYE-TV New York City Dept. Of Info Technology & Telecommunications	NYC Metropolitan Area
<input type="checkbox"/>		31 WPXN-TV Paxson Communications License Company, Llc	NYC Metropolitan Area
<input type="checkbox"/>		41 WXTV Wxtv License Partnership, G.p. (Univision Communications Inc.)	NYC Metropolitan Area, Spanish- language
<input type="checkbox"/>		47 WNJU NBC Telemundo License Co. (General Electric)	NYC Metropolitan Area, Spanish- language
<input type="checkbox"/>		50 WNJN New Jersey Public Broadcasting Authority	New Jersey
<input type="checkbox"/>		62 WRNN-TV Wrnn License Company, Llc	Hudson Valley
<input type="checkbox"/>		63 WMBC-TV Mountain Broadcating Corporation	Northern New Jersey, Various ethnic
<input type="checkbox"/>		66 WFME-TV Family Stations Of New Jersey, Inc.	Northern New Jersey, Christian
<input type="checkbox"/>		68 WFUT-TV Univision New York Llc	NYC Metropolitan Area, Spanish- language

**TARGETS PARTIAL HOUSING REGION 1**

<input type="checkbox"/>		8 WTNH Wtnh Broadcasting, Inc. (LIN TV Corp.)	Bergen
<input type="checkbox"/>		49 WEDW Connecticut Public Broadcasting, Inc.	Bergen
<input type="checkbox"/>		17 WEBR-CA K Licensee, Inc.	Bergen, Hudson (Christian)
<input type="checkbox"/>		26 WNXV-LP Island Broadcasting Company	Bergen, Hudson
<input type="checkbox"/>		32 WXNY-LP Island Broadcasting Company	Bergen, Hudson
<input type="checkbox"/>		35 WNYX-LP Island Broadcasting Company	Bergen, Hudson
<input type="checkbox"/>		39 WNYN-LP Island Broadcasting Company	Bergen, Hudson (Spanish)
<input type="checkbox"/>		21 WLIW Educational Broadcasting Corporation	Bergen, Hudson, Passaic
<input type="checkbox"/>		60 W60AI Ventana Television, Inc.	Bergen, Hudson, Passaic
<input type="checkbox"/>		6 WNYZ-LP Island Broadcasting Co.	Bergen, Sussex
<input type="checkbox"/>		22 WMBQ-CA Renard Communications Corp.	Hudson
<input type="checkbox"/>		34 WPXO-LP Paxson Communications License Company, Llc	Hudson

<input type="checkbox"/>		42 WKOB-LP Nave Communications, Llc	Hudson (Christian)
<input type="checkbox"/>		3 WBQM-LP Renard Communications Corp.	Hudson, Sussex
<input type="checkbox"/>		52 WNJT New Jersey Public Broadcasting Authority	Hudson, Sussex
<input type="checkbox"/>		28 WBRE-TV Nexstar Broadcasting, Inc.	Passaic, Sussex
<input type="checkbox"/>		36 W36AZ New Jersey Public Broadcasting Authority	Passaic, Sussex
<input type="checkbox"/>		16 WNEP-TV New York Times Co.	Sussex
<input type="checkbox"/>		22 WYOU Nexstar Broadcasting, Inc.	Sussex
<input type="checkbox"/>		23 W23AZ Centenary College	Sussex
<input type="checkbox"/>		38 WSWB Mystic Television of Scranton Llc	Sussex
<input type="checkbox"/>		39 WLVT-TV Lehigh Valley Public Telecommunications Corp.	Sussex
<input type="checkbox"/>		44 WVIA-TV Ne Pa Ed Tv Association	Sussex
<input type="checkbox"/>		49 W49BE New Jersey Public Broadcasting Authority	Sussex
<input type="checkbox"/>		56 WOLF-TV Wolf License Corp	Sussex
<input type="checkbox"/>		60 WBPH-TV Sonshine Family Television Corp	Sussex
<input type="checkbox"/>		64 WQPX Paxson Communications License Company, Llc (Ion Media Networks)	Sussex
<input type="checkbox"/>		69 WFMZ-TV Maranatha Broadcasting Company, Inc.	Sussex

	<b>DURATION &amp; FREQUENCY OF OUTREACH</b>	<b>NAMES OF CABLE PROVIDER(S)</b>	<b>BROADCAST AREA</b>
<b>TARGETS PARTIAL HOUSING REGION 1</b>			
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Bergen
<input type="checkbox"/>		Comcast of the Meadowlands	Partial Bergen
<input type="checkbox"/>		Cablevision of New Jersey, Oakland, Ramapo, and Rockland	Partial Bergen
<input type="checkbox"/>		US Cable of Paramus-Hillsdale	Partial Bergen
<input type="checkbox"/>		Cablevision of NJ (Bayonne System), Hudson	Partial Hudson
<input type="checkbox"/>		Comcast of Jersey City, Meadowlands, NJ (Union System)	Partial Hudson

<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Hudson
<input type="checkbox"/>		Cablevision of Oakland, Paterson	Partial Passaic
<input type="checkbox"/>		Hometown Online	Partial Passaic
<input type="checkbox"/>		Cable Vision of Morris, Warwick	Partial Sussex
<input type="checkbox"/>		Hometown Online	Partial Sussex
<input type="checkbox"/>		Service Electric Broadband Cable	Partial Sussex
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Bergen
<input type="checkbox"/>		Comcast of the Meadowlands	Partial Bergen
<input type="checkbox"/>		Cablevision of New Jersey, Oakland, Ramapo, and Rockland	Partial Bergen
<input type="checkbox"/>		US Cable of Paramus-Hillsdale	Partial Bergen
<input type="checkbox"/>		Cablevision of NJ (Bayonne System), Hudson	Partial Hudson
<input type="checkbox"/>		Comcast of Jersey City, Meadowlands, NJ (Union System)	Partial Hudson
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Hudson
<input type="checkbox"/>		Cablevision of Oakland, Paterson	Partial Passaic
<input type="checkbox"/>		Hometown Online	Partial Passaic
<input type="checkbox"/>		Cable Vision of Morris, Warwick	Partial Sussex
<input type="checkbox"/>		Hometown Online	Partial Sussex
<input type="checkbox"/>		Service Electric Broadband Cable	Partial Sussex
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Bergen
<input type="checkbox"/>		Comcast of the Meadowlands	Partial Bergen
<input type="checkbox"/>		Cablevision of New Jersey, Oakland, Ramapo, and Rockland	Partial Bergen
<input type="checkbox"/>		US Cable of Paramus-Hillsdale	Partial Bergen
<input type="checkbox"/>		Cablevision of NJ (Bayonne System), Hudson	Partial Hudson
<input type="checkbox"/>		Comcast of Jersey City, Meadowlands, NJ (Union System)	Partial Hudson
<input type="checkbox"/>		Time Warner Cable of Bergen & Hudson Counties	Partial Hudson
<input type="checkbox"/>		Cablevision of Oakland, Paterson	Partial Passaic

<input type="checkbox"/>		Hometown Online	Partial Passaic
<input type="checkbox"/>		Cable Vision of Morris, Warwick	Partial Sussex
<input type="checkbox"/>		Hometown Online	Partial Sussex
<input type="checkbox"/>		Service Electric Broadband Cable	Partial Sussex

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL RADIO STATION(S)	BROADCAST AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
<b>TARGETS ENTIRE HOUSING REGION 1</b>			
AM			
<input type="checkbox"/>		WFAN 660	
<input type="checkbox"/>		WOR 710	
<input type="checkbox"/>		WABC 770	
<input type="checkbox"/>		WCBS 880	
<input type="checkbox"/>		WBBR 1130	
FM			
<input type="checkbox"/>		WFNY-FM 92.3	
<input type="checkbox"/>		WPAT-FM 93.1	Spanish
<input type="checkbox"/>		WNYC-FM 93.9	
<input type="checkbox"/>		WFME 94.7	Christian
<input type="checkbox"/>		WPLJ 95.5	
<input type="checkbox"/>		WQXR-FM 96.3	
<input type="checkbox"/>		WQHT 97.1	
<input type="checkbox"/>		WSKQ-FM 97.9	Spanish
<input type="checkbox"/>		WAWZ 99.1	Christian
<input type="checkbox"/>		WBAI 99.5	
<input type="checkbox"/>		WHTZ 100.3	
<input type="checkbox"/>		WHUD 100.7	
<input type="checkbox"/>		WCBS-FM 101.1	
<input type="checkbox"/>		WQCD 101.9	
<input type="checkbox"/>		WNEW 102.7	
<input type="checkbox"/>		WKTU 103.5	

<input type="checkbox"/>		WAXQ 104.3	
<input type="checkbox"/>		WWPR-FM 105.1	
<input type="checkbox"/>		WLTW 106.7	
<input type="checkbox"/>		WBLS 107.5	
<b>TARGETS PARTIAL HOUSING REGION 1</b>			
<b>AM</b>			
<input type="checkbox"/>		WEEX 1230	Bergen
<input type="checkbox"/>		WKDM 1380	Bergen, Hudson (Chinese/ Mandarin)
<input type="checkbox"/>		WMCA 570	Bergen, Hudson, Passaic (Christian)
<input type="checkbox"/>		WNYC 820	Bergen, Hudson, Passaic
<input type="checkbox"/>		WRKL 910	Bergen, Hudson, Passaic (Polish)
<input type="checkbox"/>		WPAT 930	Bergen, Hudson, Passaic (Caribbean, Mexican, Mandarin)
<input type="checkbox"/>		WWDJ 970	Bergen, Hudson, Passaic (Christian)
<input type="checkbox"/>		WINS 1010	Bergen, Hudson, Passaic
<input type="checkbox"/>		WEPN 1050	Bergen, Hudson, Passaic
<input type="checkbox"/>		WVNJ 1160	Bergen, Hudson, Passaic
<input type="checkbox"/>		WLIB 1190	Bergen, Hudson, Passaic (Christian)
<input type="checkbox"/>		WADO 1280	Bergen, Hudson, Passaic (Spanish)
<input type="checkbox"/>		WWRV 1330	Bergen, Hudson, Passaic (Spanish)
<input type="checkbox"/>		WNSW 1430	Bergen, Hudson, Passaic (Portuguese)
<input type="checkbox"/>		WZRC 1480	Bergen, Hudson, Passaic (Chinese/Cantonese)
<input type="checkbox"/>		WQEW 1560	Bergen, Hudson, Passaic
<input type="checkbox"/>		WWRL 1600	Bergen, Hudson, Passaic
<input type="checkbox"/>		WWRU 1660	Bergen, Hudson, Passaic (Korean)
<input type="checkbox"/>		WMTR 1250	Passaic
<input type="checkbox"/>		WGHT 1500	Passaic
<input type="checkbox"/>		WNNJ 1360	Sussex
<b>FM</b>			
<input type="checkbox"/>		WSOU 89.5	Bergen, Hudson
<input type="checkbox"/>		WCAA 105.9	Bergen, Hudson (Latino)
<input type="checkbox"/>		WBGO 88.3	Bergen, Hudson, Passaic

<input type="checkbox"/>		WFDU 89.1	Bergen, Hudson, Passaic
<input type="checkbox"/>		WKCR-FM 89.9	Bergen, Hudson, Passaic
<input type="checkbox"/>		WNYU-FM 89.1	Bergen, Hudson, Passaic
<input type="checkbox"/>		WFUV 90.7	Bergen, Hudson, Passaic
<input type="checkbox"/>		WFMU 91.1	Bergen, Hudson, Passaic
<input type="checkbox"/>		WNYE 91.5	Bergen, Hudson, Passaic
<input type="checkbox"/>		WRKS 98.7	Bergen, Hudson, Sussex
<input type="checkbox"/>		WRTN 93.5	Bergen, Hudson, Sussex
<input type="checkbox"/>		WHCR-FM 90.3	Bergen, Passaic
<input type="checkbox"/>		WPSC-FM 88.7	Passaic
<input type="checkbox"/>		WRHV 88.7	Passaic
<input type="checkbox"/>		WNJP 88.5	Sussex
<input type="checkbox"/>		WNTI 91.9	Sussex
<input type="checkbox"/>		WCTO 96.1	Sussex
<input type="checkbox"/>		WSUS 102.3	Sussex
<input type="checkbox"/>		WNNJ-FM 103.7	Sussex
<input type="checkbox"/>		WDHA -FM 105.5	Sussex
<input type="checkbox"/>		WHCY 106.3	Sussex
<input type="checkbox"/>		WWYY 107.1	Sussex

3d. Other Publications (such as neighborhood newspapers, religious publications, and organizational newsletters)  
(Check all that applies)

	NAME OF PUBLICATIONS	OUTREACH AREA	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
<b>TARGETS ENTIRE HOUSING REGION 1</b>			
Bi-weekly			
<input type="checkbox"/>	Al Manassah		Arab-American
Monthly			
<input type="checkbox"/>	Sino Monthly	North Jersey/NYC area	Chinese-American
<b>TARGETS PARTIAL HOUSING REGION 1</b>			
Daily			
<input type="checkbox"/>	24 Horas	Bergen, Essex, Hudson, Middlesex, Passaic, Union Counties	Portuguese-Language

Weekly				
<input type="checkbox"/>		Arab Voice Newspaper	North Jersey/NYC area	Arab-American
<input type="checkbox"/>		La Voz	Hudson, Union, Middlesex Counties	Cuban community
<input type="checkbox"/>		Italian Tribune	North Jersey/NYC area	Italian community
<input type="checkbox"/>		Jewish Standard	Bergen, Passaic, Hudson Counties	Jewish community
<input type="checkbox"/>		El Especialito	Union City	Spanish-Language
<input type="checkbox"/>		El Nuevo	Hudson County	Spanish-Language
<input type="checkbox"/>		La Tribuna Hispana	Basking Ridge, Bound Brook, Clifton, East Rutherford, Elizabeth, Fort Lee, Greebrook, Linden, Lyndenhurst, Newark, North Plainfield, Orange, Passaic, Paterson, Plainfield, Roselle, Scotch Plains, Union, Union City, West NY	Spanish-Language
<input type="checkbox"/>		Su Guia	Bergen and Passaic	Spanish-Language
<input type="checkbox"/>		Banda Oriental Latinoamérica	North Jersey/NYC area	South American community
<input type="checkbox"/>		Ukrainian Weekly	New Jersey	Ukrainian community

3e. Employer Outreach (names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing) (Check all that applies)

DURATION & FREQUENCY OF OUTREACH	NAME OF EMPLOYER/COMPANY	LOCATION
Hudson County		
<input type="checkbox"/>	United Parcel Service Inc. NY Corp	492 County Ave, Secaucus
<input type="checkbox"/>	USPS	80 County Road, Jersey City
<input type="checkbox"/>	Liz Claiborne Inc	1 Claiborne Ave, North Bergen
<input type="checkbox"/>	Credit Suisse First Boston LLC	1 Pershing Plz Jersey City
<input type="checkbox"/>	HealthCare Staffing and Consult	26 Journal Square, Jersey City
<input type="checkbox"/>	Ritter Sysco Food Service	20 Theodore Conrad Dr. Jersey City
<input type="checkbox"/>	Jersey City Medical Center Inc.	50 Grand St, Secaucus
<input type="checkbox"/>	Marsh USA Inc.	121 River St, Hoboken
<input type="checkbox"/>	National Retail Systems Inc.	2820 16th St North Bergen
<input type="checkbox"/>	Community Corrections Corp	Lincoln Hwy Kearny
<input type="checkbox"/>	Marine Personnel & Provisioning Inc.	1200 Harbor Blvd Weehawken

<input type="checkbox"/>		Port Authority of NY and NJ	241 Erie St. Jersey City and 120 Academy St. Jersey City
<input type="checkbox"/>		Christ Hospital Health Service	176 Palisade Ave, Jersey City
<input type="checkbox"/>		Bayonne Hospital	29th Street and Ave E, Bayonne
<input type="checkbox"/>		Salson Logistics Inc.	2100 88th St.and 7373 West Side Ave, North Bergen, NJ
<input type="checkbox"/>		National Financial Service	1000 Plaza, Jersey City
<input type="checkbox"/>		Fleet NJ Company Development Corp.	10 Exchange Place, Jersey City
<input type="checkbox"/>		Maidenform Inc	154 Ave E, Bayonne
<input type="checkbox"/>		Lord Abbett & Company	90 Hudson City, Jersey City
<input type="checkbox"/>		Liberty Health Plan Inc.	50 Baldwin Ave Jersey City
<input type="checkbox"/>		Port Imperial Ferry Corp.	Pershing Rd Secaucus
<input type="checkbox"/>		Hudson News	1305 Paterson Plank Rd, North Bergen
<input type="checkbox"/>		Palisades General Hospital	7600 River Rd North Bergen, NJ
<input type="checkbox"/>		Equiserve Inc.	525 Washington Blvd Jersey city
<input type="checkbox"/>		Ciricorp Data Systems Incorporated	1919 Park Ave Secaucus
<input type="checkbox"/>		Meadowlands Hospital Medical Center	Meadowlands Pkwy Secaucus
<input type="checkbox"/>		Retailers & Manufacturers Dist Marking Serv.	50 Metro Way Secaucus
<input type="checkbox"/>		Dynamic Delivery Corp	125 Pennsylvania Ave Kearny, NJ
<input type="checkbox"/>		Bowne Business Communications Inc.	215 County Ave Secaucus
<input type="checkbox"/>		North Hudson Community Action Corp.	5301 Broadway West New York 07093
<input type="checkbox"/>		Goya Foods Inc.	100 Seaview Dr. Secaucus
<input type="checkbox"/>		Cristi Cleaning Service	204 Paterson Plank Rd Union, NJ
<b>Bergen County</b>			
<input type="checkbox"/>		Hackensack University Medical Center	30 Prospect Ave, Hackensack, NJ 07601
<input type="checkbox"/>		Professional Employer Group Service	2050 Center Ave Ste 336 Fort Lee
<input type="checkbox"/>		County of Bergen, NJ	1 Bergen County Plaza Hackensack, NJ 07601
<input type="checkbox"/>		Society of the Valley Hospital	223 N Van Dien Ave Ridgewood
<input type="checkbox"/>		NJ Sports & Expo Authority	50 State Highway 120 East Rutherford
<input type="checkbox"/>		Merck-Medco Managed Care LLC	100 Parsons Pond Dr. Franklin Lakes 07417
<input type="checkbox"/>		Quest Diagnostics Incorporated	1 Malcolm Ave Teterboro ,NJ 07608
<input type="checkbox"/>		AT&T	15 E Midland Ave Paramus



<input type="checkbox"/>		Englewood Hospital and Medical Center	350 Engle St. Englewood
<input type="checkbox"/>		Aramark Svcs Management of NJ Inc	50 Route 120 East Rutherford
<input type="checkbox"/>		Holy Name Hospital	718 Teaneck Road Teaneck
<input type="checkbox"/>		Doherty Enterprises Inc	7 Pearl Ct Allendale
<input type="checkbox"/>		Bergen Regional Medical Center	230 East Ridgewood Ave Paramus
<input type="checkbox"/>		Inserra supermarkets, Inc.	20 Ridge Rd Mahwah
<input type="checkbox"/>		Howmedica Osteonics Corp	59 Route 17 Allendale
<input type="checkbox"/>		Becton Dickinson & Company Corp	1 Becton Dr. Franklin Lakes
<input type="checkbox"/>		Pearson Education, Inc.	1 Lake St. Upper Saddle River
<b>Passaic County</b>			
<input type="checkbox"/>		D&E Pharmaceutical Co.	206 Macoprin Rd Bloomingdale, NJ 07403
<input type="checkbox"/>		Acme Markets	467 AllWood Rd Clifton, NJ 07012
<input type="checkbox"/>		St. Mary's Hospital	350 Boulevard Passaic, NJ 07055
<input type="checkbox"/>		Merry Maids	14 Riverside Square Mall, Bloomingdale, NJ 07403
<input type="checkbox"/>		Health Center at Bloomingdale	255 Union Ave Bloomingdale, NJ 07403
<input type="checkbox"/>		Sommers Plastic Product Co. Inc.	31 Styertowne Rd Clifton, NJ 07012
<input type="checkbox"/>		St. Joseph's Hospital	703 Main St. Paterson, NJ 07503
<input type="checkbox"/>		BAE Systems	164 Totowa Rd, Wayne, NJ 07470
<input type="checkbox"/>		Drake Bakeries Inc	75 Demarest Dr, Wayne, NJ 07470
<input type="checkbox"/>		Toys R Us National Headquarters	1 Geoffrey Way, Wayne, NJ 07470
<input type="checkbox"/>		GAF Materials Corporation	1361 Alps Rd, Wayne, NJ 07470
<input type="checkbox"/>		Valley National Bank Headquarters	1455 Valley Road Wayne, New Jersey 07470
<b>Sussex County</b>			
<input type="checkbox"/>		Selective Insurance	40 Wantage Ave, Branchville, NJ
<input type="checkbox"/>		Andover Subacute and Rehab Center	99 Mulford Rd Bldg 2, Andover, NJ
<input type="checkbox"/>		Mountain Creek Resorts	200 State Rt 94, Vernon, NJ
<input type="checkbox"/>		County of Sussex	One Spring Street, Newton, NJ 07860
<input type="checkbox"/>		Newton Memorial Hospital Inc.	175 High St, Newton, NJ
<input type="checkbox"/>		Vernon Township Board of Education	539 State Rt 515, Vernon, NJ

<input type="checkbox"/>		F.O. Phoenix (Econo-Pak)	1 Wiebel Plz, Sussex, NJ
<input type="checkbox"/>		Hopatcong Board of Education	2 Windsor Ave, Hopatcong, NJ
<input type="checkbox"/>		Saint Clare's Hospital	20 Walnut St, Sussex, NJ
<input type="checkbox"/>		Ames Rubber Corp	19 Ames Blvd, Hamburg, NJ
3f. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)			
Name of Group/Organization	Outreach Area	Racial/Ethnic Identification of Readers/Audience	Duration & Frequency of Outreach

#### IV. APPLICATIONS

Applications for affordable housing for the above units will be available at the following locations:		
4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that applies)		
	<b>BUILDING</b>	<b>LOCATION</b>
<input type="checkbox"/>	Sussex County Main Library	125 Morris Turnpike, Newton, NJ 07860
<input type="checkbox"/>	Hudson County Administration Building	595 Newark Avenue, Jersey City, NJ 07306
<input type="checkbox"/>	Passaic County Administration Building	401 Grand Street, Paterson, NJ 07505 (973) 225-3632
<input type="checkbox"/>	Bergen County Administration Building	One Bergen County Plaza, Hackensack, NJ 07601 (201)336-6000
4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)		
4c. Sales/Rental Office for units (if applicable)		

#### V. CERTIFICATIONS AND ENDORSEMENTS

I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the (select one: Municipality's substantive certification or DCA Balanced Housing Program funding or HMFA UHORP/MONI/CHOICE funding).	
<hr/> Name (Type or Print)	
<hr/> Title/Municipality	

Signature	Date
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**Appendix F: Ordinance # 9-2020 (Chapter 182 Affordable Housing) includes  
Development Fee Ordinance**

**BOUROUGH OF NORTH HALEDON**

**ORDINANCE #9-2020**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 182 ENTITLED "AFFORDABLE HOUSING" OF THE CODE OF THE BOROUGH OF NORTH HALEDON**

**WHEREAS**, In Holmdel Builder's 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, 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; and

**WHEREAS**, Pursuant to P.L. 2008, c. 46, § 8 (N.J.S.A. 52:27D-329.2), and the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-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 nonresidential development;

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of North Haledon, Passaic County, New Jersey, that Chapter 182 entitled "Affordable Housing" of the Code of the Borough of North Haledon be amended and supplemented to include the following provisions regarding the collection and disposition of mandatory development fees to be used in connection with the Borough's affordable housing programs as directed by the Superior Court and consistent with N.J.S.A. 5:93-1 et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

**Section 1. Chapter 182-2 – Basic requirements, is hereby amended as follows:**

§ 182-2. Basic requirements.

1. This chapter shall not be effective until approved by the Court.
2. The Borough of North Haledon shall not spend development fees until the Court has approved a plan for spending such (Spending Plan).

**Section 2. Chapter 182-3 – Definitions, is hereby amended as follows:**

§ 182-3. Definitions.

The following terms, as used in this chapter, shall have the following meanings:

**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 one-hundred-percent affordable development.

**COUNCIL ON AFFORDABLE HOUSING OR COAH**

The New Jersey Council on Affordable Housing, established under the Fair Housing Act

**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 chapter.

**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.

**DEVELOPMENT FEE**

Funds paid by any person for the improvement of property as authorized by Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990) and the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., and regulated by applicable COAH Rules.

**EQUALIZED ASSESSED VALUE**

The value of a property determined by the Municipal Tax Assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of issuance of a building permit may be obtained utilizing estimates for construction cost. Final equalized assessed value will be determined at project completion by the Municipal Tax Assessor.

**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.

**NATURAL DISASTER**

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

**Section 3. Chapter 182-4 – Residential development fees, is hereby amended as follows:**

§ 182-4. Residential development fees.

A. Imposed fees.

- (1) For all residential developments, residential developers shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted.
- (2) 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 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 1.5% of the equalized assessed value on the first two units; and the specified higher percentage up to 6% 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.

B. Eligible exactions, ineligible exactions and exemptions for residential development.

- (1) 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.
- (2) Developments that have received preliminary or final site plan approval prior to the adoption of a 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.
- (3) 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.

- (4) 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.

**Section 4. Chapter 182-5 – Nonresidential development fees, is hereby amended as follows:**

§ 182-5. Nonresidential development fees.

- A. Within the B-1, B-2, I-1 and/or I-2 District(s), nonresidential developers shall pay a fee of 2.5% of the equalized assessed value for nonresidential development.
- B. When an increase in floor area ratio is approved pursuant to N.J.S.A. 40:55D-70d(4), then the additional floor area realized (above what is permitted by right under the existing zoning) will incur a bonus development fee of 6% of the equalized assessed value for nonresidential development. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base floor area for the purposes of calculating the bonus development fee shall be the highest floor area permitted by right during the two-year period preceding the filing of the variance application.

**Section 5. Chapter 182-9 - Affordable Housing Trust Fund, is hereby amended as follows:**

§ 182-9. Affordable Housing Trust Fund.

- A. There is hereby created a separate, interest-bearing housing trust fund in Columbia Bank for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls. All development fees paid by developers pursuant to this chapter shall be deposited into this fund. Upon approval by the Court and by the Division of Local Government Services, the Borough of North Haledon will invest development fee revenue and proceeds from the sale of units with extinguished controls into a cash management account, provided that the funds in the cash management account that comprise the deposits and income attributable to such deposits shall at all times be identifiable.
- B. In the event of a failure by the Borough of North Haledon to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of compliance; or a failure to implement the approved Spending Plan and to expend funds within the applicable required time period as set forth in *In re Tp. Of Monroe*, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Borough, or, if not practicable, then within the County or Housing Region.  
Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or remedy the non-compliant

condition(s), and upon a finding of continuing and deliberate non-compliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund. The Court may also impose such other remedies as may be reasonable and appropriate to the circumstances.

- C. No funds shall be expended from the Affordable Housing Trust Fund unless the expenditure conforms to a spending plan approved by the Court.
- D. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by the Court.

**Section 6. Chapter 182-10 – Use of funds, is hereby amended as follows:**

§ 182-10. Use of funds.

- A. The expenditure of all funds shall conform to a spending plan approved by the Court. Funds deposited in the housing trust fund may be used for any activity approved by the Court to address the Borough'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 nonresidential 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, and/or any other activity as permitted by the Court and specified in the approved spending plan.
- B. Funds shall not be expended to reimburse the Borough for past housing activities.
- C. At least 30% 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% or less of median income by region.
  - (1) Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, and rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs.
  - (2) Affordability assistance to households earning 30% 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% or less of median income. The use of development fees in this manner shall entitle the Borough of North Haledon to bonus credits pursuant to N.J.A.C. 5:97-3.7.
  - (3) 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.
- D. The Borough of North Haledon 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.
- E. No more than 20% of the revenues collected from development fees shall 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 an affirmative marketing program. In the case of a rehabilitation program, no more than 20% 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 are not eligible uses of the Affordable Housing Trust Fund.

**Section 7. Chapter 182-11 – Monitoring reports, is hereby amended as follows:**

§ 182-11. Monitoring reports.

The Borough shall provide annual reporting of Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, or any other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended.

**Section 8. Chapter 182-12 – Ongoing Collection of fees, is hereby amended as follows:**

§182-12. Ongoing collection of fees.

- A. The ability for the Borough to impose, collect and expend development fees shall be permitted through the expiration of the repose period covered by its Judgment of Compliance and shall continue thereafter so long as the Borough has filed an adopted Housing Element and Fair Share Plan with the Court or with a designated State administrative agency, has petitioned for a Judgment of Compliance from the Court or for substantive certification or its equivalent from a State administrative agency authorized to approve and administer municipal affordable housing compliance and has received approval of its development fee ordinance from the entity that will be reviewing and approving the Housing Element and Fair Share Plan.
- B. If the Borough fails to pursue its authorization to impose and collect development fees after the expiration of its Judgment of Compliance, 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 § 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320).
- C. After the expiration of the Judgment of Compliance, if the Borough does not pursue or obtain continued authorization, the Borough shall not impose a residential development fee on a development that receives preliminary or final site plan approval, nor shall the Borough retroactively impose a development fee on such a development. The Borough will not expend development fees after the expiration of its substantive certification.

**Section 9. Severability and Repealer.**

1. If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.
2. All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.


NOTICE

Notice is hereby given that the above ordinance was introduced and passed first reading at the Regular Meeting of the Mayor and Council of the Borough of North Haledon on March 18, 2020, and will be considered for final passage after public hearing at the Regular Meeting of the

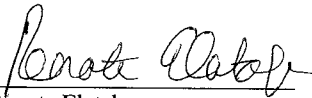
Mayor and Council to be held on April 15, 2020 at the Municipal Bldg., 103 Overlook Ave., North Haledon, NJ at 7:30 p.m., or shortly thereafter at which time anyone interested therein or affected thereby will be given an opportunity to be heard.

NOTICE

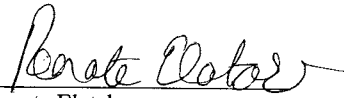
Notice is hereby given that the above ordinance passed its second and final reading at the Regular Meeting of the Mayor and Board of Council of the Borough of North Haledon which was held on May 20, 2020, which was conducted electronically via a Zoom webinar and is hereby declared a passed ordinance in accordance with law.

  
Randy George, Mayor

Passed first reading on  
March 18, 2020

  
Renate Elatab  
Municipal Clerk

Passed second and final reading  
May 20, 2020

  
Renate Elatab  
Municipal Clerk

**Appendix G: Ordinance # 16-2021 “Affordable Housing and Marketing  
Regulations”**

**BOROUGH OF NORTH HALEDON**

**ORDINANCE #16-2021**

**AN ORDINANCE TO ENACT A NEW CHAPTER ENTITLED “XXX. AFFORDABLE HOUSING AND MARKETING REGULATIONS” IN THE CODE OF THE BOROUGH OF NORTH HALEDON TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH’S AFFORDABLE HOUSING OBLIGATIONS**

**WHEREAS**, in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 & 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Mount Laurel IV”), the Borough of North Haledon filed an action for declaratory judgment requesting that the Court declare that the Borough has complied with its constitutional obligation to provide a realistic opportunity for the development of housing that is affordable to low- and moderate-income families and individuals; and

**WHEREAS**, in order to carry out such Constitutional obligation, the Code of the Borough of North Haledon must be amended to include provisions addressing North Haledon’s constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985; and

**WHEREAS**, this Ordinance is intended to provide assurances 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 those units; and

**WHEREAS**, this Ordinance shall apply except where inconsistent with applicable law; and

**WHEREAS**, the Borough of North Haledon 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.; and

**WHEREAS**, the Housing Element and Fair Share Plan have been endorsed by the governing body; and

**WHEREAS**, this Ordinance implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C.5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of North Haledon as follows:

**SECTION 1.** The Code of the Borough of North Haledon be and is hereby supplemented by a new Chapter which shall provide as follows:

**CHAPTER XXX  
AFFORDABLE HOUSING AND MARKETING REGULATIONS**

**§1. Filing of reports.**

The Borough of North Haledon shall file such annual monitoring reports as may be directed by the Court regarding the status of the implementation of its Court-approved Housing Element and Fair Share Plan. The report shall be available to the public at the North Haledon Municipal Building, Borough Clerk’s Office, 103 Overlook Avenue, North Haledon, NJ 07508

**§ 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 designated by the Borough to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

“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 new restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” means, a sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, 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 housing development” means a development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Borough’s fair share obligation.

“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 and approved for crediting by the Court 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 wherein the unit is situated are 62 years of age or older; or 2) at least 80 percent of the units are occupied by one person who is 55 years of age 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.

"Alternative living arrangement" means a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

“Assisted living residence” means a facility that is 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, as established by 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 requires 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 included in a proposed development including the holder of an option to contract to 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 limited to: new construction, the conversion of a non-residential structure to residential use and the creation of new affordable units through the gut rehabilitation or 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 and 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 housing region, as adopted annually by COAH or a successor entity approved by the Court.

“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 duly adopted Regional Income Limits published annually by COAH or a successor entity.

“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 an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, 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 for the applicable housing region.

“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 purposes of a rehabilitation program.

### **§3. Applicability**

The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Borough of North Haledon pursuant to the Borough’s most recently adopted Housing Element and Fair Share Plan.

### **§4. Alternative Living Arrangements**

1. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:



a. Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;

b. Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).

2. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.

3. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

**§5. Inclusionary Zoning**

1. **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

2. **Design.** In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.

3. **Utilities.** Affordable units shall utilize the same type of heating source as market units within the affordable development.

**§6. 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.

1. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

a. 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.

b. At least 13 percent of all restricted rental units within each bedroom distribution shall be very low-income units (affordable to a household earning 30 percent of less of median income). The very low income units shall be counted as part of the required number of low income units within the development.

c. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units, which percentage shall include the required 13 percent very low-income units.

d. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

1) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;

2) At least 30 percent of all low- and moderate-income units shall be two bedroom units;

3) At least 20 percent of all low- and moderate-income units shall be three bedroom units; and

4) The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

e. 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. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

## 2. Accessibility Requirements:

a. 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 the following:

b. 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:

1) An adaptable toilet and bathing facility on the first floor; and

2) An adaptable kitchen on the first floor; and

3) An interior accessible route of travel on the first floor; and

4) 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

5) If not all of the foregoing requirements in b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and

6) 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, or evidence that North Haledon 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 Borough of North Haledon'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 6) b) above shall be used by the Borough of North Haledon for the sole purpose of making the adaptable entrance of an 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 to the Construction Official of the Borough of North Haledon for the conversion of adaptable to accessible entrances.

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 that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's Affordable Housing Trust Fund in care of the Borough Chief Financial Officer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.

7) 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.

3. Design:

- a. In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- b. In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

4. Maximum Rents and Sales Prices:

- a. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and by the Superior Court, COAH or a successor entity.
- b. 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 rental units shall be affordable to households earning no more than 52 percent of median income.
- c. 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, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, earning 30 percent or less of the regional median household income, with such very low-income units counted toward the low-income requirement.
- d. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.
- e. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
  - 1) A studio shall be affordable to a one-person household;
  - 2) A one-bedroom unit shall be affordable to a one and one-half person household;
  - 3) A two-bedroom unit shall be affordable to a three-person household;

4) A three-bedroom unit shall be affordable to a four and one-half person household; and

5) A four-bedroom unit shall be affordable to a six-person household.

f. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:

1) A studio shall be affordable to a one-person household;

2) A one-bedroom unit shall be affordable to a one and one-half person household; and

3) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

g. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

h. 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 size household, including an allowance for tenant paid utilities, 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.

i. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.

j. The rent of low- and moderate-income units may be increased annually based on the permitted 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.

k. 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.

## **§6. Marketing and controls for affordable housing units**

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.

### 1. Affirmative Marketing Requirements

a. North Haledon shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, COAH, or a successor entity, 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 Housing Region 1 and covers the period of deed restriction.

c. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in Housing Region 1, comprised of Sussex, Passaic, and Bergen counties.

d. The Administrative Agent designated by the Borough shall assure the affirmative marketing of all existing and future 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 Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.

h. 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 North Haledon.

i. Applications for affordable housing shall be available in several locations, including, at a minimum Region I county municipal buildings and libraries; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.

j. In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in North Haledon to the following entities: FSHC, the New Jersey State Conference of the NAACP, the Latino Action Network, County NAACP, Urban League of Bergen County, County Housing Coalition, and Supportive Housing coalition.

## 2. Occupancy Standards

a. In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

- 1). Provide an occupant for each bedroom;
- 2). Provide children of different sexes 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.

## 3. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

a. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until North Haledon takes action to release the unit from such requirements. Prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, provided that for any development of five units or more for which an application for development has not been filed as of the date of the adoption of this ordinance, the control period shall be 30 years.

b. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.

c. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the

Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.

d. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.

e. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.

f. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

#### 4. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

a. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.

b. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.

c. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.

d. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

#### 5. Buyer Income Eligibility



a. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.

b. Notwithstanding the foregoing, however, the Administrative Agent may, upon approval by the Borough Council, and subject to the Court's approval, permit moderate-income purchasers to buy low-income units in housing markets if the Administrative Agent determines that there is an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units.

c. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.

d. The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

#### 6. Limitations on Indebtedness Secured by Ownership Unit; Subordination

a. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.

b. With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

#### 7. Capital Improvements to Ownership Units

a. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that adds an additional bathroom. In no event shall

the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.

b. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

#### 8. 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 for a period of at least 30 years, until North Haledon takes action to release the unit from such requirements. Prior to such action, 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, except for those units that have not yet received approvals such that the controls shall be for 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 Passaic. The deed shall also identify each affordable unit by apartment number and/or address and whether that unit is designated as a very low, low or moderate income unit. Neither the unit nor its affordability designation shall change throughout the term of the deed restriction. 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 on the property containing the unit.

## 9. Rent 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.

## 10. 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 household, 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 reliable anticipated 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.

#### 11. Municipal Housing Liaison

a. The position of Municipal Housing Liaison (MHL) for the Borough of North Haledon is established by § 95-37 of the Borough Code.

b. The Mayor and Council of Borough of North Haledon shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted Administrative Agent. The Municipal Housing Liaison shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.

c. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for North Haledon, including the following responsibilities which may not be contracted out to the Administrative Agent:

1). Serving as North Haledon'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 North Haledon's Fair Share Plan;

3). Compiling, verifying and submitting annual monitoring reports as may be required by the Court;

4). Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and

5). Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.

d. Subject to the approval of the Court, the Borough of North Haledon may designate one or more Administrative Agent(s) to administer newly constructed affordable units in accordance with UHAC. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body. The Operating Manual(s) shall be available for public inspection in the office of the Borough Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the Administrative Agent(s). The Municipal Housing Liaison shall supervise the contracting Administrative Agent(s).

## 12. Administrative Agent

The Administrative Agent shall be an independent entity serving under contract to and reporting to the municipality. The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

### a. Affirmative Marketing:

1). Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Borough of North Haledon and the provisions of N.J.A.C. 5:80-26.15; and

2). 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.

### b. Household Certification:

1). Soliciting, scheduling, conducting and following up on interviews with interested households;

2). 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;

3). Providing written notification to each applicant as to the determination of eligibility or non-eligibility;

4). 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.;

5). 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

6). Employing a random selection process as provided in the Affirmative Marketing Plan of the Borough of North Haledon when referring households for certification to affordable units.

7). Notifying the following entities of the availability of affordable housing units in the Borough of North Haledon: Fair Share Housing Center, the New Jersey State Conferences of the NAACP, the Latino Action Network, the County NAACP, Urban League of Bergen County, Bergen County Housing Coalition, and Supportive Housing Association.

c. Affordability Controls:

1). 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;

2). 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;

3). Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Passaic County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit;

4). Communicating with lenders regarding foreclosures; and

5). Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

d. Records Retention.

e. Resales and Re-rentals:

1). 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

2). 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.

f. Processing Requests from Unit Owners:

1). Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;

2). 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 depreciated cost of central air conditioning systems;

3). Notifying the municipality of an owner's intent to sell a restricted unit; and

4). Making determinations on requests by owners of restricted units for hardship waivers.

g. Enforcement:

1). Securing annually from the municipality a list 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;

2). 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;

3). 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 or other charges can be made;

4). 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;

5). Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and

6). Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the

Borough Council and the Court, setting forth procedures for administering the affordability controls.

h. Additional Responsibilities:

1). The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

2). The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet any monitoring requirements and deadlines imposed by the Court.

3). The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

## **§7. Enforcement of Affordable Housing Regulations**

1. 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, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.

2. 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(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

a. 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 adjudged 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:

- 1) A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
- 2) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the



Borough of North Haledon Affordable Housing Trust Fund of the gross amount of rent illegally collected;

- 3) In the case of an Owner who has rented a 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.

b. The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such 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- or moderate-income unit.

- 1) The 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 his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.

- 2) 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 the full 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.

- 3) 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.

4) 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.

5) 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.

6) 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.

**§8. Appeals**

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court.

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**SECTION 2.**

All parts of Ordinances inconsistent with this Ordinance are hereby repealed as to such inconsistent parts and this Ordinance shall take effect after publication and passage in the manner provided by law. If any section, subsection, paragraph, sentence, clause or word of this Ordinance shall be adjudged invalid by a Court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Ordinance it being intended that all such portions be severable in such event.

Introduced by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**Appendix H: Article XXV Affordable Housing Set-Aside Ordinance # 24-2019**

**BOROUGH OF NORTH HALEDON**

**ORDINANCE # 14-2019**

**AN ORDINANCE OF THE BOROUGH OF NORTH HALEDON  
AMENDING AND SUPPLEMENTING CHAPTER 600, ENTITLED ZONING,  
OF THE CODE OF THE BOROUGH OF NORTH HALEDON**

**WHEREAS**, on March 10, 2015, the New Jersey Supreme Court issued its decision in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015). In that decision, the Court transferred primary jurisdiction over affordable housing matters from the New Jersey Council on Affordable Housing (“COAH”) to the New Jersey Superior Court and established a transitional process for municipalities, like the Borough of North Haledon (“Borough”), to file declaratory judgment actions seeking to determine that their Housing Element and Fair Share Plans (“HEFSPs”) are constitutionally compliant, thus seeking similar protections to what they would have received if they had continued to proceed before COAH: and

**WHEREAS**, the Borough intends to file a declaratory judgment action with the New Jersey Superior Court seeking to establish that its HEFSP is constitutionally compliant and seeking protection and repose against exclusionary zoning litigation; and

**WHEREAS**, the Borough entered into settlement negotiations and intends to execute a Settlement Agreement with the Fair Share Housing Center (“FSHC”), which includes agreement on the extent of the Borough’s affordable housing fair share obligation for the period from 1999 to 2025 and the methods the Borough intends to use to satisfy the obligation, and the Borough has prepared a Housing Element and Fair Share Plan (“FSP”) to achieve this goal; and

**WHEREAS**, to facilitate this settlement and in compliance with its FSP, the Mayor and Council of the Borough have deemed it to be in the best interests of the Borough to amend the Borough’s Zoning Ordinance to adopt a mandatory set-aside provision requiring that all new multi-family residential development provide a mandatory affordable housing set-aside as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of North Haledon, County of Passaic, State of New Jersey, as follows:

Section 1.

Chapter 600, titled “Zoning” of the Code of the Borough of North Haledon is amended and supplemented to add the following new section:

§600-259.1. Mandatory Affordable Housing Set-Aside.

- A. Except as otherwise regulated in this chapter, any multi-family residential development or redevelopment application in any zoning district proposing five (5) or more new dwelling units will be required, in the case of for-sale

projects, to set aside twenty percent (20%) of these units for affordable housing, and in the case of rental projects, to set aside fifteen percent (15%) of these units for affordable to low- and moderate-income households.

- B. This requirement applies to all new multi-family residential developments of five (5) or more units that become permissible through either a use variance, a density variance increasing the permissible density at the site, a rezoning permitting multi-family residential housing where not previously permitted, or new development plan.
- C. This requirement does not apply to residential expansions, additions, renovations, replacements, or any type of residential development that does not result in a net increase of five (5) or more in the number of dwellings.
- D. This requirement does not give any developer the right to any rezoning, variance, or other relief, or establish any obligation on the part of the Borough to grant any rezoning, variance, or other relief. Property may not be permitted to be subdivided so as to avoid compliance with the requirements of this section.
- E. All affordable housing units built as required by this section will comply with the requirements of the North Haledon Borough Code relating to affordable housing and the Uniform Housing Affordability Controls (N.J.S.A. 5:80-26.1 et seq.)

#### Section 2.

All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby 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 will take effect upon final passage and publication in accordance with N.J.S.A. 40:49-2(d), and copies of this ordinance will be forwarded to the Passaic County Planning Board, and the Borough's Tax Assessor within thirty (3) days of adoption.

## **Appendix I: Resolution of Intent to Bond**

App. 1

**BOROUGH OF NORTH HALEDON**

**RESOLUTION**

**TITLE: INTENT TO APPROPRIATE FUNDS / AUTHORIZE ISSUANCE OF DEBT IN THE EVENT OF A FUNDING SHORTFALL**

**WHEREAS**, the Borough of North Haledon, Passaic County, has petitioned the Court for substantive certification of its adopted Housing Element and Fair Share Plan; and

**WHEREAS**, the plan submitted to the Court allocates funds for:

- 1. The acquisition of property, which will be used for affordable housing;

**WHEREAS**, North Haledon anticipates that funding will come from the following sources to satisfy these obligations:


- 1. To be determined

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

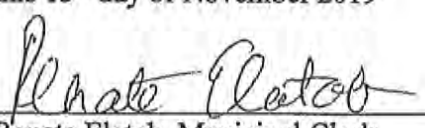
**NOW THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of North Haledon, that the Governing Body does hereby agree to appropriate funds or authorize the issuance of debt to fund any shortfall in its affordable housing program that may arise whether due to inadequate funding from other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

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

**BE IT FURTHER RESOLVED** that North Haledon may repay debt through future collections of development fees, as such funds become available.

  
 \_\_\_\_\_  
 Randy George, Mayor

Duly adopted  
this 13<sup>th</sup> day of November 2019

  
 \_\_\_\_\_  
 Renate Elatab, Municipal Clerk

**Appendix J: Resolution Authorizing Signing of Settlement Agreement with  
FSHC**



**BOROUGH OF NORTH HALEDON****RESOLUTION****A RESOLUTION AUTHORIZING A SETTLEMENT AGREEMENT BY AND AMONG THE BOROUGH OF NORTH HALEDON AND FAIR SHARE HOUSING CENTER TO RESOLVE THE AFFORDABLE HOUSING ISSUES RAISED IN THE BOROUGH'S DECLARATORY JUDGMENT ACTION**

**WHEREAS**, the New Jersey Supreme Court declared that the discriminatory use of zoning powers was illegal and provided, as a matter of constitutional law, that each developing municipality “must, by its land use regulations, make realistically possible the opportunity for an appropriate variety and choice of housing for all categories of people who may desire to live there, of course including those of low and moderate income,” In Re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1, 6 (2015) (*Mount Laurel IV*), citing S. Burlington Cnty. NAACP v. Twp. of Mount Laurel (*Mount Laurel I*), 67 N.J. 151, 179, 187, appeal dismissed and cert. denied, 423 U.S. 808, 96 S. Ct. 18, 46 L. Ed. 2d 28 (1975), and that this constitutional obligation requires that towns must provide “a realistic opportunity for the construction of [their] fair share of the present and prospective regional need for low and moderate income housing,” Ibid, citing S. Burlington Cnty. NAACP v. Twp. of Mount Laurel (*Mount Laurel II*), 92 N.J. 158, 205 (1983), (together with *Mount Laurel I*, the *Mount Laurel Doctrine*).

**WHEREAS**, the Borough of North Haledon (“Borough”) has long engaged in the judicial process and the administrative process before the Council on Affordable Housing (COAH) established under the Fair Housing Act, N.J.S.A. 52:27D-1 et seq., to obtain approval of its affordable housing plan in compliance with its obligations under the *Mount Laurel Doctrine*; and

**WHEREAS**, the New Jersey Supreme Court, in *Mount Laurel IV* determined that “the administrative forum (“COAH”) is not capable of functioning as intended by the Fair Housing Act due to the lack of lawful Third Round Rules assigning constitutional obligations to municipalities,” and,

consequently “the Courts may resume their role as the forum of first instance for evaluating municipal compliance with Mount Laurel obligations;” and

**WHEREAS**, *Mount Laurel IV* accordingly provided for a judicial mechanism for municipalities to seek a declaratory judgment that they have complied with the *Mount Laurel Doctrine* and are entitled to immunity from exclusionary zoning lawsuits; and

**WHEREAS**, on December 8, 2015, the Borough filed a declaratory judgment action under the procedures established by the Supreme Court in *Mount Laurel IV* encaptioned In the Matter of the Application of the Borough of North Haledon, Bergen County, New Jersey for a Declaratory Judgment, Docket No. PAS-L-1913-15 (“the Declaratory Judgment Action”) to address its *Mount Laurel Obligation*; and

**WHEREAS**, Fair Share Housing Center (“FSHC”) is a Supreme Court-designated interested party in the Declaratory Judgment action and is a party to the settlement agreement and will be able to enforce the settlement agreement; and

**WHEREAS**, the settlement of *Mount Laurel* litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for low and moderate-income households; and

**WHEREAS**, the Borough of North Haledon Planning Board (“the Planning Board”) will adopt a, amended Housing Element and Fair Share Plan (HE/FSP) to provide for the Borough’s compliance with its *Mount Laurel Obligation* which will be provided to the Governing Body for review; and

**WHEREAS**, Ordinances will be presented to the Governing Body for introduction and adoption to implement the amended HE/FSP and provide mechanisms for the provision of affordable housing; and

**WHEREAS**, presented to the Governing Body for review and approval is a proposed Settlement Agreement with FSHC to resolve all disputes arising under the Borough's Declaratory Judgment Action.

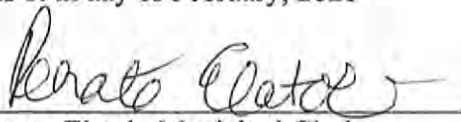
**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough OF North Haledon that:

1. The Governing Body will review the amended Housing Element and Fair Share Plan and all of its constituent components to address and provide for the Borough's *Mount Laurel Obligation*, upon the Court's review and approval of same.
2. The Governing Body will review and take necessary actions to adopt the Ordinances to implement the amended Housing Element and Fair Share Plan which will be considered for adoption upon the Court's review and approval of same.
3. The Governing Body hereby approves and endorses the proposed Settlement Agreement with FSHC to resolve all disputes arising under the Borough's Declaratory Judgment Action, subject to the Court's review and determination. The Mayor is hereby authorized to execute the Settlement Agreement on behalf of the Borough substantially in the form as presented to the Governing Body and upon the advice of Borough Counsel.



Randy George, Mayor

Duly adopted  
this 19th day of February, 2020



Renate Elatab, Municipal Clerk

**Appendix K: B-2 Affordable Housing Overlay Zone Ordinance # 5-2020**

**BOROUGH OF NORTH HALEDON**

**ORDINANCE #5-2020**

**AN ORDINANCE OF THE BOROUGH OF NORTH HALEDON  
AMENDING AND SUPPLEMENTING CHAPTER 600, ENTITLED "ZONING", OF  
THE CODE OF THE BOROUGH OF NORTH HALEDON**

**WHEREAS**, the Municipal Land Use Law ("MLUL") of the State of New Jersey, N.J.S.A. 40:55D-1 et seq. grants to municipalities the power to adopt a zoning ordinance relating to the nature and extent of the uses of lands, buildings and structures thereon; and

**WHEREAS**, the Borough of North Haledon ("Borough") desires to amend and supplement the zoning code to comply with State and based on recent case law regarding certain definitions; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Governing Body of the Borough of North Haledon, County of Passaic, State of New Jersey, as follows:

**SECTION ONE.** Article V, Chapter 600, Section 17 of the Zoning Code of the Borough of North Haledon, is hereby amended and supplemented to include a new B-2 Affordable Housing Overlay Zone District as follows:

C. The B-2 Affordable Housing Overlay Zone district is hereby established.

1. The Zoning Map shall be and is hereby amended and supplemented by the addition of the B-2 Affordable Housing Overlay Zone, incorporating the following properties into said overlay zone:

Block 34.01, Lots 1, 2, 2.01, and 3; Block 35, Lot 1; and Block 18.01, Lots 5, 7 and 12; Block 29, Lots 9, 12, 13 and 14

2. The purpose of the zone is to provide a realistic opportunity to address the Borough's unmet affordable housing need obligation.
3. The principal permitted uses for this said overlay zone is mixed use buildings with any permitted use in the underlying B-2 Business District and multi family residential, multi-family senior housing and age restricted housing, and special needs housing on

the upper floors.

4. Affordable Housing Set-a-Side. A minimum of 15% of the multi-family housing constructed for rental purposes and a minimum of 20% of the multi-family housing constructed for sale purposes shall be set-a-side for affordable housing deed restricted units. All affordable units created under this ordinance will be affordable to very-low, low and moderate-income households in accordance with the rules at N.J.A.C. 5:93-1 et seq. ("COAH's Second Round rules"), the Borough's Affordable Housing Ordinance, and the Uniform Housing Affordability Controls ("UHAC") at N.J.A.C. 5:80-26.1 et seq.
5. Area and bulk regulations that are set forth in Section \_\_\_ shall apply to development proposed under this overlay district.

**SECTION TWO.** Article V, Chapter 600, Section 18 of the Zoning Code of the Borough of North Haledon, is hereby amended and supplemented as follows:

- A. In both business districts, no building, structure or premises shall be used, and no building shall be erected, arranged, altered, modified, designed or intended to be used for any of the following trades, businesses or uses, except that residential uses shall be allowed in the B-2 Affordable Housing Overlay Zone District.

**SECTION THREE** A copy of this Ordinance is hereby transmitted to the Borough's Planning Board ("Planning Board") for its report and recommendation pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. and the Planning Board hereby has thirty-five (35) days to submit a report and if it fails to do so, then the Borough Council may proceed to adopt this Ordinance.

**SECTION FOUR.** All Ordinances of the Borough which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

**SECTION FIVE.** If any section, subsection clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portion of the Ordinance.

**SECTION SIX.** This Ordinance shall take effect as provided by law.

## NOTICE

Notice is hereby given that the above ordinance was introduced and passed first reading at the Regular Meeting of the Mayor and Council of the Borough of North Haledon on February 19, 2020, and will be considered for final passage after public hearing at the Regular Meeting of the Mayor and Council to be held on March 18, 2020 at the Municipal Bldg., 103 Overlook Ave., North Haledon, NJ at 7:30 p.m., or shortly thereafter at which time anyone interested therein or affected thereby will be given an opportunity to be heard.

Renate Elatab

**Appendix L: Ordinance # 3-2020**



# BOROUGH OF NORTH HALEDON

## ORDINANCE # 3-2020

### AN ORDINANCE OF THE BOROUGH OF NORTH HALEDON AMENDING AND SUPPLEMENTING CHAPTER 600, ZONING, OF THE CODE OF THE BOROUGH OF NORTH HALEDON

#### I. PURPOSE

The purpose of this ordinance is to regulate the intensity of use in areas of steeply sloping terrain in order to limit soil loss, erosion, excessive stormwater runoff, the degradation of surface water and to maintain the natural topography and drainage patterns of land.

#### II. BACKGROUND

Disturbance of steep slopes results in accelerated erosion processes from stormwater runoff and the subsequent sedimentation of waterbodies with the associated degradation of water quality and loss of aquatic life support. Related effects include soil loss, changes in natural topography and drainage patterns, increased flooding potential, further fragmentation of forest and habitat areas, and compromised aesthetic values. It has become widely recognized that disturbance of steep slopes should be restricted or prevented based on the impact disturbance of steep slopes can have on water quality and quantity, and the environmental integrity of landscapes.

#### III. APPLICABILITY

This ordinance shall be applicable to new development or land disturbance on a steep slope within Borough of North Haledon.

#### IV. DEFINITIONS

"Disturbance" means the placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

"Impervious surface" shall mean any surface that do not allow rainwater to be directly absorbed into the ground, including, but not limited to, buildings or structures, accessory buildings, generators and generator pads, ground mounted solar panels, HVAC units and pads, parking areas, driveway, any type of athletic courts, patios, decks, pools (both above and in-ground), pool equipment and equipment pads and walkways. Surfaces such as laid stones, slate pavers and timber (laid directly on the ground) with open joints shall constitute 50% of impervious coverage. An open joint shall be any joint which is greater than ½ inch in width. Surfaces such as loose stone, porous pavements and pervious pavers shall constitute 25% of impervious coverage.

"Redevelopment" means the construction of structures or improvements on areas which previously contained structures or other improvements.

"Steep Slopes" means any slope equal to or greater than 20 percent as measured over any minimum run of 10 feet. Steep slopes are determined based on contour intervals of two feet or less.

#### V. DESIGNATION OF AREAS

The percent of slope (rise in feet per horizontal distance) shall be established by measurement of distance perpendicular to the contour of the slope. The percent of slope shall be calculated for each two-foot contour interval. For example, any location on the site where there is a one-foot rise over a 10-foot horizontal run constitutes a 10 percent slope; a 1.5 foot rise over a 10-foot horizontal run constitutes a 15 percent slope; a two-foot rise over a 10-foot horizontal run constitutes a 20

percent slope.

## **VI. STEEP SLOPE LIMITS**

**For steep slopes** any disturbance shall be prohibited except as provided below:

1. Redevelopment within the limits of existing impervious surfaces;
2. New disturbance necessary to protect public health, safety or welfare, such as necessary linear development with no feasible alternative; to provide an environmental benefit, such as remediation of a contaminated site; to prevent extraordinary hardship on the property owner peculiar to the property; or to prevent extraordinary hardship, provided the hardship was not created by the property owner, that would not permit a minimum economically viable use of the property based upon reasonable investment. For example, redevelopment, within the footprint of existing impervious cover should be allowed to support efforts to revitalize development that has fallen into disrepair.
3. Those areas with slopes ranging from 0% to 14.9% are not restricted against development under this section.
4. Within slope areas of 15% to 19.9%, not more than 50% of such areas shall be disturbed for development, regraded or stripped of vegetation.
5. Within areas having steep slopes of 20% or greater, no development, regrading or stripping of vegetation shall be permitted unless such activity is essential for the construction of a roadway or driveway crossing, required utility construction, stormwater management control facility or other like necessary improvement. The applicant must demonstrate to the satisfaction of the reviewing board or other official having jurisdiction that such disturbance activity is necessary to fulfill the essential service requirements of the development and that there is no practical alternative to it.

The applicant shall demonstrate through site plans depicting proposed development and topography that new disturbance is not located in areas with a 20 percent or greater slope. The applicant shall prepare a steep slopes map based on two-foot contour intervals, delineating by category slope classes of 0% to 14.9%, 15% to 19.9% and 20% and greater. The slope map shall include a calculation of the area of proposed disturbance within each slope class within all existing and/or proposed lots, as well as within any proposed road right-of-way.

## **VII. CONFLICTS AND SEVERABILITY**

- A. Conflicts: All other ordinances, parts of ordinances, or other local requirements that are inconsistent or in conflict with this ordinance are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this ordinance apply.
- B. Severability:
  1. Interpretation: This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law.
  2. Notwithstanding that any provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be of full force and effect.
  3. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

## **VIII. ENFORCEMENT, VIOLATION AND PENALTIES**

A prompt investigation shall be made by the Borough of North Haledon Police Department, Zoning Officer, Construction Official and/or Property Management Officer or such other employee or department of the Borough of North Haledon as designated by the Mayor and Council of the Borough of North Haledon of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this Ordinance is discovered, a civil action in the Special Part of the Superior Court, or in the Superior Court, if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, by the filing and serving of appropriate process. Nothing in this Ordinance shall be construed to preclude the right of the Borough of North Haledon, pursuant to N.J.S.A 26:3A2-25, to initiate legal proceedings hereunder in Municipal Court. Any person, corporation and/or entity violating or neglecting to comply with any provisions of this Ordinance shall be punishable as provided in Chapter 1, General Provisions, Article II, General Penalty. Each and every day such violation or noncompliance exists shall constitute a separate offense, and an additional fine shall be imposed.

**IX. EFFECTIVE DATE**

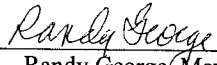
This Ordinance shall take effect upon final adoption and publication in accordance with the law.

**NOTICE**

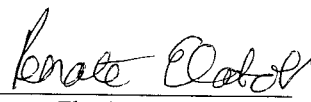
Notice is hereby given that the above ordinance was introduced and passed first reading at the Regular Meeting of the Mayor and Council of the Borough of North Haledon on January 15, 2020, and will be considered for final passage after public hearing at the Regular Meeting of the Mayor and Council to be held on February 19, 2020 at the Municipal Bldg., 103 Overlook Ave., North Haledon, NJ at 7:30 p.m., or shortly thereafter at which time anyone interested therein or affected thereby will be given an opportunity to be heard.

**NOTICE**


Notice is hereby given that the above ordinance passed its second and final reading at the Regular Meeting of the Mayor and Board of Council of the Borough of North Haledon which was held on February 19, 2020 at the Municipal Building, 103 Overlook Avenue, North Haledon, N.J., and is hereby declared a passed ordinance in accordance with law.

  
\_\_\_\_\_  
Randy George, Mayor

Passed first reading on  
January 15, 2020

  
\_\_\_\_\_  
Renate Elatab  
Municipal Clerk

Passed second and final reading  
February 19, 2020

  
\_\_\_\_\_  
Renate Elatab  
Municipal Clerk

**Appendix M: Ordinance # 10-2020 “Municipal Housing Liaison”**

**BOUROUGH OF NORTH HALEDON**

**ORDINANCE #10-2020**

**AN ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE VIII OF CHAPTER 95 ENTITLED "MUNICIPAL HOUSING LIAISON" OF THE CODE OF THE BOROUGH OF NORTH HALEDON**

**WHEREAS**, the Council on Affordable Housing ("COAH") has not promulgated valid, effective rules since the Second Round Rules expired in 1999; and

**WHEREAS**, in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 & 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Mount Laurel IV"), the Borough of North Haledon filed an action for declaratory judgment requesting that the Court declare that North Haledon has complied with its constitutional obligation to provide a realistic opportunity for the development of housing that is affordable to low- and moderate-income families and individuals; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of North Haledon, Passaic County, New Jersey, that Article VIII of Chapter 95 entitled "Municipal Housing Liaison" of the Code of the Borough of North Haledon be amended to exclude the need for COAH approval of the Municipal Housing Liaison.

**Section 1. Chapter 95-37 – Establishment of position; compensation; powers and duties, sub-paragraph B is hereby amended as follows:**

§ 95-37. Establishment of position; compensation; powers and duties.

B. The Municipal Housing Liaison shall be appointed by the governing body and may be a full- or part-time municipal employee.

**Section 2. Severability and Repealer**


1. If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.
2. All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.

**NOTICE**

Notice is hereby given that the above ordinance was introduced and passed first reading at the Regular Meeting of the Mayor and Council of the Borough of North Haledon on March 18, 2020, and will be considered for final passage after public hearing at the Regular Meeting of the Mayor and Council to be held on April 15, 2020 at the Municipal Bldg., 103 Overlook Ave., North Haledon, NJ at 7:30 p.m., or shortly thereafter at which time anyone interested therein or affected thereby will be given an opportunity to be heard.

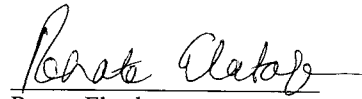
**NOTICE**

Notice is hereby given that the above ordinance passed its second and final reading at the Regular Meeting of the Mayor and Board of Council of the Borough of North Haledon which was held on May 20, 2020 which was conducted electronically via a Zoom webinar and is hereby declared a passed ordinance in accordance with law.



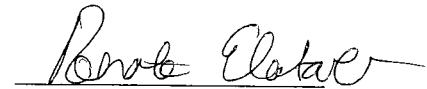
Randy George, Mayor

Passed first reading on  
March 18, 2020



Renate Elatab  
Municipal Clerk

Passed second and final reading  
May 20, 2020



Renate Elatab  
Municipal Clerk

**Appendix N: Ordinance # 16-2014, Ordinance # 13-2018 and Ordinance # 14-2021 (Belmont Avenue Redevelopment Plan)**

**BOROUGH OF NORTH HALEDON**

**ORDINANCE #16-2014**

**ADOPTING THE REDEVELOPMENT PLAN ENTITLED**

**“BELMONT AVENUE REDEVELOPMENT PLAN”**

**WHEREAS**, on August 19, 2009, the Borough Council adopted Resolution No. 212-2009 which authorized the Planning Board to investigate whether the Block 30, Lots 12, 12.01, 13, 13.01, 13.02, 14, 15, 16 & 27.02 and Block 31, Lots 10, 10.04, 11, 11.02, 11.03, 11.04 & 12 on the tax maps of the Borough of North Haledon constituted an area in need of redevelopment; and

**WHEREAS**, after receiving and reviewing the “Area in Need of Redevelopment Study, Belmont Avenue Study Area” report prepared for the Planning Board by Kauker and Kauker, LLC, dated December 8, 2011 the Planning Board recommended on December 8, 2011 that the Borough Council consider the investigation of additional parcels located at Block 30, Lots 9, 11 and 27; and

**WHEREAS**, the Mayor and Council received the December 8, 2011 report and recommendation of the Planning Board recommending the investigation of additional parcels located at Block 30, Lots 9, 11 and 27; and

**WHEREAS**, on February 15, 2012 the Borough Council adopted Resolution No. 52-2012 which authorized the Planning Board to conduct an additional investigation as to whether Block 30, Lots 9, 11 and 27 constituted an area in need of redevelopment; and

**WHEREAS**, after receiving and reviewing the amended “Area in Need of Redevelopment Study Belmont Avenue Study Area” report prepared for the Planning Board by Kauker and Kauker, LLC, dated May 10, 2012 the Planning Board recommended that Block 30, Lots 9, 11, 12, 12.01, 13, 13.01, 13.02, 14, 15, 16, 27 & 27.02 and Block 31, Lots 10, 10.04, 11, 11.02, 11.03, 11.04 & 12 on the tax maps of the Borough of North Haledon (hereinafter the “Study Area”) all be designated as an area in need of redevelopment; and

**WHEREAS**, the Mayor and Council received and reviewed the amended report prepared by Kauker and Kauker, LLC and the May 10, 2012 recommendation of the Planning Board recommending that the Study Area be designated as an area in need of redevelopment; and

**WHEREAS**, on August 15, 2012, the Borough Council adopted Resolution No. 171-2012 designating the Study Area as an area in need of redevelopment and authorizing the preparation of a redevelopment plan for what is known as the Belmont Avenue Redevelopment Area; and

**WHEREAS**, a redevelopment plan entitled “Belmont Avenue Redevelopment Plan, North Haledon, New Jersey” (the “Plan”) has been prepared by Kauker and Kauker, LLC for the Borough of North Haledon, dated May, 2014 and is attached hereto as Exhibit A; and

**WHEREAS**, on May 21, 2014, the Borough Council adopted a resolution referring the Plan to the Planning Board in fulfillment of the referral requirements of N.J.S.A. 40A:12A-7; and

**WHEREAS**, the Planning Board has provided the Borough Council with its findings and recommendations; and

**WHEREAS**, the Borough Council hereby accepts the findings and recommendations of the Planning Board which have been incorporated into the Plan attached hereto and incorporated herein as Exhibit A

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the Borough of North Haledon, County of Passaic, State of New Jersey, as follows:



**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth.

**Section 2.** This ordinance approves and adopts the redevelopment plan entitled "Belmont Avenue Redevelopment Plan" dated May, 2014 prepared by Kauker & Kauker, LLC for the Borough of North Haledon which is attached hereto and incorporated herein as Exhibit A (the "Plan").

**Section 3.** The Plan shall supersede the provisions of the Borough's zoning ordinances except as noted within the Plan.

**Section 4.** The Zoning Map of the Borough of North Haledon is hereby amended to identify the Belmont Avenue Redevelopment Plan for Block 30, Lots 9, 11, 12, 12.01, 13, 13.01, 13.02, 14, 15, 16, 27, and 27.02; and Block 31, Lots 10, 10.04, 11, 11.02, 11.03, 11.04, and 12.

**Section 5.** The Plan shall be implemented in accordance with the provisions of N.J.S.A. 40A:12A-1 et seq.

**Section 6.** If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

**Section 7.** Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

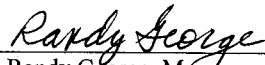
**Section 8.** This Ordinance shall take effect upon the final passage and publication pursuant in accordance with applicable law.

**NOTICE**


Notice is hereby given that the above ordinance was introduced and passed first reading at the Special Meeting of the Mayor and Council of the Borough of North Haledon on July 9, 2014 and will be considered for final passage after public hearing at the Regular Meeting of the Mayor and Council to be held on August 6, 2014, at the Municipal Bldg., 103 Overlook Ave., North Haledon, NJ at 8:00 p.m., or shortly thereafter at which time anyone interested therein or affected thereby will be given an opportunity to be heard.

**NOTICE**

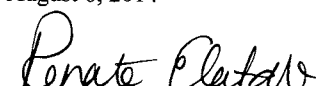
Notice is hereby given that the above ordinance passed its second and final reading at the Regular Meeting of the Mayor and Board of Council of the Borough of North Haledon which was held on August 6, 2014 at the Municipal Building, 103 Overlook Avenue, North Haledon, N.J., and is hereby declared a passed ordinance in accordance with law.

  
Randy George, Mayor

Passed first reading on  
July 21, 2013

  
Renate Elatab  
Municipal Clerk

Passed second and final reading  
August 6, 2014

  
Renate Elatab  
Municipal Clerk

**BOROUGH OF NORTH HALEDON**

**ORDINANCE #13-2018**

**AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF NORTH HALEDON AUTHORIZING REVISIONS AND/OR AMENDMENTS TO THE BELMONT AVENUE REDEVELOPMENT PLAN PURSUANT TO N.J.S.A. 40A:12A-7**

**WHEREAS**, on August 15, 2012, the Borough Council adopted Resolution No. 171-2012 designating Block 30, Lots 9, 11, 12, 12.01, 13, 13.01, 13.02, 14, 15, 16, 27 & 27.02 and Block 31, Lots 10, 10.04, 11, 11.02, 11.03, 11.04 & 12 on the tax maps of the Borough of North Haledon as an area in need of redevelopment which has come to be known as the Belmont Avenue Redevelopment Area; and

**WHEREAS**, thereafter a redevelopment plan entitled "Belmont Avenue Redevelopment Plan, North Haledon, New Jersey" (the "Plan") was prepared by Kauker and Kauker, LLC for the Borough of North Haledon, and was the subject of public discussion at Borough Council meetings held on May 21, 2014, June 25, 2014 and July 9, 2014 after which, on July 9, 2014 the Borough Council (1) introduced Ordinance #16-2014 that would adopt the Plan and (2) adopted a resolution directing the Planning Board to review the Plan and transmit to the Borough Council a report containing the Planning Board's recommendations concerning the Plan pursuant to the requirements of N.J.S.A. 40A:12A-7; and

**WHEREAS**, on August 6, 2014, the Borough Council received the Planning Board's findings and recommendations regarding the Plan and the Borough Council adopted Resolution #142-2014 to address Planning Board's recommendations regarding the Plan; and

**WHEREAS**, on August 6, 2014, the Borough Council held its second and final reading and adopted Ordinance #16-2014 which adopted the Plan, dated May 20, 2014 and last revised August 6, 2014; and

**WHEREAS**, the Borough Council now wishes to revise and/or amend the Plan pursuant to N.J.S.A. 40A:12A-7, which certain amendments were proposed by the Redeveloper 920 Belmont Acquisition, LLC at the April 4, 2018 public meeting;

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the Borough of North Haledon, County of Passaic, State of New Jersey as follows:

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth.

**Section 2.** The Planning Board is hereby directed to review the proposed revisions and/or amendments to the Plan as attached hereto and incorporated herein as **Exhibit A** pursuant to N.J.S.A. 40A:12A-7(e) and shall transmit to the Borough Council, within 45 days after referral, a report containing its recommendations. Failure of the Planning board to transmit its report within the required 45 days shall relieve the Borough Council from the requirements of this subsection with regard to the pertinent proposed redevelopment plan or revision or amendment thereof.

**Section 3.** Upon adoption of this Ordinance, the Plan shall be amended and supplemented to include the amendments attached hereto and incorporated herein as **Exhibit A**.

**Section 4.** The Plan shall supersede the provisions of the Borough's zoning ordinances except as noted within the Plan.

**Section 5.** The Plan shall be implemented in accordance with the provisions of N.J.S.A. 40A:12A-1 et seq.

**Section 6.** If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

**Section 7.** Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

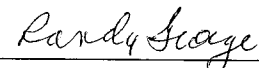
**Section 8.** This Ordinance shall take effect upon the final passage and publication in accordance with applicable law.

#### NOTICE

Notice is hereby given that the above ordinance was introduced and passed first reading at the Regular Meeting of the Mayor and Council of the Borough of North Haledon on April 18, 2018, and will be considered for final passage after public hearing at the Regular Meeting of the Mayor and Council to be held on July 18, 2018 at the Municipal Bldg., 103 Overlook Ave., North Haledon, NJ at 7:30 p.m., or shortly thereafter at which time anyone interested therein or affected thereby will be given an opportunity

#### NOTICE

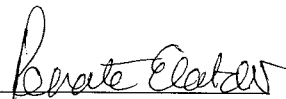
Notice is hereby given that the above ordinance passed its second and final reading at the Regular Meeting of the Mayor and Board of Council of the Borough of North Haledon which was held on September 19, 2018 at the Municipal Building, 103 Overlook Avenue, North Haledon, N.J., and is hereby declared a passed ordinance in accordance with law.



Randy George, Mayor

Passed first reading on  
April 18, 2018

Passed second and final reading  
September 19, 2018



Renate Elatab  
Municipal Clerk



Renate Elatab  
Municipal Clerk

# **BOROUGH OF NORTH HALEDON**

## **ORDINANCE# 14-2021**

### **AN ORDINANCE OF THE BOROUGH OF NORTH HALEDON AMENDING AND SUPPLEMENTING CHAPTER 275, FEES, OF THE CODE OF THE BOROUGH OF NORTH HALEDON**

**An Ordinance amending Section entitled "Affordable Housing Requirements in the Belmont Avenue Redevelopment Plan dated May 20, 2014, Last Revised April 5, 2018**

Subject to the requirements of the Fair Housing Act (N.J.S.A. 52:27D-301 et seq) the Borough shall require that any redeveloper, as a condition of a redevelopment agreement, include a 15% set-aside in the case of rentals and a 20% set-aside in the case of for-sale housing and otherwise conforming to the Uniform Housing Affordability Controls ("UHAC") together with a phasing plan within the redevelopment agreement for the provision of affordable housing on a phased basis within the redeveloper's project. Two examples of phasing plans that are acceptable to the Borough for projects that include affordable housing are illustrated on the following page 25, however these illustrations, are also subject to the requirements of the Fair Housing Act, UHAC and any other mandates by the court.

#### *Affordable Housing Phasing*

#### *Illustrations:*

Assuming a project with a total number of units of 40 units to be built in four equal phases and assuming that the developer would be required to build eight (8) affordable units. An acceptable phasing plan under such assumptions would be:

<b>Phase</b>	<b>Number of Market Rate Units</b>	<b>Number of Affordable Units</b>	<b>Total Units Constructed</b>
1	9	1	10
2	9	1	10
3	8	2	10
4	6	4	10
Totals	32	8	40
<b>Phase</b>	<b>Number of Market Rate Units</b>	<b>Number of Affordable Units</b>	<b>Total Units Constructed</b>
1	8	2	10
2	8	2	10
3	8	2	10
4	8	2	10
Totals	32	8	40

The foregoing illustrations do not modify or supersede any duly adopted regulation that administers or enforces the requirements of the Fair Housing Act, UHAC and any other mandates by the court. Additional or different requirements may be permitted by duly negotiated redevelopment agreement in order to meet the foregoing legal and regulatory requirements at the time the redevelopment agreement is negotiated and approved by the Borough Council.