

**HOUSING ELEMENT  
AND  
FAIR SHARE PLAN**

**Borough of Wanaque  
Passaic County, New Jersey**

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Prepared for:

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New Jersey's Fair Housing Act of 1985 and the Municipal Land Use Law (MLUL) require municipalities to adopt a housing element that addresses the municipal present and prospective housing need, with particular attention to low and moderate income housing. A housing element shall contain at least the following:

1. 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;
2. A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the next six (6) years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
3. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
4. An analysis of the existing and probable future employment characteristics of the municipality;
5. 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 low and moderate income housing; and
6. 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.

### *Analysis of Housing Stock*

In 1990, the Census counted 3,259 housing units in Wanaque. Over the decade of the 1990s, Wanaque realized a 7.4 percent increase in its housing stock, for a total of 3,500 units in 2000. During this same period Passaic County's housing stock increased by 4.6 percent. Both the County and Wanaque lagged behind the State's overall gain in housing, which was reported to be 7.6 percent throughout the 1990s.



Over three-quarters of the Borough's housing stock, 77.6 percent in 2000, was single family detached housing. The next most common type of housing was 2 units/structure representing 12.4 percent of the total housing units. Wanaque is more likely to contain single family detached units than Passaic County or the State, with 43.4 percent and 54.2 percent of the housing stock in single family detached style, respectively.

UNITS IN STRUCTURE - Universe: Housing units

	Wanaque		Passaic County		New Jersey	
Total:	3,500		170,048		3,310,275	
1, detached	2,533	72.4%	73,746	43.4%	1,794,967	54.2%
1, attached	208	5.9%	7,467	4.4%	285,268	8.6%
2	433	12.4%	38,145	22.4%	331,393	10.0%
3 or 4	97	2.8%	16,821	9.9%	223,580	6.8%
5 to 9	110	3.1%	10,706	6.3%	160,249	4.8%
10 to 19	83	2.4%	7,253	4.3%	161,666	4.9%
20 to 49	19	0.5%	5,347	3.1%	121,452	3.7%
50 or more	17	0.5%	10,240	6.0%	197,313	6.0%
Mobile home	0	0.0%	310	0.2%	33,600	1.0%
Boat, RV, van, etc.	0	0.0%	13	0.0%	787	0.0%

*U.S. Census Bureau, 2000*

The median value of sales housing in Wanaque as of the 2000 Census was \$172,100, which is lower than the County's median (\$190,600) and just about the same as the State's median housing value (\$170,800).

**MEDIAN AND QUARTILE VALUE FOR SPECIFIED OWNER-OCCUPIED HOUSING UNITS**  
 Universe: Specified owner-occupied housing units

	Wanaque	Passaic	New Jersey
Lower value quartile	\$ 140,000	\$ 154,000	\$ 122,100
Median value	\$ 172,100	\$ 190,600	\$ 170,800
Upper value quartile	\$ 209,000	\$ 255,700	\$ 253,100

*U.S. Census Bureau, 2000*

The following table details the distribution of housing values for Wanaque and Passaic County. Just 3.5 percent of the Borough's housing stock was valued at more than \$300,000 in 2000, compared to 15.3 percent for Passaic County. However, the Borough and the County had very similar percentages of their housing stock valued at less than \$125,000; 9.4 and 9.3 percent, respectively, in 2000.

## Units Affordable to Low and Moderate Income Households

Low income households are defined as earning less than or equal to 50 percent of a regional median income. Moderate income households earn more than 50 percent of median but less than 80 percent.

COAH has developed a sliding scale defining the income of eligible low and moderate income households. For example, the median income of a household of one (1) is less than for a household of two (2). COAH has determined separate median incomes for households of one up to households of eight.

Similarly, housing units are to be priced to be affordable to households who could reasonably be expected to live within the housing units. For example, the current COAH rules require that an efficiency unit be affordable to a household of one (1). The average one (1) bedroom unit must be affordable to a one (1) and a half person household. Similarly, the average two and three bedroom units must be affordable to households of 3.0 and 4.5 respectively. The following table displays COAH's 2000 income limits by household size. The income of a 1.5 person and 4.5 person household must be determined by interpolation.

### Income Limits, 2000:

#### Region 1, Bergen, Hudson, Passaic and Sussex Counties

<i>Region 1</i>	1 Person	1.5 Person	2 Person	3 Person	4 Person	4.5 Person	5 Person	6 Person	7 Person	8 Person
Median	\$46,782	\$50,123	\$53,465	\$60,148	\$66,831	\$69,504	\$72,177	\$77,524	\$82,870	\$88,217
Moderate	\$37,426	\$40,098	\$42,772	\$48,118	\$53,465	\$55,603	\$57,742	\$62,019	\$66,296	\$70,574
Low	\$23,391	\$25,062	\$26,733	\$30,074	\$33,416	\$34,752	\$36,089	\$38,762	\$41,435	\$44,109

*Source: COAH*

To be affordable, a home owner should not be paying more than 28 percent of its gross income on principal, interest, taxes, and insurance, subsequent to a five percent down payment. A rental unit is affordable if the household is paying no more than 30 percent of its income on rent and utilities. To illustrate, the average three-bedroom rental should be affordable to a household of 4.5 people. Assuming that a 4.5 person moderate income

VALUE FOR SPECIFIED OWNER-OCCUPIED HOUSING UNITS

Universe: Specified owner-occupied housing units

	Wanaque		
	Number	Percent	Cumulative %
<b>Total:</b>	<b>2,456</b>	<b>(x)</b>	<b>(x)</b>
Less than \$10,000	0	0.0%	0.0%
\$10,000 to \$14,999	0	0.0%	0.0%
\$15,000 to \$19,999	0	0.0%	0.0%
\$20,000 to \$24,999	0	0.0%	0.0%
\$25,000 to \$29,999	0	0.0%	0.0%
\$30,000 to \$34,999	0	0.0%	0.0%
\$35,000 to \$39,999	0	0.0%	0.0%
\$40,000 to \$49,999	0	0.0%	0.0%
\$50,000 to \$59,999	7	0.3%	0.3%
\$60,000 to \$69,999	0	0.0%	0.3%
\$70,000 to \$79,999	0	0.0%	0.3%
\$80,000 to \$89,999	5	0.2%	0.5%
\$90,000 to \$99,999	14	0.6%	1.1%
\$100,000 to \$124,999	205	8.3%	9.4%
\$125,000 to \$149,999	640	26.1%	35.5%
\$150,000 to \$174,999*	404	16.4%	51.9%
\$175,000 to \$199,999	480	19.5%	71.5%
\$200,000 to \$249,999	486	19.8%	91.2%
\$250,000 to \$299,999	128	5.2%	96.5%
\$300,000 to \$399,999	87	3.5%	100.0%
\$400,000 to \$499,999	0	0.0%	100.0%
\$500,000 to \$749,999	0	0.0%	100.0%
\$750,000 to \$999,999	0	0.0%	100.0%
\$1,000,000 or more	0	0.0%	100.0%

US Bureau of the Census, 2000

\*Interval containing \$166,809

With regard to rentals, it is assumed that an efficiency unit should be affordable to a one person household. A one-bedroom unit should be affordable to a 1.5 person household. A two-bedroom unit should be affordable to a three person household; and a three bedroom unit should be affordable to a 4.5 person household. Given these standards, rent plus utilities on an affordable (moderate income) efficiency, one, two and three bedroom unit could not exceed \$935, \$1,002, \$1,202, and \$1,390 respectively in 2000.

For purposes of calculating affordability, Wanaque assumes that utilities (in 2000) cost: \$60 per month for efficiency; \$75 for a one (1) bedroom unit; \$95 for a two (2) bedroom unit; and \$110 for a three (3) bedroom unit. Thus, an affordable moderate income rent, by COAH standards, may be estimated to be: \$875 for an efficiency unit; \$927 for a one



BEDROOMS BY GROSS RENT

-Universe: Specified renter-occupied housing units

	<b>Wanaque</b>
Total:	693
No bedroom:	24
With cash rent:	24
Less than \$200	0
\$200 to \$299	0
\$300 to \$499	11
\$500 to \$749	13
\$750 to \$999	0
\$1,000 or more	0
No cash rent	0
1 bedroom:	135
With cash rent:	135
Less than \$200	10
\$200 to \$299	0
\$300 to \$499	16
\$500 to \$749	52
\$750 to \$999	57
\$1,000 or more	0
No cash rent	0
2 bedrooms:	346
With cash rent:	346
Less than \$200	10
\$200 to \$299	14
\$300 to \$499	16
\$500 to \$749	19
\$750 to \$999	141
\$1,000 or more	146
No cash rent	0
3 or more bedrooms:	188
With cash rent:	174
Less than \$200	0
\$200 to \$299	0
\$300 to \$499	0
\$500 to \$749	0
\$750 to \$999	32
\$1,000 or more	142
No cash rent	14

U.S. Census Bureau, 2000

TENURE BY BEDROOMS -  
Universe: Occupied housing units

	Wanaque	
Total:	3,444	(x)
Owner occupied:	2,751	(x)
No bedroom	0	0.0%
1 bedroom	42	1.5%
2 bedrooms	667	24.2%
3 bedrooms	1,119	40.7%
4 bedrooms	857	31.2%
5 or more bedrooms	66	2.4%
Renter occupied:	693	(x)
No bedroom	24	3.5%
1 bedroom	135	19.5%
2 bedrooms	346	49.9%
3 bedrooms	107	15.4%
4 bedrooms	41	5.9%
5 or more bedrooms	40	5.8%

*U.S. Census Bureau, 2000*

Nearly 82 percent of all homes in Wanaque are heated with utility gas.

HOUSE HEATING FUEL  
- Universe: Occupied housing units

	Wanaque	
Total:	3,444	
Utility gas	2,819	81.9%
Bottled, tank, or LP gas	90	2.6%
Electricity	100	2.9%
Fuel oil, kerosene, etc.	420	12.2%
Coal or coke	0	0.0%
Wood	15	0.4%
Solar energy	0	0.0%
Other fuel	0	0.0%
No fuel used	0	0.0%

*U.S. Census Bureau, 2000*

The vast majority of homes have complete plumbing and kitchen facilities, and telephone service.



## Projected Housing Stock

The issue of housing unit projections is discussed in the section describing Wanaque's growth share.

### Demographic Characteristics

The Census demonstrates that Wanaque's population increased by 5.7 percent through the 1990s. This growth rate is 2.2 percentage points lower than the growth experienced by Passaic County during that same period (7.9 percent), and 3.2 percentage points lower than New Jersey's overall growth through the 1990s.

TOTAL POPULATION - Universe: Total population

	Wanaque	Passaic County	New Jersey
Census 2000	10,266	489,049	8,414,350
Census 1990	9,711	453,060	7,730,188
<b>Numeric Change, 1990 - 2000</b>	555	35,989	684,162
<b>Percentage Change 1990 - 2000</b>	5.7	7.9	8.9

*US Bureau of the Census, 1990 & 2000*

Wanaque is expected to continue its moderate increase in population through 2030, with population increasing by 10.5 percent from 2000 to 2030, and households increasing by 18.6 percent, according to the North Jersey Transportation Planning Authority (NJTPA).

POPULATION and HOUSEHOLD FORECASTS, 2000 - 2030

	2000	2005	2010	2015	2020	2025	2030	Absolute Change, 2000 - 2030	Percent Change, 2000 - 2030
Population	10,270	10,360	10,400	10,510	10,710	11,000	11,350	1,080	10.5
Households	3,440	3,520	3,570	3,650	3,770	3,920	4,080	640	18.6

*Source: NJTPA*

that figure was higher in owner occupied (2.91) units than for renter occupied units (2.64). This pattern of household size by tenure is replicated for Passaic County as well.

AVERAGE HOUSEHOLD SIZE BY TENURE

Universe: Occupied Units

	Wanaque	Passaic
Total	2.86	2.92
Owner occupied	2.91	3.04
	2.64	2.78

US Bureau of the Census, 2000

Just over 47 percent of all Wanaque households (47.1 percent) consist of one (1) or two (2) people.

HOUSEHOLD SIZE - Universe: Occupied housing units

	Wanaque	
Total:	3,444	(x)
1-person household	577	16.8%
2-person household	1,044	30.3%
3-person household	718	20.8%
4-person household	708	20.6%
5-person household	264	7.7%
6-person household	69	2.0%
7-or-more-person household	64	1.9%

U.S. Census Bureau, 2000

Wanaque's median age (half above, half below) is higher than the median age for the State and Passaic County. The median age in Wanaque is 37.6. The State median is 36.4 and the County median is 34.8. The table below details the age distribution for Wanaque, Passaic County and New Jersey. As shown, Wanaque's age distribution is slightly more concentrated at older age cohorts than the County's and is similar to the distribution found in the State, where, similar to Wanaque, just over 22 percent of the population were aged 55 and over in 2000.

In 1999, 11.7 percent of the Borough's households had incomes of less than \$25,000. Twenty-one percent (21 percent) had incomes of between \$25,000 and \$50,000. Another 44.2 percent reported incomes of between \$50,000 and \$100,000; and 17.7 percent reported household income of between \$100,000 and \$150,000. Just over 5 percent (5.4 percent) of the households in the Borough reported incomes in excess of \$150,000.

HOUSEHOLD INCOME IN 1999 - Universe: Households

	Wanaque		Passaic County		New Jersey	
Total:	3,447	(x)	163,917	(x)	3,065,774	(x)
Less than \$10,000	95	2.8%	13,508	8.2%	213,939	7.0%
\$10,000 to \$14,999	92	2.7%	8,793	5.4%	143,783	4.7%
\$15,000 to \$19,999	118	3.4%	9,122	5.6%	142,069	4.6%
\$20,000 to \$24,999	99	2.9%	8,940	5.5%	146,537	4.8%
\$25,000 to \$29,999	100	2.9%	9,219	5.6%	152,012	5.0%
\$30,000 to \$34,999	192	5.6%	8,913	5.4%	153,437	5.0%
\$35,000 to \$39,999	147	4.3%	8,752	5.3%	150,757	4.9%
\$40,000 to \$44,999	118	3.4%	8,393	5.1%	150,538	4.9%
\$45,000 to \$49,999	167	4.8%	7,394	4.5%	136,078	4.4%
\$50,000 to \$59,999	354	10.3%	14,431	8.8%	260,375	8.5%
\$60,000 to \$74,999	563	16.3%	17,199	10.5%	347,869	11.3%
\$75,000 to \$99,999	605	17.6%	20,815	12.7%	413,928	13.5%
\$100,000 to \$124,999	416	12.1%	12,692	7.7%	252,890	8.2%
\$125,000 to \$149,999	195	5.7%	6,276	3.8%	138,233	4.5%
\$150,000 to \$199,999	92	2.7%	5,457	3.3%	130,492	4.3%
\$200,000 or more	94	2.7%	4,013	2.4%	132,837	4.3%
<b>Median household income in 1999</b>	<b>\$ 66,113</b>		<b>\$ 49,210</b>		<b>\$ 55,146</b>	

US Bureau of the Census, 2000

## Employment Characteristics

The census reports on workers aged 16 and older. As of the 2000 Census, 3.63 percent of the civilian labor force in Wanaque was unemployed.

EMPLOYMENT STATUS  
FOR THE POPULATION 16 YEARS AND OVER

	Wanaque	
Total:	8,044	
In labor force:	5,675	
In Armed Forces	0	
Civilian:	5,675	
Employed	5,469	
Unemployed	206	3.63
Not in labor force	2,369	

US Bureau of the Census, 2000

INDUSTRY FOR THE EMPLOYED CIVILIAN POPULATION  
16 YEARS AND OVER

	Wanaque		
	Number	Percent	Rank
Total:	5,469		
<b>Agriculture, forestry, fishing and hunting, and mining:</b>	<b>23</b>	<b>0.4%</b>	<b>12</b>
Agriculture, forestry, fishing and hunting	6		
Mining	17		
<b>Construction</b>	<b>244</b>	<b>4.5%</b>	<b>8</b>
<b>Manufacturing</b>	<b>872</b>	<b>15.9%</b>	<b>3</b>
<b>Wholesale trade</b>	<b>252</b>	<b>4.6%</b>	<b>7</b>
<b>Retail trade</b>	<b>919</b>	<b>16.8%</b>	<b>2</b>
<b>Transportation and warehousing, and utilities:</b>	<b>244</b>	<b>4.5%</b>	<b>9</b>
Transportation and warehousing	194		
Utilities	50		
<b>Information</b>	<b>197</b>	<b>3.6%</b>	<b>11</b>
<b>Finance, insurance, real estate and rental and leasing:</b>	<b>428</b>	<b>7.8%</b>	<b>5</b>
Finance and insurance	313		
Real estate and rental and leasing	115		
<b>Professional, scientific, management, administrative, and waste management services:</b>	<b>473</b>	<b>8.6%</b>	<b>4</b>
Professional, scientific, and technical services	320		
Management of companies and enterprises	0		
Administrative and support and waste management services	153		
<b>Educational, health and social services:</b>	<b>1,046</b>	<b>19.1%</b>	<b>1</b>
Educational services	458		
Health care and social assistance	588		
<b>Arts, entertainment, recreation, accommodation and food services:</b>	<b>353</b>	<b>6.5%</b>	<b>6</b>
Arts, entertainment, and recreation	36		
Accommodation and food services	317		
<b>Other services (except public administration)</b>	<b>183</b>	<b>3.3%</b>	<b>12</b>
<b>Public administration</b>	<b>235</b>	<b>4.3%</b>	<b>10</b>

US Bureau of the Census, 2000

## Projection of Future Employment

This discussion is included in the section quantifying the Borough's non-residential growth share.

### *Determination of Housing Obligation*

In December of 2008, COAH adopted regulations that quantify the Borough's 1987-2018 housing obligation. Using census information, COAH has estimated that there are 35 substandard housing units occupied by low and moderate income households in the Borough. COAH refers to this estimate as the Borough's rehabilitation share.

COAH has also reaffirmed the Borough's 1987-1999 share of the regional need for low and moderate income housing. COAH has determined that the Borough's 1987-1999, or second round, housing obligation is 332.



### *The 1987-1999 Realistic Development Potential*

COAH is responsible for allocating the State's housing need to each municipality. The housing need is large and the amount of vacant and underutilized land in a municipality is finite. Thus, it is not unusual for there to be a poor fit between the housing need assigned to a community and the vacant/underutilized land available to address the housing need.

For that reason, New Jersey's Fair Housing Act and COAH's rules provide for an "adjustment to the housing obligation" based on the capacity of the Borough's vacant and underutilized land. The process begins with an inventory of all vacant and underutilized land in the municipality. COAH's regulations permit sites or portions of sites to be eliminated from the inventory for a variety of reasons: environmental constraints; access issues; incompatibility of adjacent land uses; restrictions against the development of property, etc.

The sites or portions of sites that remain in the inventory are viewed as realistic affordable housing sites. COAH's rules require that the municipality calculate the capacity of each site to absorb affordable housing by multiplying the acreage of the remaining portion of each site by a density that is determined by considering the character of the area and the need for affordable housing. COAH provides a minimum density for this calculation. This calculation yields the number of housing units each site can accommodate.

COAH assumes that it requires four (4) market units to support each affordable housing unit. Therefore, it requires a municipality to multiply the number of housing units each site can accommodate by 20 percent to determine the number of affordable housing units each site can accommodate. COAH's rulemaking requires the municipality to sum these calculations for each site to determine the Borough's ability to accommodate affordable housing with its remaining vacant/underutilized land. COAH refers to this calculation as the realistic development potential.



would reduce the realistic development potential of the site from 237 to 155. It would reduce the Borough's realistic development potential from 275 to 193.

The problem is that COAH and the Borough failed to place a restraint on land during the period that lead to substantive certification. As a result, the Powder Hollow site is no longer available to address the realistic development potential, whether it is 275 or 193. Absent the Powder Hollow developer seeking a substantial amendment to its approval, the Borough cannot capture additional housing on the Powder Hollow site. Even if Powder Hollow seeks a substantial amendment, it is doubtful that the Borough could capture additional housing on the Powder Hollow site because the property lies within the Highlands Preservation Area. Any significant change to the footprint of the Powder Hollow community would result in the inability to develop the property as zoned due to the severe constraints imposed by the Highlands' regulations.

When COAH granted Wanaque substantive certification in October of 2001, it determined that Wanaque would address the shortfall in its realistic development potential when it submitted its plan for the Borough's 1987-1999 housing obligation. At that time, COAH had not even proposed its rules for the third round housing obligation. Since the 2001 substantive certification, the Highlands Water Protection and Planning Council has adopted its Regional Master Plan and Wanaque has decided to opt into the Highlands Plan.

Pursuant to the Highlands Regional Master Plan, COAH has adopted N.J.A.C. 5:97-5.2(d)4(i). This rule is to be used to determine the realistic development potential within areas of the State regulated by the Highlands Council:

Within the areas of the State regulated by the Pinelands Commission, the Highlands Water Protection and Planning Council, the Land Use Regulation Division of DEP and the New Jersey Meadowlands Commission, municipalities may exclude sites based on: the Pinelands Comprehensive Plan, N.J.A.C. 7:50; *the Highlands Water Protection and Planning Act rules*, N.J.A.C. 7:38 (emphasis provided); the Coastal Permit Program Rules, N.J.A.C. 7.7; the Coastal Zone Management Rules,

making a monetary affordable housing contribution of \$750,000. It is also constructing 10 age restricted affordable units. The approvals insulate the developer from an increased affordable housing obligation. Moreover, if the developer does seek a substantial amendment to its development plan, the site would be subject to the Highlands development standards.

The site lies in the Preservation Area and is identified by LUCM mapping as being located in a “preservation zone.” Aside from the developed area of the site, approximately 70 percent of the western portion of the site is located within an open water protection area. The remaining eastern portion of the tract is located within a steep slope protection area. The entire undeveloped portion of the site is identified as exhibiting critical habitat for wildlife.

Thus, many of the sites that the Borough had relied on to address its affordable housing obligation are no longer feasible inclusionary sites. The Powder Hollow site that can be constructed pursuant to its existing approval; but will only yield 10 age-restricted affordable units. Block 240, Lot 14 may be able to deliver two (2) affordable units.

The Borough’s search for suitable affordable housing sites has uncovered Block 430, Lot 1. The site is 4.98 acres. While the site does exhibit some constraints (predominantly in the rear), the site appears suitable for inclusionary development. At a density of 10 units per acre and a 20 percent set-aside, the site could yield 10 affordable units.

In addition, Block 313, Lot 8.01 has developed for 120 units and made a monetary contribution in lieu of building affordable housing. The monetary contribution paid for a 24 unit regional contribution agreement with Hoboken (approved by COAH).

In summary, COAH’s 1987-1999 adjustment process, consistent with the language in the Fair Housing Act, recognizes that there is often a poor fit between the housing need assigned to a community and the vacant/underutilized land within a community. The process is designed to compute what is possible on the vacant land that is available for affordable housing. COAH’s decision to increase the Borough’s realistic development potential from 98 to 275, based on the zoning of the Powder Hollow site, ignores the fundamental relationship between the capacity of available land and the adjustment process.



### *The 1987-1999 Unmet Need*

The Borough's share of the 1987-1999 regional need is 332. The realistic development potential, whether it is 275, 46 or some number in between, does not alter the 332 unit housing obligation. COAH's rules require a municipality to collect development fees, encourage apartments and promote redevelopment opportunities in order to capture affordable housing opportunities. The goal is to address as much of the housing obligation as possible. The Borough has examined possible redevelopment sites that will be discussed in its response to its affordable housing obligation.

### *The Adjustment to the 1999-2018 Housing Obligation*

As discussed above, COAH has allocated a housing obligation of 137 units to Wanaque. It has also entered into a memorandum of understanding with the Highlands that permits an alternative computation of its affordable housing obligation. The alternative approach, which is based on actual 2004-2018 growth and the build-out potential of remaining land, equals 131 units.<sup>1</sup>

COAH has established a vacant land adjustment process for its 1999-2018 housing allocations. However, no adjustment is permitted for growth that has actually taken place between 2004 and 2008. (see N.J.A.C. 5:97-5.6(b)).

The Borough experienced a great deal of growth between 2004 and 2008. This growth resulted in an actual growth share of 121 units. Thus, COAH's rules do not permit any further reduction to the vast majority of the Borough's 1999-2018 housing obligation.

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<sup>1</sup> COAH's rules permit for a reduction of the Borough's 1999-2018 housing obligation if some of the growth experienced or anticipated to be experienced is the result of construction associated with complying with the 1987-1999 housing obligation. The rule, N.J.A.C. 5:97-2.4, could result in a lower obligation if applied to the response to the 1987-1999 housing obligation. However, COAH's crediting rules are such that it is not necessarily in the Borough's interests to utilize N.J.A.C. 5:97-2.4.

the Highlands Council) and found that it has a realistic development potential of 46 units. Wanaque must develop a plan for its realistic development potential.

COAH refers to the difference between the 332 unit housing obligation and the realistic development potential as the “unmet need.” COAH’s rules require the Borough to capture affordable housing opportunities through the collection of development fees, the zoning for apartments and the promotion of redevelopment activity in order to address a 286 unit unmet need.

The Borough is also responsible for a 1999-2018 housing obligation of 131 units. Of this total, 121 units are based on actual growth. COAH’s rules do not allow any adjustment for “the growth share” accrued from actual growth.

COAH’s decisions and rule making have broken the link between the housing obligation and available, suitable inclusionary sites. They result in a large housing obligation with “no place to put it.”

### *Sewer Availability*

The Borough’s ability to address its affordable housing obligation is also limited by its sewer capacity. The Borough estimates that it has between 100,000 and 150,000 gallons of available capacity.

COAH refers to any limitation, based on sewer capacity as a durational adjustment. The adjustment is durational in that it expires once sewer capacity is available. N.J.A.C. 5:97-5.4(i) does not authorize a durational adjustment to the municipal actual growth share.

### *The Regulatory Framework for New Construction*

COAH has various rules that provide a framework for addressing the municipal housing obligation. With the possible exception of units created through tax credits, at least half of all affordable units must be affordable to low income households.<sup>2</sup> All affordable housing must be affirmatively marketed and be priced in accordance with COAH's rules.

No more than 25 percent of the municipal growth share constructed in the municipality may be addressed with age restricted housing.

At least 25 percent of the municipal growth share shall be addressed by rental housing. No more than 50 percent of the rental obligation may be addressed with age restricted units.

Ten percent of all affordable townhouse units proposed by a municipality must be accessible in accordance with the accessibility requirements set forth at N.J.A.C. 5:23-7.5(b) and (c) in the Barrier Free Subcode, N.J.A.C. 5:23-7. Townhouse units in communities that have received development approvals prior to June 20, 2005, are exempt from this requirement.

Pursuant to P.L. 2008, Chapter 46, at least 13 percent of the housing units responding to the Borough's 1999-2018 housing obligation must be affordable to very low income households. Very low income households are defined as earning no more than 30 percent of the region's median income. COAH has not adopted rules that implement P.L. 2008, Chapter 46. Currently, the Uniform Housing Affordability Controls (UHAC) regulations, upon which COAH relies, requires 10 percent of all rental housing to be affordable to households earning less than 30 percent of the regional median income.

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<sup>2</sup> COAH, HMFA and the Department of Community Affairs are working on a joint response to the low and moderate income split associated with tax credit projects.



property is zoned, the Borough's only other responsibility is to: fast-track *inclusionary* developments and eliminate unnecessary cost generating standards. COAH sets forth these responsibilities in N.J.A.C. 5:93-10 and 5:97-10.

COAH has provided standards for the creation of inclusionary developments based, in large part, on the manner in which the State Planning Commission classifies the land within its State Development and Redevelopment Plan (SDRP). The SDRP purports to be a growth management plan that divides New Jersey into five (5) planning areas. New Jersey has invested in the public infrastructure necessary to support growth in Planning Areas 1 and 2. Thus, the SDRP endorses concentrating much of the State's growth in areas that have the public water and sewer to accommodate the growth. The SDRP's goals in Planning Areas 3, 4 and 5 are more preservation/conservation oriented. COAH's rule provides that Planning Areas 1 and 2, as well as designated centers, are the preferred location for affordable housing.<sup>4</sup>

COAH's standards for inclusionary development are as follows:

1. In Planning Area 1, a minimum density of eight (8) units per acre and a maximum set-aside of 25 percent;
2. In Planning Area 2 and in designated centers, a minimum density of six (6) units per acre and a maximum set-aside of 25 percent;
3. In sewer service areas outside of Planning Areas 1 and 2, a minimum density of four (4) units per acre and a 25 percent set-aside;
4. In Planning Areas 3, 4 and 5, a minimum density increase of 40 percent over the existing zoning and a 20 percent set-aside;
5. In urban centers, as designated by the SDRP, a minimum density of 22 units per acre and a 20 percent set-aside.

COAH has recognized that affordable rental housing requires a greater subsidy than affordable for sale housing. Thus, in most areas of the State, COAH requires a minimum

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<sup>4</sup> Centers are discreetly defined areas that have the infrastructure to support growth. They are designated as part of a plan endorsement process.

must utilize strict accounting practices in order to use development fees and in lieu fees properly.

### ***Inter-regional transfers***

Regional contribution agreements were a vehicle established by the Legislature that allowed a municipality to enter into an agreement to transfer up to half of its housing obligation to what was called a “receiving municipality.” The Legislature, pursuant to P.L. 2008, Chapter 46, has determined that regional contribution agreements are no longer an acceptable way for a municipality to address its housing obligation. However, P.L. 2008, Chapter 46 permits Highlands’ communities to transfer up to half of their affordable housing obligations to other municipalities within the housing region. This is a voluntary program and Wanaque is under no obligation to participate in this program as a “sending or receiving” municipality.

### ***Redevelopment***

A municipality may pursue the construction of affordable housing through redevelopment pursuant to the Local Redevelopment and Housing Law. All sites proposed for redevelopment shall conform to COAH’s criteria for a suitable site. The municipality must designate the site as an area in need of redevelopment and adopt a redevelopment plan. It must also designate a redeveloper and prepare an estimated timeline for the redevelopment of the site.

### ***Municipal Construction***

Some municipalities choose to address the housing obligation by sponsoring the construction of low and moderate income housing. It is not unusual for a municipality to donate municipal land to a non-profit or for profit developer interested in constructing a development that will be devoted entirely for low and moderate income households.

It is not easy for municipalities to “get into the housing business.” Most developers interested in building low and moderate income housing without any market units to help

transitional facilities for the homeless<sup>5</sup>, long term health care facilities (such as nursing homes) and Class A, B, C, D and E boarding homes.

The following criteria apply to supportive and special needs housing:

1. The units of credit for group homes, residential health care facilities and share living housing shall be the bedroom;
2. The unit of credit for permanent supportive housing shall be the unit;
3. Supportive and special needs housing that is age restricted shall be included with the number of units that a municipality may age restrict;
4. All bedrooms and/or units shall be affordable to low-income households;
5. Units shall serve populations 18 and over;
6. All sites for supportive and special needs housing shall meet COAH's site suitability criteria; and
7. The municipality or developer/sponsor shall have control or the ability to control any site on which supportive and special needs housing is proposed.

Supportive and special needs housing may provide an opportunity for a municipality that is willing to convey land to an organization that is interested in providing an alternative living arrangement. There are capital and operating subsidies available that could minimize the municipal subsidy required to construct a group home or other facility.

### *Accessory Apartments*

COAH's rules allow municipalities to address up to ten (10) low and moderate income units or up to 10 percent of the municipal fair share (whichever is greater) by creating a program for accessory apartments. A municipality interested in such a program must demonstrate that it has a housing stock that lends itself to accessory apartments. COAH

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<sup>5</sup> Transitional facilities may receive credit toward the 1987-1999 housing obligation but not the 1999-2018 obligation.



conforms to COAH's "affordability criteria." The same caveat applies to COAH's rental program. In reality, the subsidy may far exceed \$25,000 - \$30,000 per unit.

### ***Assisted Living Units***

Bedrooms in assisted living residences may address a municipal housing obligation. Affordable units within an assisted living facility may be affordable to households earning up to 60 percent of median income. Up to 80 percent of a low and moderate income household's gross income may be used for rent, food and services. Units within an assisted living facility shall be viewed as age restricted units, subject to the restrictions on senior units imposed at N.J.A.C. 5:94-4.13.

### ***Affordable Housing Partnership Program***

COAH's rule permits two (2) or more municipalities in the same housing region to enter into an agreement addressing their respective housing obligations by constructing affordable housing in one municipality. For example, Wanaque and Bloomingdale could enter into an agreement with Wayne Township to build affordable housing in Wayne. The agreement would specify the credit that each community would receive for the proposed housing. This mechanism is similar to a regional contribution agreement in that it allows a municipality to address its housing obligation in another municipality in exchange for money. Since the Legislature has prohibited the future use of regional contribution agreements, COAH is examining the viability of this program.

### ***Extension of Expiring Controls***

A municipality may receive a credit toward its growth share by extending controls on affordability that are scheduled to expire during the 1999-2018 period. The extended controls must be consistent with COAH's rules as articulated pursuant to N.J.A.C. 5:80-26. To obtain this credit, the municipality must obtain a certified statement from its building inspector stating that the affordable unit complies with all code standards. A municipality may use development fees and in lieu fees to purchase units and complete any necessary repairs.

## **New Construction**

The Borough has a 1987-1999 housing obligation of 332 units. COAH has recognized that the Borough does not have sufficient vacant/underutilized land to address its entire housing obligation. COAH originally determined that the Borough had sufficient vacant and underutilized land to address 98 units. However, after learning of the rezoning of Powder Hollow, COAH determined that the Borough had enough vacant land to address 275 units. The 275 unit calculation was based on zoning that enabled the construction of 1,185 units. In fact, the Powder Hollow site was approved for only 755 units. Thus, COAH's calculation really overstated the realistic development potential of the Powder Hollow site.

State regulations have changed since COAH recalculated the Borough's realistic development potential and ruled that Wanaque must address the shortfall in its response to its post 1999 housing obligation. The Highlands Council has adopted the Highlands Regional Master Plan with standards that further restrict the development potential within the Borough. Based on those regulations, this Housing Element has revisited the inventory of vacant/underutilized sites and determined that the Borough's realistic development potential, based on the Highland Council standards, may be as high as 46 units (depending on a Highlands ruling that would allow minimal development on Block 240, Lot 14).

In addition, COAH and the Highlands Council have entered into a memorandum of understanding that results in a 1999-2018 housing obligation of 131 units.

The strict application of COAH's rules requires the Borough to develop a plan for its realistic development potential. COAH has calculated the realistic development potential to be 275; but, based on current regulations, 46 is more realistic. Wanaque is responsible for addressing a 286 unit unmet need (the difference between the realistic development potential and its 1987-1999 housing obligation of 332 units). It is also responsible for addressing its 1999-2018 housing obligation of 131 units.



### **Credits Without Controls**

There were 24 multi-family units constructed in Wanaque between 1980 and 1986. COAH provides credit for units constructed during this time period even if they are not encumbered by controls on affordability if they are in sound condition, occupied by low and moderate income households and are affordable to a low or moderate income household that is eligible to live in the housing unit. COAH has devised a “credits without controls” survey process to determine if a housing unit may receive such a credit. The Borough reserves its right to perform such a survey. If the Borough is eligible for credits without controls, it reserves the right to amend its plan to apply all of its credits in an appropriate manner.<sup>6</sup>

### **The Realistic Development Potential**

Assuming a realistic development potential of 46, Wanaque has a 1987-1999 rental obligation of 10 units. It may receive a rental bonus, or extra credit, by addressing this rental obligation.

Wanaque may receive credit for up to half of its housing obligation through previously executed regional contribution agreements. The formula for RCA credit is:

$$\text{RCA Maximum} = 50 \text{ percent } ((\text{RDP } 46) + \text{rehabilitation share } (35) - \text{rehabilitation credits } (21)) = 30$$

Pursuant to this formula, the Borough may receive full credit for its 24 unit regional contribution agreement with Hoboken.

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<sup>6</sup> Credits without controls may only be applied to the 1987-1999 housing obligation.

No more than 25 percent of the housing obligation may be addressed with age restricted housing. Wanaque may receive credit for up to 32 age restricted units.

Pursuant to P.L. 2008, Chapter 46, at least 13 percent of the housing units responding to the Borough's 1999-2018 housing obligation must be affordable to very low income households. Very low income households are defined as earning no more than 30 percent of the region's median income. At least half of the very low income units must be available to families (not age restricted or group living).

COAH's regulations provide for a series of extra credits. The Borough may receive an extra third of a credit for promoting affordable housing in a designated center or in a redevelopment area. It can receive a more substantial bonus for constructing more rentals than COAH requires (a one for one bonus). COAH also provides for a compliance bonus (N.J.A.C. 5:97-3.17). The compliance bonus provides an extra unit of credit for affordable housing efforts that were included in prior housing elements that were adopted to address COAH's prior efforts to adopt rules for the post-1999 housing obligation.

No unit is eligible for more than one type of credit and N.J.A.C. 5:97-3.20 limits the extra credit available to no more than 25 percent of the municipal growth share.

Based on COAH's regulations, Wanaque will address its 131 unit growth share as follows:

The Borough will seek credit for 10 age restricted units that are being created by the developer of the Powder Hollow site. In the event that the Powder Hollow development requires a substantial change to the approved site plan or if the approvals expire, the Borough has rezoned the site to capture a 20 percent set-aside from the Powder Hollow site. However, any substantial change to the Powder Hollow site plan would invoke the regulations associated with the Highlands Preservation Area. Since this site was included in the Borough's 2006 Housing Element responding to its third round obligation, the Borough may receive 20 credits for these 10 units (**20 credits**)

The Borough will rezone Block 430, Lot 1. It is a 4.98 acre parcel with frontage on Ringwood Avenue. The site is situated across from the intersection of Ringwood Avenue and Fourth Avenue and is located just north of the areas being redeveloped on either side of the Doty Road – Ringwood Avenue intersection. This site had been included in the Borough’s 2006 Housing Element and Fair Share Plan as a site in which the Borough would work with a tax credit specialist to construct 50 affordable units.

At the time, many Borough officials found the concentration of low and moderate income units without any market housing on this site to be troublesome. Borough officials also found COAH’s requirement to bond for the construction of this housing, absent the ability to receive public funding, difficult to accept. The isolation of the low and moderate income units and COAH’s funding requirements continue to be issues that the Borough resists. Given this resistance and the explicit language in the Fair Housing Act prohibiting any requirement to expend municipal dollars, the Borough has chosen to abandon the municipal construction project that had been planned for Block 430, Lot 1.

Instead, the Borough will rezone the property for affordable housing. The Borough will zone the site at a density of eight (8) units per acre with a 20 percent set-aside. As an incentive to build rentals, the zoning will allow a developer that chooses to construct affordable rental housing a density of 12 units per acre with a 15 percent set-aside. The increased density and decreased set-aside, as an option to build rentals, is consistent with COAH’s rules. This zoning creates a realistic opportunity for **eight (8) units**.

Block 430, Lot 1 is a transitional site that is located between an existing commercial area that is being redeveloped for a mix of commercial uses and single family homes. The multi-family use planned for the site is an excellent transitional use for the area.

Sewer and water lines serve the area. The site has access to Ringwood Avenue, which is a collector street designed to carry traffic from one (1) municipality to another. The site has access to appropriate streets, water and sewer infrastructure.



The Borough's 1999-2018 affordable housing obligation, or growth share, is 131 units. Its rental obligation is 33 units. The Borough's plan addresses 69 units and the zoning option to Block 430, Lot 1 is the only response to the rental obligation.

However, the Borough has chosen, as is its right pursuant to the New Jersey Fair Housing Act, not to administer a COAH compliance option that requires it to expend municipal dollars (other than development fees). It has zoned its remaining lands that it believes are suitable for affordable housing.

### **The Remaining Obligation**

When the realistic development potential is less than the total housing obligation, COAH's rules require a community to capture affordable housing opportunities as development and redevelopment occur. The Borough may address the "unmet need" by collecting development fees, providing overlay zones and providing for apartments in selected areas of the municipality. COAH has similar requirements when a municipality has insufficient land to address its entire third round housing obligation. The Borough will continue to collect development fees and will create a zoning option (overlay zone) to redevelop the areas on the map that follows for affordable housing. The ordinance will allow a density of 12 units per acre and a 20 percent set-aside.

# Appendices

# Appendix A

## Projected Growth Share Obligation & Calculations



## PROJECTED GROWTH SHARE OBLIGATION & CALCULATIONS

### Borough of Wanaque, New Jersey

Table 4 – Municipal Build-Out Results With Resource and Utility Constraints			
	Preservation Area	Planning Area	Totals
Residential units – Sewered	1	14	15
Septic System Yield	0	12	12
<b>Total Residential Units</b>	<b>1</b>	<b>26</b>	<b>27</b>
Non-Residential Jobs – Sewered	89	3	92

Source: Wanaque Borough Municipal Build-Out Report, June, 2009, prepared by New Jersey Highlands Water Protection and Planning Council

#### RESIDENTIAL BUILD-OUT:

Residential Development: 2004 - 2008	<u>Certificates of Occupancy (Unit)*</u>	<u>Demolitions (Unit)*</u>	<u>Net (Unit)</u>
2004:	4	2	2
2005:	38	1	37
2006:	337	5	332
2007:	95	2	93
2008:	<u>68</u>	<u>1</u>	<u>67</u>
<b>Total</b>	<b>542</b>	<b>11</b>	<b>531</b>

#### Residential Growth Share Calculations:

Residential Units - Sewered:	12
Residential Units - Septic System:	15
Residential Development 2004-2008:	<u>531</u>
	<b>558 / 5 (20% set-aside) = 111.6 Affordable units</b>

#### NON- RESIDENTIAL BUILD-OUT:

Non-Residential Development: 2004 - 2008	<u>Certificates of Occupancy: SF / Use Group / Jobs per 1K*</u>	<u>Demolitions: SF / Use Group / Jobs per 1K*</u>	<u>Net (Jobs)</u>
2004:	0 SF / -- / --	0 SF / -- / --	--
2005:	1,767 SF / Hotel/Motel / 1.7 Jobs	0 SF / -- / --	3.0039
2006:	21,828 SF / A-4 / 3.4 Jobs	0 SF / -- / --	74.2152
2007:	48,993 SF / Office(B) / 2.8 Jobs	0 SF / -- / --	137.1804
2008:	5,359 SF / A-3 / 1.6 Jobs	0 SF / -- / --	<u>8.5744</u>
	<b>Total</b>		<b>222.9739</b>
			<b>(SAY: 223)</b>

#### Non-Residential Growth Share Calculations:

Non-Residential Jobs - Sewered:	92
Non-Residential Jobs 2004-2008:	<u>223</u>
	<b>315 / 16 = 19.6875 Affordable Units</b>

<b>PROJECTED GROWTH SHARE: 111.6 + 19.6875 = 131.2875 (say 131 AFFORDABLE UNITS)</b>
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# Appendix B

Realistic Development Potential (RDP)

# Realistic Development Potential (RDP)

Borough of Wanaque, New Jersey

May, 2010

Block/Lot	Area (acres)	Ownership	Highlands Area	Land Use Classification Mapping (LUCM)	Description / Conditions	Public Water Availability (Y/N)	San. Sewer Availability (Y/N)	Developable (Y/N)
<b><u>Prior Round RDP Sites:</u></b>								
Block 240 / Lot 14	2.50	Private	Preservation	Conservation Zone	Forest w/in Forest Resource Area (100%).	Y	N	N
Block 307 / Lots 2 & 5	2.59	Private	Planning	Lot 2: Ex. Comm. Zone Lot 5: Conservation Zone	Lot 5: Open Water Protection Area (FRA)-Flood prone-High riparian water corridor protection (100%); Forest w/in forest resource area-Critical Wildlife habitat (30%). Lot 2: Open water protection-High riparian water corridor protection (70%); Flood prone (30%).	Y	Y	N
Block 313 / Lots 1	279.00	Private	Preservation	Protection Zone	Developed: "Wanaque Reserve" (f.n.a. Powder Hollow).	Y	Y	N
Block 468 / Lot 2 Block 470 / Lot 1	24.50	Private	Planning	Protection Zone (90%) Ex. Comm. Zone / Lake Comm. Sub-Zone (10%)	Stream & open water body (35%); Open Water Protection Area-Flood prone/High riparian water corridor protection (80%); Forest w/in forest resource area-Critical Wildlife habitat (40%). Steep slope protection area (40%); Conservation priority-High/moderate (95%).	Y	N	N
<b><u>Vacant Sites (Planning Area):</u></b>								
Block 106 / Lots 8.01 & 8.02	9.38	Public Utility	Planning	Protection Zone & Conservation Zone (50%); Ex. Comm. Zone & Lake Comm. Subzone (50%)	Lot 8.01: Open Water Protection Area (15%); High riparian water corridor protection (50%); Prime groundwater resource area (70%). Lot 8.02: Narrow Lot - Access Roadway	Y	Y	N
Block 207 / Lots 1 & 1.03	4.65	Public Utility	Planning	Conservation Zone (50%); Ex. Comm. Zone (50%)	Lot 1: Narrow lot - Utility ROW; Lot 1.03: too small (0.75 acres)	Y	Y	N
Block 400 / Lot 9	0.90	Private	Planning	Protection Zone	Open water protection area-Forest w/in FRA/Critical wildlife habitat (100%); High riparian water integrity/Wetlands (80%); Conservation priority-high/mod (100%)	N	N	N
Block 400 / Lots 11 & 13	22.90	Private	Planning	Protection Zone (>95%) Lake Comm Subzone (<5%)	Forest w/in FRA-Critical wildlife habitat (90%); Open water protection (30%); High riparian water integrity (25%); Steep slope protection (30%); Conservation priority-high/mod (90%);	Y	N	N
Block 401 / Lot 9	29.70	Private	Planning	Protection Zone	Portion of site comprises stream & open water body; Forest w/in FRA-Critical wildlife habitat (95%); Open water protection (35%); High riparian water integrity (60%); Prime groundwater recharge (25%); Flood prone (20%); Conservation priority-high/mod (>95%);	Y	Y	N
Block 408 / Lot 7	1.50	Public (Borough)	Planning	Lake Comm Subzone (80%); Conservation Zone (20%)	Forest w/in FRA-Critical wildlife habitat (100%); Open water protection (15%); High riparian water integrity (10%); Steep slope protection (100%); Conservation priority-mod (80%);	Y	Y	N
Block 430 / Lot 1	4.98	Private	Planning	Lake Comm. Subzone	Forest w/in FRA-Critical wildlife habitat (90%); Open water protection/High riparian water integrity (15%); Steep slope protection (5%); Conservation priority-mod (20%);	Y	Y	Y



# Appendix C

Wanaque Borough Rehabilitation Manual

# Appendix D

Rehabilitation Activity  
Wanaque, New Jersey

# Appendix E

## Affordable Housing Ordinance

## **AFFORDABLE HOUSING ORDINANCE**

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

### **Section 1. Affordable Housing Obligation**

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

### **Section 2. Definitions**

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one

5. The Borough shall adopt a resolution committing to fund any shortfall in the rehabilitation program.
6. The Borough shall designate, subject to the approval of COAH, one or more Administrative Agents to administer the rehabilitation program in accordance with N.J.A.C. 5:96 and N.J.A.C. 5:97. The Administrative Agent(s) shall provide a rehabilitation manual for the owner occupancy rehabilitation program and a rehabilitation manual for the rental occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of COAH. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
7. Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9 and Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
  - i. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:97-9 and UHAC.
  - ii. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.
  - iii. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.

Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:97-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

#### **Section 4. Inclusionary Zoning**

- (a) **Presumptive densities and set-asides.** To ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, inclusionary zoning permits minimum presumptive densities and presumptive maximum affordable housing set-asides. Wanaque shall establish a minimum presumptive density of eight with a 20 percent set-aside for owner occupied affordable housing and a minimum presumptive density of 12 units per acre with a 15 percent set-aside for affordable rental housing.



income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

(b) Accessibility Requirements:

1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.
2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
  - i. An adaptable toilet and bathing facility on the first floor;
  - ii. An adaptable kitchen on the first floor;
  - iii. An interior accessible route of travel on the first floor;
  - iv. An interior accessible route of travel shall not be required between stories within an individual unit;
  - v. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
  - vi. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, or evidence that the Borough 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's affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
    - C. The funds deposited under paragraph B. above shall be used by the Borough for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
    - D. The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Borough's Construction Official.
    - E. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the



6. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
  - i. A studio shall be affordable to a one-person household;
  - ii. A one-bedroom unit shall be affordable to a one and one-half person household; and
  - iii. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
7. The initial 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.
8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
9. 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.
10. The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.
11. 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.

#### **Section 6. Affirmative Marketing Requirements**

- (a) Wanaque shall adopt by resolution an Affirmative Marketing Plan, subject to approval of COAH, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- (b) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual

- (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.
- (d) At the time of the first sale of the unit, the 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 requirements of 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 that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

**Section 9. 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 method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- (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 capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.



3. The entry and enforcement of any judgment of foreclosure.

### **Section 13. Price Restrictions for Rental Units; Leases**

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

### **Section 14. Tenant Income Eligibility**

- (a) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
  1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
  2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
  3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
- (b) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
  1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
  2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
  3. The household is currently in substandard or overcrowded living conditions;
  4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or



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

**Section 16. Enforcement of Affordable Housing Regulations**

- (a) Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- (b) After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:
    - i. A fine of not more than **[insert amount]** or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;

- (f) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- (g) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (h) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

### **Section 17. Appeals**

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

### **REPEALER**

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

### **SEVERABILITY**

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

### **EFFECTIVE DATE**

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

# Appendix F

## Development Fee Ordinance



## DEVELOPMENT FEE ORDINANCE

### 1. Purpose

- a) 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 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- b) Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.
- c) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

### 2. Basic requirements

- a) This ordinance shall not be effective until approved by COAH pursuant to *N.J.A.C. 5:96-5.1*.
- b) Wanaque Borough shall not spend development fees until COAH has approved a plan for spending such fees in conformance with *N.J.A.C. 5:97-8.10* and *N.J.A.C. 5:96-5.3*.

### 3. Definitions

- a) The following terms, as used in this ordinance, shall have the following meanings:
  - i. "**Affordable housing development**" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

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
  - i. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
  - ii. 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.
  - iii. Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.

## **5. Non-residential Development fees**

- a) Imposed fees
  - i. Within all zoning districts, non-residential developers shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
  - ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
  - iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.



exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

- c) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- d) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g) Should Wanaque fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
- h) Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- i) Appeal of development fees
  - 1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by Wanaque Borough. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
  - 2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a



housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.

- b) Funds shall not be expended to reimburse Wanaque for past housing activities.
- c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
  - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
  - ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.
  - iii. 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) Wanaque 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 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental

# Appendix G

## Affirmative 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.)

Ia. Administrative Agent Name, Address, Phone Number		Ib. Development or Program Name, Address	
Ic. Number of Affordable Units: Number of Rental Units:  Number of For-Sale Units:	Id. Price or Rental Range  From  To	Ie. State and Federal Funding Sources (if any)	
If. <input type="checkbox"/> Age Restricted <input type="checkbox"/> Non-Age Restricted	Ig. Approximate Starting Dates  Advertising: <span style="float: right;">Occupancy:</span>		
Ih. County <b>Bergen, Hudson, Passaic, Sussex</b>	Ii. Census Tract(s):		
Ij. Managing/Sales Agent's Name, Address, Phone Number			
I k. 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.	
--	--



<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"/>		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 Broadcastng 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
<b>TARGETS PARTIAL COAH REGION I</b>			
<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"/>		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



AM			
<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
FM			
<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"/>		La Tribuna Hispana	Basking Ridge, Bound Brook, Clifton, East Rutherford, Elizabeth, Fort Lee, Greebrook, Linden, Lydenhurst, 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"/>		Ukranian Weekly	New Jersey	Ukranian community

3d. 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
<b>Hudson County</b>		
<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"/>		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
3e. 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



