



Borough of Glen Rock

Master Plan

# Housing Element and Fair Share Plan

Adopted June 18, 2025

Borough of Glen Rock Planning Board







Community Planning  
Land Development and Design  
Landscape Architecture

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# Housing Element and Fair Share Plan

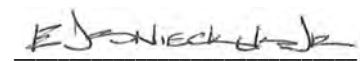
Borough of Glen Rock  
Bergen County, New Jersey

Prepared for the Borough of Glen Rock  
Planning Board

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The original document was appropriately signed and sealed on June 18, 2025 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

  
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# Executive Summary

The following **2025 Housing Element and Fair Share Plan (HE&FSP) of the Master Plan** has been prepared for the Borough of Glen Rock. This plan is designed to outline the manner in which the Borough will address its affordable housing obligations. Ultimately, these obligations were derived from a variety of different sources, including the Council on Affordable Housing (COAH), a prior settlement agreement with Fair Share Housing Center (FSHC), and most recently from calculations provided by the Department of Community Affairs (DCA).

These obligations are summarized as follows:

Table 1: Affordable Housing Obligation Summary

Category	Obligation
Prior Round Obligation (1987-1999)	118
Third Round Obligation (1999-2025)	301
Fourth Round Obligation (2025-2035)	201 (DCA 222)
Present Need (Rehabilitation) Obligation	0

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## Prior Round Obligation

The Borough was assigned a Prior Round Obligation of 118 units. The Borough's initial effort to address its Mount Laurel obligation was set forth in a substantive certification by COAH on February 26, 1990, whereby Glen Rock Housing and Fair Share Plan (HE&FSP), noted a low and moderate income housing obligation of 207 units which was reduced to 0 after a vacant land adjustment was granted as part of the first round certification. Following the time period of second round certification, Glen Rock submitted and received second round certification on October 2, 1996 which identified a second-round obligation of 118 units new construction and rehabilitation of 31 units. The Borough at that time received confirmation that they were entitled to a vacant land adjustment which identified again an RDP of 0 units while also granted a waiver from N.J.A.C. 5:93-4.1(b) from providing mechanisms to address unmet need. The borough also received 2 rehabilitation credits bringing the rehabilitation obligation to 29 units at the time.

The Prior Round Unmet Need of 118 units (i.e. the difference between its Prior Round Obligation of 118 units and its RDP of 0 units as noted above) was carried forward and addressed in the Third Round Obligation.

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## Third Round Obligation

On March 10, 2008, in a case commonly referred to as Mount Laurel IV, the Supreme Court declared COAH moribund and established a procedure for municipalities to secure approval of a Housing Element and Fair Share Plan for Round 3. Glen Rock voluntarily participated in the new procedure to pursue approval of a Third-Round plan based on the laws established in Mount Laurel IV. Pursuant to a Settlement Agreement signed with FSHC on September 25, 2019, the Borough had a Third Round RDP of 26 units and a total

remaining Unmet Need from the Prior and Third Round of 393 units. This Unmet Need was comprised of 118 units of Unmet Need from the Prior Round and 301 units of Unmet Need from the Third Round (inclusive of the gap period).

The Borough has constructed 38 affordable housing units (and has 7 bonus credits), which are summarized in Table 19. The units constructed include most of the components proposed from the Third Round except for one project proposed at the time consisting of a 1-unit 100% affordable development proposal at the Municipal Annex site. This project has experienced several delays which are further detailed in the Fair Share Plan section of this plan. The Borough is still proposing this project regardless of these delays in the Fourth Round.

Even though this project is not yet realized, the Borough has satisfied its Third Round RDP 26 units and the required unit types and is entitled to a 19-unit excess credits towards its Third Round Unmet Need. In addition, the Borough approved 14 units from an overlay ordinance. As a result, the Borough has a remaining Third Round Unmet Need of 334 units after applying these credits. To contribute towards addressing Unmet Need, the Borough adopted and maintains several affordable housing overlay zones (see Table 20) as well as a municipal-wide mandatory set-aside and development fee ordinance.

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#### Fourth Round Obligation

Governor Murphy signed the A-40/S-50 Bill into law on March 20, 2024, after the Senate and Assembly adopted it. This legislation (FHA-2) amended the Fair Housing Act (FHA or the Act) by abolishing COAH and created a new process that involved the creation of a new entity known as the Affordable Housing Dispute Resolution Program (the Program), as well as the DCA and the Administrative Office of the Courts (AOC).

FHA-2 directed the DCA to calculate the Present Need (also referred to as the Rehabilitation obligation) and the Prospective Need (also known as the new construction obligation) for Round Four based upon the standards set forth in the Act. The DCA issued its report on October 18, 2024, and, in accordance with the Act, made clear that the obligations generated by the report were advisory only and non-binding. For Glen Rock, the DCA Report identified a Present Need of 0 and a Prospective Round Four Need of 222.

Since the DCA report is non-binding, each municipality had the opportunity to study and define why its obligations should be different based on the standards in the Act. The Township conducted such an analysis and determined that the DCA had made oversights in the Land Capacity Factor calculation, which is part of the formula that determines fair share obligations. The Township adopted a binding resolution on January 22, 2025, which committed to the 0-unit Present Need obligation identified by DCA, but identified a reduced Prospective Need obligation of 202 units due to the Borough's assessment of errors in DCA's report pertaining to Glen Rock Land Capacity Factor. Ultimately, the Borough's Prospective Need obligation was established at 201 affordable units by a Superior Court order issued on June 4, 2025.

The January 22, 2025 resolution further noted that the Borough reserved the right to seek an adjustment of its Fourth Round Prospective Need number based upon a lack of vacant, developable and suitable land. Accordingly, the Borough undertook a detailed Vacant Land Analysis through an analysis of numerous development proposals to determine if there were any changed circumstances since 2020, HE&FSP that would warrant a recalibration of Glen Rock's RDP. At this time, the Borough concludes that the aforementioned analysis did not identify any additional parcels that were not included in the Third Round Vacant Land Analysis therefore, the Third Round RDP of 26 does not change in the analysis of the Fourth Round RDP. This analysis is covered in more detail in Section 3.

Accordingly, the remainder of this 2025 HE&FSP is divided into the following sections:

❖ Section 1: Introduction

The first section of the 2025 HE&FSP provides an introduction to affordable housing. It summarizes what affordable housing is, offers an overview of the history of affordable housing in the state, and explains the role of a housing element and fair share plan.

❖ Section 2: Housing Element

Section 2 contains the Housing Element for the Borough of Glen Rock. It offers an overview of its community, as well as back information regarding its population, housing, and employment characteristics. It also provides a projection of the Borough's housing stock and its employment projections.

❖ Section 3: Fair Share Obligation

Next, Section 3 provides an overview of the Borough's fair share obligation. It includes a brief history of the methodologies utilized to calculate affordable housing obligations throughout the state.

❖ Section 4: Fair Share Plan

Finally, Section 4 details the manner in which the Borough has addressed its prior obligations and how it will address its Fourth Round prospective need obligations.

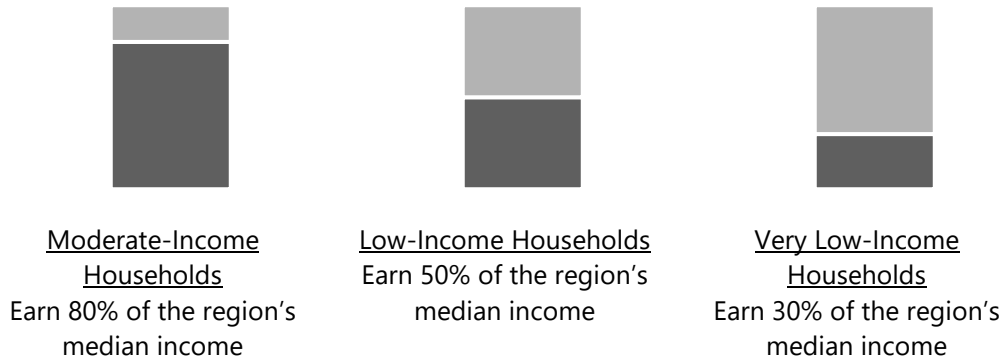
# Section 1: Introduction

The following section provides an introduction to affordable housing. It summarizes what affordable housing is, offers an overview of the history of affordable housing in the state, and explains the role of a housing element and fair share plan.

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## What is Affordable Housing?

Affordable housing is income-restricted housing that is available for sale or for rent. Most often, affordable housing is restricted to very-low, low-, and moderate-income households. These categories are derived from the state’s median regional income limits. New Jersey is delineated into six different affordable housing regions. Glen Rock is located in Region 1 which includes Bergen, Hudson, Passaic, and Sussex Counties.



Regional income limitations are typically updated every year, with different categories established for varying household sizes. The table below identifies the 2024 regional income limits by household size for Region 1. As shown, a three-person family with a total household income of no greater than \$86,697 could qualify for affordable housing in the Borough’s region.

Table 2: 2024 Affordable Housing Region 1 Income Limits by Household Size

Income Level	2 Person	3 Person	4 Person	5 Person
Median	\$96,329	\$108,371	\$120,412	\$130,045
Moderate	\$77,064	\$86,697	\$96,329	\$104,036
Low	\$48,165	\$54,185	\$60,206	\$65,022
Very-Low	\$28,899	\$32,511	\$37,568	\$39,013

One of the most common forms of affordable housing is inclusionary development, in which a certain percentage of units within a multifamily development are reserved for affordable housing. Nevertheless, affordable housing can be found in a variety of other forms, including but not limited to: one hundred percent affordable housing developments, deed-restricted accessory apartments, assisted living facilities, alternating arrangements such as supportive housing or group homes, and age restricted housing.

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## What is the History of Affordable Housing in New Jersey?



The history of affordable housing in New Jersey can be traced back to 1975, when the Supreme Court first decided in *So. Burlington Cty. NAACP v. Township of Mount Laurel* (known as Mount Laurel I) that every developing municipality throughout New Jersey had an affirmative obligation to provide for its fair share of affordable housing. In a subsequent decision in 1983 (known as Mount Laurel II), the Court acknowledged that the vast majority of municipalities had ignored their constitutional obligation to provide affordable housing.

As such, the Court refined this obligation to establish that every municipality had an obligation, although those within the growth area of the State Development and Redevelopment Plan (SDRP) had a greater obligation. The Court also called for the state legislature to enact legislation that would save municipalities from the burden of having the courts determine their affordable housing needs. The result of this decision, along with the trial court decisions implementing this decision, resulted in the enactment of the New Jersey Fair Housing Act in 1985. This Legislation created the New Jersey Council on Affordable Housing (COAH), and assigned COAH primary jurisdiction" to implement the policies embodied in that Legislation. To implement its policies, the Legislature charged COAH with adopting regulations from "time to time." Since a grant of substantive certification by COAH, like the entry of a Judgment of Repose from a court, gave municipalities only six years or protection, it was particularly important for COAH to adopt regulations from time to time. In this way, at any time, a municipality would have available to it a body of regulations by which it could determine its obligations and select from a menu of techniques to comply with its obligations.

In 1986, COAH adopted regulations for the First Round obligation, which covered the years 1987 to 1993. In 1994, COAH adopted Second Round regulations that established cumulative fair share

numbers for Rounds 1 and 2 (1987-1999). In 2004, COAH adopted the first set of Round 3 regulations. In contrast to the regulations in Rounds 1 and 2 that established fair shares based upon a determination of regions, the regional need and the allocation of the regional need, the Round 3 regulations took a "growth share" approach to determining a municipality's fair share.

In January 2007, the Appellate Division invalidated various aspects of these rules and remanded considerable portions of the rules to COAH with the directive to adopt revised regulations.

In May 2008, COAH adopted revised Third Round regulations which were published and became effective on June 2, 2008. Coincident to this adoption, COAH proposed amendments to the rules they had just adopted, which subsequently went into effect in October 2008. The second iteration of the Round 3 regulations, like the first, relied on a growth share approach.

On October 2010, the Appellate Division invalidated the second version of the Round 3 regulations largely because COAH had once again taken a growth share approach. The Appellate Division gave COAH five months to adopt new regulations that established fair share obligations in the manner that it established regulations in Rounds 1 and 2 and not through growth share.

In September 2013, the Supreme Court decided the challenges to the Appellate Division's rulings in October of 2010. The Supreme Court affirmed the Appellate Division's decision and again gave COAH five months to adopt new regulations that established fair share obligations in the manner that it established regulations in Rounds 1 and 2 and not through growth share.

COAH proposed regulations similar to those it adopted in Rounds 1 and 2 to establish fair share obligations. It considered thousands of comments to its proposed regulations, and it scheduled a hearing to consider the adoption of Round 3 regulations. However, when it came time to vote on the regulations, COAH deadlocked 3-3. More importantly, COAH took no action in the wake of that deadlock to break the deadlock.

In response to the deadlock and the Supreme Court's ruling that there would be consequences if COAH failed to adopt lawful Round 3 regulations, Fair Share Housing Center, who was a party in both the 2010 and 2013 cases, filed a motion in aid of litigants' rights with the New Jersey Supreme Court.

The Court heard the motion on January 6, 2015, and issued its ruling on March 10, 2015. In that decision, commonly referred to as "Mount Laurel IV", the Court ruled that COAH was "moribund" and consequently turned over the tasks of implementing the Fair Housing Act back to the trial courts where it had originally been prior to the creation of COAH in 1985. In addition, Mount Laurel IV created a process in which municipalities may secure protection from exclusionary zoning suits by filing a declaratory judgment action seeking a declaration that a Housing Element and Fair Share Plan is constitutionally compliant and applying for immunity while the court is processing the application for approval of a Housing Element and Fair Share Plan.

On January 18, 2017, the Supreme Court addressed an issue unresolved up to that point: namely, what if any is the responsibility of municipalities with respect to the so-called “gap period.” The gap period is the time between 1999 and 2015, when all agree Round 4 would commence. The Court expanded the obligation of municipalities to address the present and prospective needs by requiring them to accept an obligation for affordable housing for the gap period.

In Mount Laurel IV, the Supreme Court ended its opinion as follows:

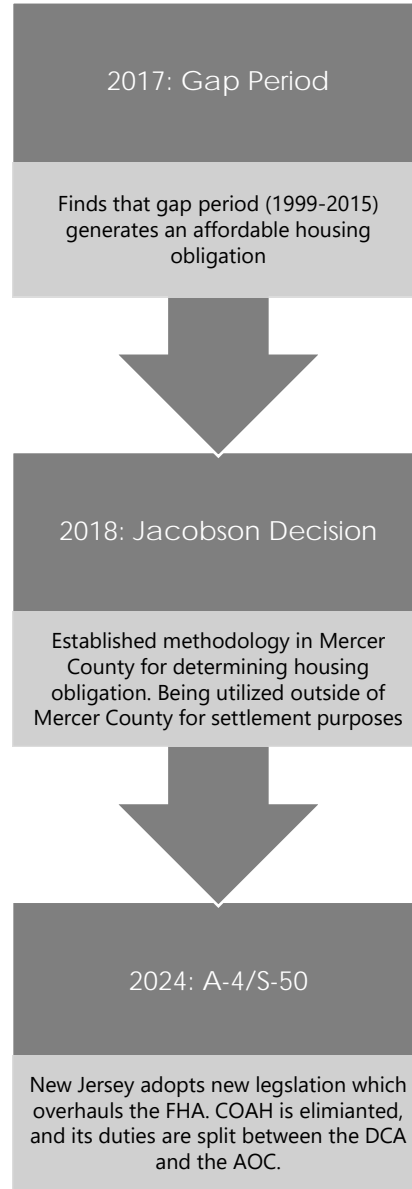
“It is our hope that an administrative remedy will again become an option for those proactive municipalities that wish to use such means to obtain a determination of their housing obligations and the manner in which those obligations can be satisfied.”

However, before COAH could be reconstituted and against the backdrop of litigation seeking to compel Governor Murphy to comply with the Fair Housing Act and nominate members to the COAH Board, the Senate President and Speaker of the House announced that there would be new legislation that would abolish COAH. That announcement was made in December of 2024.

On March 20, 2024, after enormous pressure was applied to support new legislation, the Legislature adopted, and the Governor signed an amendment to the Fair Housing Act to abolish COAH and make substantial changes. This plan refers to the Fair Housing act as amended as FHA II.

FHA II established standards for determining fair share obligations and assigned the DCA with the task of preparing a non-binding report setting forth the fair share of every municipality based on those standards. FHA II also created the Affordable Housing Dispute Resolution Program (the “Program”) and tasked the Program with trying to resolve disputes over the obligations generated by the fair share formula embedded in the Act in the first instances and then with the affordable housing plans municipalities adopted and endorsed to comply with their obligations in the second instance.

These regulations were challenged and in January 2007, the Appellate Division invalidated various aspects of these rules and remanded considerable portions of the rules to COAH with the directive to adopt revised regulations.



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## What is a Housing Element and Fair Share Plan?

A Housing Element and Fair Share Plan (HE&FSP) serves as the blueprint for how a municipality will address its fair share of affordable housing. It is designed to help a community broaden the accessibility of affordable housing.

While technically a discretionary component of a municipal master plan, a HE&FSP is nevertheless an effectively obligatory plan element. As established by NJSA 40:55D-62.a of the Municipal Land Use Law (MLUL), a municipality must have an adopted HE&FSP in order to enact its zoning ordinance.

Thus, from a public policy perspective, a HE&FSP is an essential community document. Moreover, without a HE&FSP, a municipality may be susceptible to a builder's remedy lawsuit in which a developer could file suit to have a specific piece of property rezoned to permit housing at higher densities than a municipality would otherwise allow, provided a certain percentage of units are reserved as affordable.

The **Municipal Land Use Law (MLUL)** is the enabling legislation for municipal land use and development, planning, and zoning for the State of New Jersey.

The current version of the Fair Housing Act – FHA II – requires a housing element to include the following components:

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 ten 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;
6. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and 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;

7. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission;
8. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands conforming municipalities;
9. An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

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### Glen Rock's Affordable Housing History

The following summarizes the Borough's numerous efforts to address affordable housing in Glen Rock as obtained from the narrative provided in the Borough's 2020 Housing Plan report.

The Borough of Glen Rock has prepared several Housing Elements and Fair Share Plans over the years to address its affordable housing obligations. As noted above, COAH had originally adopted a 'fair share' methodology to determine housing-need numbers for all municipalities in the state in 1987 and again in 1994.

The Borough's initial effort to address its Mount Laurel obligation was set forth in a substantive certification by COAH on February 26, 1990, whereby Glen Rock Housing and Fair Share Plan noted a low and moderate income housing obligation of 207 units which was reduced to 0 after a vacant land adjustment was granted as part of the first round certification. Following the time period of second round certification, Glen Rock submitted and received second round certification on October 2, 1996, which identified a second-round obligation of 118 units new construction and rehabilitation of 31 units. The Borough at that time received confirmation that they were entitled to a vacant land adjustment which identified again an RDP of 0 units while also granted a waiver from N.J.A.C. 5:93-4.1(b) from providing mechanisms to address unmet need. The borough also received 2 rehabilitation credits bringing the rehabilitation obligation to 29 units at the time.

The Borough of Glen Rock also prepared and submitted a series of Third Round plans to address the former criteria under growth share. The Borough adopted a Housing Element and Fair Share Plan to address the Third-Round obligation on November 3, 2005 which was submitted to COAH for certification. COAH subsequently issued a report on July 21, 2006 requesting additional information wherein the Borough responded with an amended plan on October 13, 2006.

The amended plan was not certified by COAH since there was litigation regarding the use of the growth share formulas. In 2010, the Appellate Division again invalidated COAH's revised Third Round rules, including the "growth share" methodology that COAH had

promulgated in 2007 to determine municipalities' fair share affordable housing obligations. This ruling established that the Housing Element and Fair Share Plan submitted by the Borough of Glen Rock in 2006, was invalid due to the change in the methodology to formulate a plan so the Borough awaited the production of new rules by which to address affordable housing need. On September 26, 2013, the Court affirmed the Appellate Division's decision striking down COAH's Third Round rules and ordered COAH to promulgate new regulations in accordance with its first and second round regulations.

It is evident by the efforts noted above that the Borough of Glen Rock has continuously strived to address their affordable housing requirements as determined by COAH. Irrespective of ongoing changes in these requirements that have been totally out of the control of the Borough, Glen Rock has actively sought to generate affordable housing using other mechanisms. The Borough received its final Judgment of Repose in Round 3, dated October 11, 2023, based upon the laws established by Mount Laurel IV. The Borough has actively managed spending to realize and establish locations where affordable housing can be established using their Affordable Housing Trust Fund (see the attached Spending Plan) and sought to incorporate affordable units through municipal board review of new applications for development.

# Section 2: Housing Element

The following section provides the housing element for the Borough of Glen Rock. It offers an overview of its community, as well as back information regarding its population, housing, and employment characteristics. It also provides a projection of the Borough's housing stock and its employment projections.

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## *Information Regarding Data Sources*

*The information contained in Section 2.2 entitled "Population Demographics," Section 2.3 entitled "Inventory of Housing Stock," Section 2.4 entitled "Employment Demographics," and Section 2.5 entitled "Housing & Employment Projections" was obtained from a variety of publicly available data sources. These are summarized below:*

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1. United States Decennial Census

The US Census is described in Article I, Section 2 of the Constitution of the United States, which calls for an enumeration of the people every ten years for the apportionment of seats in the House of Representatives. Since the time of the first Census conducted in 1790, it has become the leading source of data about the nation's people and economy. Please note that all incomes reported in the Census are adjusted for inflation.
2. American Community Survey (ACS)

The American Community Survey is a nationwide ongoing survey conducted by the US Census Bureau. The ACS gathers information previously contained only in the long form version of the decennial census, such as age, ancestry, educational attainment, income, language proficiency, migration, disability, employment, and housing characteristics. It relies upon random sampling to provide ongoing, monthly data collection. Please note that all incomes reported in the ACS are adjusted for inflation.
3. New Jersey Department of Health

The New Jersey Department of Health is a governmental agency of the State of New Jersey. The department contains the Office of Vital Statistics and Registry, which gathers data regarding births, deaths, marriages, domestic partnerships, and civil unions.
4. New Jersey Department of Community Affairs (DCA)

The New Jersey Department of Community Affairs is a governmental agency of the State of New Jersey. Its function is to provide administrative guidance, financial support, and technical assistance to local governments, community development organizations, businesses, and individuals to improve the quality of life in New Jersey.
5. New Jersey Department of Labor and Workforce Development

The New Jersey Department of Labor and Workforce Development is a governmental agency of the State of New Jersey. One of its roles is to collect labor market information regarding employment and wages throughout the state.

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## 2.1: Community Overview

The Borough of Glen Rock is located in the northwesterly portion of Bergen County. It is bounded by five municipalities, including: the Village of Ridgewood to the north; the Borough of Paramus to the east; the Borough of Fair Lawn to the south, the Borough of Hawthorne to the southwest and the Township of Wyckoff to the northwest. The Borough is essentially a fully developed community with very little vacant land remaining for development.

The total land area of the Borough is 1464.6 acres (without streets/roads). The Borough currently contains 4,166 parcels. The majority of the Borough is primarily characterized by residential development. In fact, over 1,039.2 acres of the municipality's total land area (93.45 percent) consists of residential uses.

Commercial land uses account for a total of 63.6 acres, or approximately 2.47 percent of the Borough's total land use area. Industrial land use constitutes the largest commercial use with 110 parcels covering 83.6 acres.

Land uses under the Public/Semi-Public classification comprise the second largest land use category in Glen Rock, accounting for 280.4 acres, or 2.3 percent of the Borough's total land area. Semi-public land uses, including places of worship and other non-profit organizations, account for 0.38 percent of the Borough's total land area, while schools comprise an additional 1.78 percent.

The Borough contains one Class I rail line that traverses the Borough from North to South. The rail line covers more than 33 acres in the Borough.

Table 3: Existing Land Uses

Land Use		Acres	% of Total Acres	Parcels	% of Total Parcels
Residential	Low Density	1022.9	69.84%	3768	90.45%
	Multifamily	16.3	1.11%	125	3.00%
Commercial	Commercial	63.6	4.34%	103	2.47%
	Other	0.0	0.00%	0	0.00%
Public/Semi-Public	Municipal Property	196.2	13.40%	74	1.78%
	Public School	55.0	3.76%	6	0.14%
	Church & Charitable	29.2	1.99%	16	0.38%
Other	Vacant	8.6	0.59%	34	0.82%
	Industrial	20.0	1.37%	7	0.17%
	Rail/Utility	49.6	3.39%	23	0.55%
	Other Exempt	3.2	0.22%	10	0.24%

Source: ArcGIS Calculations

Regional access to the Borough is provided by several county and state roadways. Circulation north to south is provided by Maple Avenue (County Route 507), Harristown Road (County Route 128), Ackerman Avenue (Route 9A) and the Boulevard and Doremus Avenue which provide access to NJ State Route 208 from the south. Rock Road (County Route 134) and Grove Street with connections to Route 17 and Garden State Parkway in the Borough of Paramus to the east.



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## 2.2: Demographic and Population Data

Analyzing demographic and population data is a necessary and integral step in planning for the future needs and demands of a community. As such, the following section outlines the demographic changes experienced by the Borough of Glen Rock over the past several decades.

This section is an analysis of demographic information is obtained from the 2010 Decennial Census as well as the 2010 and 2023 American Community Survey (ACS) 5-year estimates. The ACS data consists of estimates based upon data averages across a five-year span, otherwise known as “period” estimates. They are not actual counts, rather they are representative of data collected over a period of time and thus may not be directly comparable to decennial census figures. For example, the 2023 ACS includes data collected from 2019, 2020, 2021, 2022 and 2023. The following provides an assessment of population size, rate of population growth, age characteristics, as well as household size and income levels. Each of these items is described in detail below. This information is vital for the Borough to carefully plan for the current and future needs of its residents and the community.

### Population Changes

The Borough experienced a slight decline in population from 1970 to the 1990s. The reduction in the population at that time could be attributable to the aging population and homes with children aging into adulthood and moving onto new locations. The Borough regained the losses by the year 2020 although is also experiencing loss of population more recently according to the ACS 2023 estimates

Table 44: Population Growth, 1950-2023

<b>Year</b>	<b>Population</b>	<b>Population Change</b>	<b>Percent Change</b>
1950	7,145		
1960	12,896	5,751	45%
1970	13,011	115	1%
1980	11,497	-1,514	-13%
1990	10,883	-614	-6%
2000	11,546	663	6%
2010	11,601	55	0%
2020	12,133	532	4%
2023	12,082	-51	4%

*Source: US Census Bureau; 2020 Decennial Census, 2023 American Community Survey Five-Year Estimate*

## Age Characteristics

As shown in the age distribution table below, the Borough's age characteristics show a slight increase in median age from 39.5 years in 2000 to 40 according to the 2023 ACS data. The largest age cohort in 2023 represented 19.4% of the population (45-54 age group) was also the largest cohort in 2010 (19.4%). The age groups showing declines between the 2010 census and the 2023 ACS data appear to be 25-34, 35-44, and 55-64.

Table 55: Age Characteristics, 2000, 2010 and 2023

Age Group	2000		2010		2023*	
	Pop	%	Pop	%	Pop	%
under 5	962	8.3%	703	6.1%	872	7.2%
5-14	1,987	17.2%	2,130	18.4%	2292	19.0%
15-24	897	7.8%	1,235	10.6%	1672	13.8%
25-34	954	8.3%	643	5.5%	466	3.9%
35-44	2,214	19.2%	1,643	14.2%	1586	13.1%
45-54	1,874	16.2%	2,253	19.4%	2347	19.4%
55-64	1,079	9.3%	1,494	12.9%	1300	10.8%
65-74	742	6.4%	729	6.3%	697	5.8%
75-84	644	5.6%	529	4.6%	606	5.0%
85+	193	1.7%	242	2.1%	244	2.0%
<b>Total</b>	<b>11,546</b>	<b>100</b>	<b>11,601</b>	<b>100</b>	<b>12,082</b>	<b>100</b>
<b>Median Age</b>	<b>39.5</b>		<b>40.8</b>		<b>40.0</b>	

Sources: U.S. Census; & 2023 American Community Survey 5-Year Estimates.

### Household Tenure and Occupancy

The data shown on the following table indicates that the breakdown between the share of owner occupied and rental occupied units has remained largely the same since 2010 with the majority of units being owner occupied. Housing vacancies have decreased over this time frame from 9.72% in 2010 to 5.30% in 2023.

Table 6: Owner-Occupied and Renter-Occupied Units, 2000-2023

Category	2000		2010		2023*	
	# of Units	%	# of Units	%	# of Units	%
Owner Occupied	3,677	91.4%	3,612	90.0%	3,341	89.0%
Renter Occupied	300	7.5%	305	7.6%	337	8.9%
Vacant Units	47	1.2%	99	2.4%	77	2.1%
<b>Total</b>	<b>4,024</b>	<b>100</b>	<b>4,016</b>	<b>100</b>	<b>3,755</b>	<b>100</b>

Sources: U.S. Census; & 2023 American Community Survey 5-Year Estimates

### Average Household Size

The census data shown below presents how the Borough's average household size increased from 3.11 in 2010 to 3.3 in 2023 while the Bergen County average household size remained somewhat steady at 2.66 over the same time period. The total population increased from 2010 to 2023, while the number of households slightly increased over the same span according to the estimates.

Table 7: Average Household Sizes, 2010-2023

Year	Total Population	Number of Households	Average Household Size	Average Household Size
			Glen Rock	Bergen County
2000	11,546	3,977	2.90	2.89
2010	11,601	3,708	3.11	2.63
2023*	12,082	3,755	3.30	2.66

Sources: U.S. Census; & 2023 American Community Survey 5-Year Estimates

### Household Income

The following data from the 1999 census and the 2023 ACS indicates that the median household income in Glen Rock increased more than 50% from 1999 to 2023 increasing from \$104,192 to \$210,369.

Table 8: Household Incomes, 1999-2023

Income Category	1999		2023*	
	Number	%	Number	%
less than \$10,000	77	1.9	40	1.1
\$10,000 to \$14,999	39	1.0	24	0.7
\$15,000 to \$24,999	169	4.3	17	0.5
\$25,000 to \$ 34,999	200	5.0	101	2.7
\$35,000 to \$ 49,999	254	6.4	63	1.7
\$50,000 to \$74,999	553	13.9	219	6.0
\$75,000 to \$99,999	570	14.4	204	5.5
\$100,000 to \$149,999	862	21.7	656	17.8
\$150,000 to \$199,000	557	14.0	374	10.2
\$200,000 or more	685	17.3	1980	53.8
Total	<b>3,966</b>	<b>100</b>	<b>3,678</b>	<b>100</b>
Median Income (Household)	<b>\$104,192</b>		<b>\$210,369</b>	

Source: US Census Bureau; 2023 American Community Survey 5-Year Estimates.

### 2.3: Inventory of Housing Stock

This section of the analysis provides an inventory of the Borough’s housing stock. The inventory details housing characteristics such as age, condition, purchase/rental value and occupancy. It also details the number of affordable units available to low- and moderate-income households and the number of substandard housing units capable of being rehabilitated. As previously noted, the latest information from the American Community Survey consists of five-year estimates by the Census Bureau, not actual counts and may not be directly comparable to census figures.

#### Number of Housing Units

As illustrated in the table below, the overall number of housing units within the Borough has continued to increase from the 1980s through 2010. Understandably, the slowest percentage increase in numbers was between 2000 and 2010 during the Great Recession. What seems to be an ACS estimation anomaly, the number of units decreases from 2010 to 2023 although it is unclear why this is the result in the data since it is very unlikely there was such a reduction in total housing units..

Table 9: Housing Units, 1970-2023

Year	Housing Units	Numerical Change	% Change
1970	3,749		
1980	3,777	28	0.7%
1990	3,963	186	4.9%
2000	4,024	61	1.5%
2010	4,016	-8	0.2%
2023*	3,755	-261	-0.6%

Source: US Census Bureau, 2023 ACS Five-Year Estimate

### Units in Structure for Occupied Units

Information regarding the number of dwelling units in housing structures provides insights into the types of housing which exist throughout the Borough. The following table offers insights into the unit-composition of the Borough's structures since 2000.

The Borough's housing stock has historically been comprised of single-family detached and attached dwellings. The 2023 ACS estimate data provided in the table below shows a total of 3,375 single-family detached dwellings which amount to 90 percent of all housing units in the Borough. This percentage is a decrease from 2010 when single-family dwellings accounted for approximately 92.7 percent. There was an increase from 2000 to 2023 in the number of structures containing 10 units or more which represents 2.8 percent of overall units.

Table 10: Units in Structure, 2000, 2010, 2023

Units in Structure	2000		2010*		2023**	
	No.	%	No.	%	No.	%
Single Family, Detached	3,751	93.2%	3,624	92.7%	3,375	89.9%
Single Family, Attached	94	2.3%	114	2.9%	127	3.4%
2	71	1.8%	73	1.9%	132	3.5%
3 or 4	26	0.6%	10	0.2%	6	0.2%
5 to 9	5	0.1%	0	0.0%	0	0.0%
10 to 19	0	0.0%	0	0.0%	31	0.8%
20+	77	1.9%	88	2.3%	74	2.0%
Mobile Home	0	0.0%	0	0.0%	10	0.3%
Other	0	0.0%	0	0.0%	0	0.0%

\* 2010 data is the average between January 2006 and December 2010.

\*\* 2022 data is the average between January 2018 and December 2022.

Sources: 2000 U.S. Census; 2010 and 2022 American Community Survey 5-Year Estimates.

## Purchase and Rental Value of Housing Units

The following two tables identify purchase values and rental values for the specified owner-occupied and renter-occupied units in Tenafly.

As shown in Table 11 the purchase values of the Borough's owner-occupied housing stock have typically exceeded those of the State of New Jersey and have been somewhat commensurate to those of Bergen County. Over the past thirteen years, the median value of the Borough's owner-occupied housing stock is estimated to have increased approximately 132%, from \$618,800 in 2010 to \$817,300 in 2023. This represents a lower percentage increase than that of the County (145.8%) and the State (169.9%).

The median contract rental value in the borough has typically remained higher than both Bergen County and the State of New Jersey. Over the past twenty-three years, the median gross rent increased approximately 61.3%. This represents a lower percentage increase than that experienced by the County (99.9%) and the State (99.8%).

Table 11: Value of Owner-Occupied Units, 2000-2023

Value Range	2010		2023	
	Number	Percent	Number	Percent
Less than \$50,000	10	0.3%	31	0.9
\$50,000 to \$99,999	15	0.4%	18	0.5
\$100,000 to \$149,999	0	0.0%	88	2.6
\$150,000 to \$199,999	10	0.3%	21	0.6
\$200,000 to \$299,999	110	3.1%	11	0.3
\$300,000 to \$499,999	833	23.3%	184	5.5
\$500,000 to \$999,999	2382	66.7%	2033	60.9
\$1,000,000 or More	213	6.0%	955	28.6
<b>Total</b>	<b>3,573</b>	<b>100.0%</b>	3,341	100.0%
Township Median Value		\$618,800		\$817,300
Bergen County Median Value		\$482,300		\$615,300
New Jersey Median Value		\$357,000		\$461,000

Source: US Census Bureau; 2010 and 2023 American Community Survey Five-Year Estimates.

Table 12: Specified Renter Occupied Housing Units by Rent, 2000-2023

Value Range	2000		2010		2023	
	Number	Percent	Number	Percent	Number	Percent
Less than \$200	0	0.0%	0	0.0%	0	0.0%
\$200 to \$299	0	0.0%	0	0.0%	0	0.0%
\$300 to \$499	0	0.0%	0	0.0%	0	0.0%
\$500 to \$749	16	6.5%	0	0.0%	0	0.0%
\$750 to \$999	47	19.2%	9	6.7%	0	0.0%
\$1,000 to \$1,499	144	51.0%	50	37.0%	17	5.1%
\$1,500 to \$1,999	60	14.3%	47	34.8%	173	51.3%
\$2,000 or more	-	-	-	-	147	43.6%
No Cash Rent	33	9%	29	21.5%	0	0.0%
Total	300	100.0%	135	100.0%	337	100.0%
Borough Median Value		\$1,188		\$1,425		\$1,938
Bergen County Median Value		\$872		\$1,236		\$1,743
New Jersey Median Value		\$751		\$1,092		\$1,498

Source: US Census Bureau; 2000, 2010 and 2023 American Community Survey Five-Year Estimates.

### Deficient Housing Units

Neither the Census nor the ACS classify housing units as deficient. However, the Fair Housing Act defines a “deficient housing unit” as housing which: is over fifty years old and overcrowded; lacks complete plumbing, or; lacks complete kitchen facilities.

Accordingly, the following tables are intended to provide insights into the extent to which the Borough has deficient housing units. Table examines the extent to which there is overcrowding in the Borough’s housing stock. Overcrowding is typically associated with housing units with more than one occupant per room. As shown, the estimated number of occupied housing units considered to be overcrowded is negligible

Table 13: Occupants Per Room (2023)

Occupants per Room	Owner-Occupied	Renter-Occupied
0.50 or Fewer	2,761	170
0.51 to 1.00	551	167
1.01 to 1.50	29	0
1.51 to 2.00	0	0
2.01 or More	0	0
Total	3,341	337

Source: 2023 American Community Survey Five-Year Estimates.

Table below identifies housing units with complete plumbing and kitchen facilities. As shown, all occupied units in the Borough were identified as having complete plumbing and kitchen facilities.

Table 14: Plumbing and Kitchen Facilities (2023)

	<b>Units with Complete Facilities</b>	<b>Units without Complete Facilities</b>
Plumbing	3669	0
Kitchen	3663	3

Source: 2023 American Community Survey Five-Year Estimates.

## 2.4: Housing and Employment Projection

The following section identifies the extent to which redevelopment housing and economic development has occurred in the community, which can assist in the determination of future residential and employment projections.

### Recent Residential Development Activity

One way of examining the stability of a community’s housing stock is by comparing the number of residential building permits issued for new construction as well as demolition permits issued every year. Since 2016, the Borough has annually issued an average of 8.8 and 6.1 building permits and demolition permits, respectively. This results in an average positive net of 3.0 permits annually. This is reflective of the Borough’s established development pattern.

Table 15: Residential Building Permits and Demolition Permits

<b>Year</b>	<b>Building Permits</b>				<b>Net</b>
	<b>1 &amp; 2 Family</b>	<b>Multifamily</b>	<b>Total</b>	<b>Demos</b>	
2016	6	0	6	5	1
2017	10	0	10	3	7
2018	11	0	11	14	-3
2019	8	0	8	4	4
2020	8	0	8	7	1
2021	8	0	8	6	2
2022	14	2	16	10	6
2023	6	0	6	0	6
<b>Total</b>	<b>71</b>	<b>2</b>	<b>73</b>	<b>49</b>	<b>24</b>

Source: Department of Community Affairs

### Covered Employment

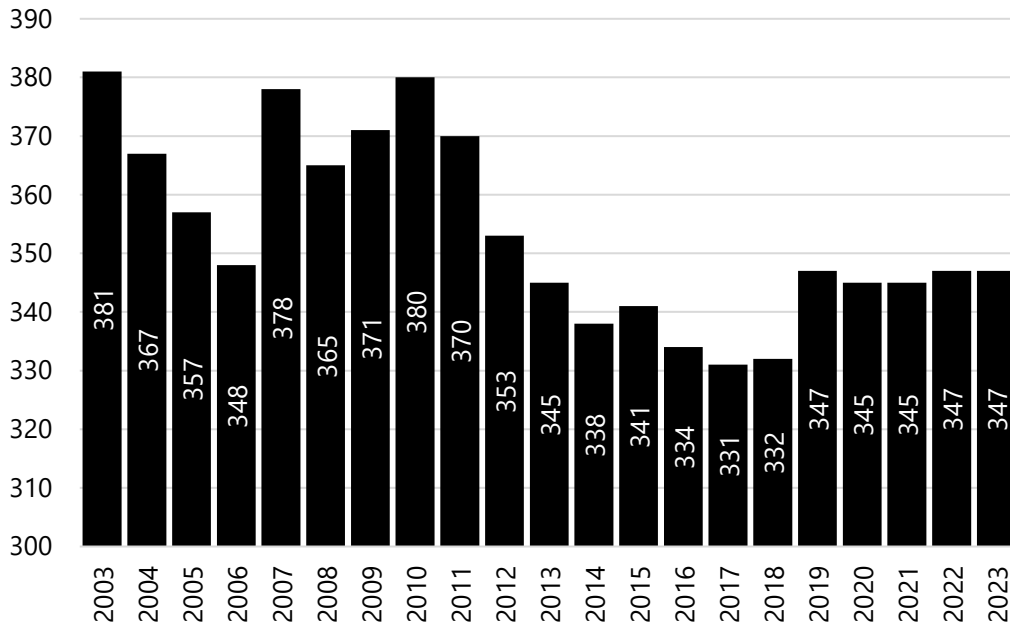
Figure 1 and Figure 2 below provide data on the Borough’s covered employment trends between 2004 and 2023, as reported by the New Jersey Department of Labor and Workforce Development. “Covered employment” refers to any employment covered

under the Unemployment and Temporary Disability Benefits Law. Generally, nearly all employment in the state is considered to be “covered employment.”

Figure 1 depicts the number of reported “employment units” within the Borough. An “employment unit” is defined as an individual or organization which employs one or more workers. As shown, the Borough experienced a fairly consistent loss of employment units between 2003 and 2018. Since that time, however, the number of employment units has remained relatively stable. As of 2023, there were a reported 347 employment units in the Borough.

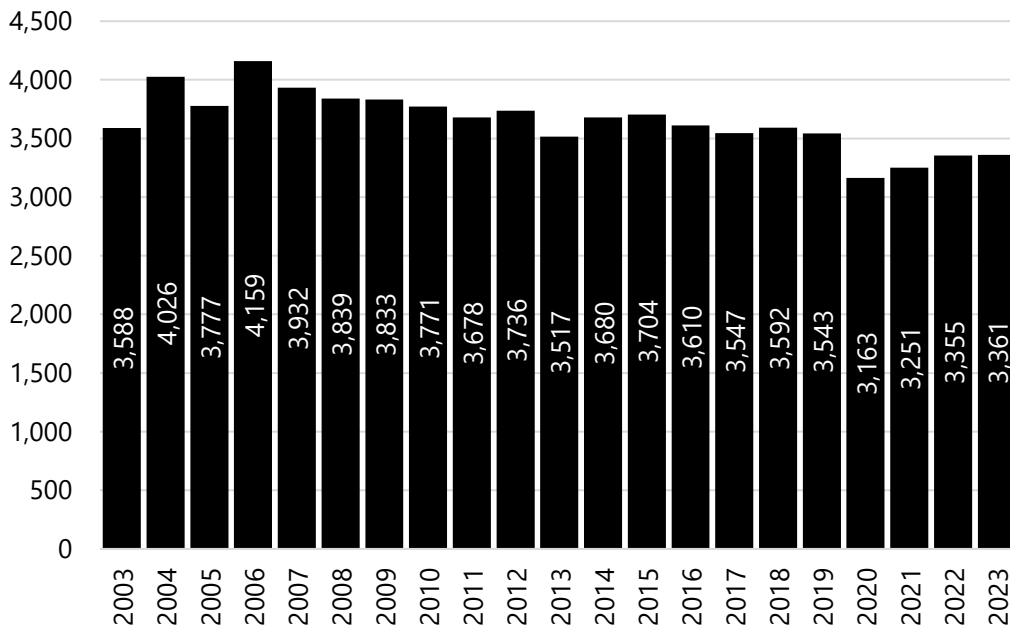
Similarly, employment levels have typically decreased since 2005. The most dramatic decrease occurred between 2019 and 2020, wherein employment in the Borough decreased by a reported 10.7%. This may be attributed to COVID-19 pandemic. Since that time, employment in the Borough has increased. As of 2023, the Borough’s reported covered employment was 3,361 individuals.

Figure 1: Covered Employment Units, 2003-2023



Source: Department of Labor and Workforce Development

Figure 2: Covered Employment, 2003-2023



Source: Department of Labor and Workforce Development

# Section 3: Fair Share Obligation

The following section provides an overview of the Borough’s fair share obligation. It includes a brief overview of the methodology utilized to calculate affordable housing obligations throughout the state.

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## 3.1: Summary of Fair Share Obligation

On March 20, 2024, the State of New Jersey adopted a package of affordable housing bills which overhauled the Fair Housing Act (FHA).

The FHA now designates the Department of Community Affairs (DCA) as the entity responsible for calculating the state’s regional needs. Specifically, NJSA 52:27D-304.2 establishes the methodology to be utilized by the DCA to determine the state’s regional prospective needs of low- and moderate-income housing for the ten-year period spanning from July 1, 2025 to June 30, 2035. In summary, the projected household change for this period is estimated by establishing the household change experienced in each region between the most recent federal decennial census and the second-most recent decennial census. This household change, if positive, is then to be divided by 2.5 to estimate the number of low- and moderate-income homes needed to address low- and moderate-income household change in the region for the next ten years. This methodology resulted in a statewide prospective need of 84,698 low- and moderate-income units.

Furthermore, the DCA is also the entity responsible for calculating each municipality’s present and prospective fair share obligations. However, the FHA makes clear that these calculations are advisory and that each municipality must set its own obligation number utilizing the same methodology.

On January 22, 2025, Glen Rock adopted Resolution #57-25 (see Appendix) which accepted the DCA’s present and identified an adjustment to the prospective fair share obligation calculations for the Borough. As noted earlier, the Borough’s Prospective Need obligation was established at 201 affordable units by a Superior Court order issued on June 4, 2025. The Borough did reserve the right to conduct a vacant land adjustment (VLA) to determine its realistic development potential (RDP). This is discussed in greater detail in the next subsection.

Table 166: Summary of Fair Share Obligation-Fourth Round

<b>Affordable Obligation</b>	<b>Units</b>
Present (Rehabilitation Need) Obligation	0
Fourth Round Obligation (2025-2035)	201

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### 3.2: Realistic Development Potential (RDP)

The Borough of Glen Rock is a fully developed community and received a series of approvals to adjust its obligation in accordance with a procedure set forth in the FHA. Specifically, N.J.S.A. 52:27D-310.1 permits municipalities to perform a realistic development potential (RDP) analysis by seeking a vacant land adjustment (VLA).

An RDP analysis is intended to determine which sites in a municipality are most likely to develop for low- and moderate-income housing. Municipalities may present documentation that eliminates a site or part of a site from its inventory of vacant land. Such eliminating factors include: lands dedicated for public uses other than housing since 1997; park lands or open space; vacant contiguous parcels in private ownership of a size which would accommodate fewer than five housing units; historic and architecturally important sites listed on the State Register of Historic Places or the National Register of Historic Places; preserved architectural lands; sites designated for active recreation; and environmentally sensitive lands.

A VLA was previously conducted for the Borough's 2020 HE&FSP. This analysis identified privately-owned and publicly owned vacant sites in the Borough, which encompass a total of 19.89 acres. Of this total, 8.47 acres are comprised of vacant sites that are minimally 0.83 acres. The analysis then evaluated each site identified including the presence of environmental constraints (wetlands, steep slopes, riparian zones, and flood plains), pursuant to the applicable regulations at NJAC 5:93-4.2. This review of the applicable environmentally sensitive features identified that only one vacant site, containing 0.71 acres, was applicable for the calculation in the VLA.

As required by the applicable regulations in order to fully evaluate the development potential of the Borough, during negotiations of the Third Round settlement agreement, the analysis of additional sites either having the potential to redevelop or to be included for development were identified during the negotiations of the settlement agreement. The properties that were identified included four properties. A minimum presumptive density of twelve (12) dwelling units per acre was imposed on the 0.71 acres of vacant land plus the 4 areas noted above. The result totaled an RDP of 25.8 which is required to be rounded upward to 26 units.

A new review VLA has been conducted for the Borough. For the sake of continuity, it includes many of the properties which were analyzed in the 2020 HE&FSP and one additional lot not included. Next, wetland, steep slope, and floodplain information pursuant to the applicable regulations were applied to these vacant sites. The remaining acreage of sites, minimally 0.83 acres in size, was then recalculated.

This analysis revealed that there are no newly vacant properties which meet the aforementioned 0.83-acre threshold. Therefore, the Borough's RDP for the Fourth Round is zero affordable units. A copy of the VLA can be found in Table 17.

Table 17: Vacant Land Adjustment

<b>ID#</b>	<b>Block</b>	<b>Lot</b>	<b>Lot Area Pre-Enviro (AC)</b>	<b>Lot Area Post Enviro (ac)</b>	<b>Comments</b>	<b>New Applied Density</b>	<b>New RDP @ 20% (units)</b>
1	80	9	0.15	0.15	Non-Contributing to RDP	0.00	0.00
2	127	17	0.16	0.00	Non-Contributing to RDP	0.00	0.00
3	23	14	0.16	0.14	Non-Contributing to RDP	0.00	0.00
4	49	8	0.29	0.25	Non-contributing to RDP	0.00	0.00
5	238	26	0.09	0.09	Non-Contributing to RDP	0.00	0.00
6	49	6	0.23	0.23	Non-Contributing to RDP	0.00	0.00
7	128.04	1	0.26	0.21	Non-Contributing to RDP	0.00	0.00
8	238	23	0.07	0.07	Non-Contributing to RDP	0.00	0.00
9	26	8	0.11	0.09	Non-Contributing to RDP	0.00	0.00
10	42	8	0.01	0.01	Non-Contributing to RDP	0.00	0.00
11	21	19	0.14	0.14	Non-Contributing to RDP	0.00	0.00
13	37	24.02	0.09	0.06	Non-Contributing to RDP	0.00	0.00
14	128.03	1	0.84	0.64	Property owned by PSE&G for OH Lines	0.00	0.00
15	127	24	0.45	0.00	Non-Contributing to RDP	0.00	0.00
16	121	22	0.07	0.07	Non-Contributing to RDP	0.00	0.00
17	128.05	1	0.57	0.57	Property owned by PSE&G for OH Lines	0.00	0.00
18	48	1	0.09	0.08	Non-Contributing to RDP	0.00	0.00
19	238	24	0.08	0.07	Non-Contributing to RDP	0.00	0.00
20	128.02	1	3.59	2.58	Property owned by PSE&G for OH Lines	0.00	0.00

<b>ID#</b>	<b>Block</b>	<b>Lot</b>	<b>Lot Area Pre-Enviro (AC)</b>	<b>Lot Area Post Enviro (ac)</b>	<b>Comments</b>	<b>New Applied Density</b>	<b>New RDP @ 20% (units)</b>
21	128.06	1	0.65	0.64	Property owned by PSE&G for OH Lines	0.00	0.00
22	87	3	0.06	0.02	Non-Contributing to RDP	0.00	0.00
23	227	7	0.25	0.25	Changed to Class 2	0.00	0.00
24	129	21	0.58	0.05	Non-Contributing to RDP		
25	127	19	0.83	0.36	Non-contributing to RDP	0.00	0.00
26	46	7	0.16	0.00	Non-Contributing to RDP	0.00	0.00
27	221	7	0.24	0.24	Changed to Class 2		
28	49	7	0.04	0.04	Non-Contributing to RDP	0.00	0.00
29	46	8	0.02	0.00	Non-Contributing to RDP	0.00	0.00
30	129	19	1.24	0.00	Non-Contributing to RDP	0.00	0.00
31	121	16	0.37	0.37	Non-Contributing to RDP	0.00	0.00
32	128.07	1	1.91	0.93	Property owned by PSE&G for OH Lines	0.00	0.00
33	127	23	0.90	0.00	Non-Contributing to RDP	0.00	0.00
34	129	20	0.20	0.00	Non-Contributing to RDP	0.00	0.00
35	40	13	0.04	0.04	Non-Contributing to RDP	0.00	0.00
36	238	25	0.04	0.04			
37	241	1	0.09	0.09	Non-Contributing to RDP	0.00	0.00
38	181	3.02	0.45	0.45	Non-contributing to RDP	0.00	0.00
39	127	2.02	1.37	1.37	Third Round RDP- lot area counted as lot 2 before subdivision	0.00	0.00
<b>Total</b>						<b>0.00</b>	<b>0.00</b>

Map 2: Vacant Land Adjustment Map



# Section 4: Fair Share Plan

The following Fair Share Plan outlines the components and mechanisms the Borough will utilize to address its affordable housing obligations. These obligations are summarized as follows:

Table 18: Affordable Housing Obligation Summary

Category	Obligation
Prior Round Obligation (1987-1999)	118
Third Round Obligation (1999-2025)	301
Fourth Round Obligation (2025-2035)	201 (DCA 222)
Present Need (Rehabilitation) Obligation	0

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## 4.1: Prior Round Obligation

The Borough's initial effort to address its Mount Laurel obligation was set forth in a substantive certification by COAH on February 26, 1990, whereby Glen Rock Housing and Fair Share Plan noted a low and moderate income housing obligation of 207 units which was reduced to 0 after a vacant land adjustment was granted as part of the first round certification. Following the time period of second round certification, Glen Rock submitted and received second round certification on October 2, 1996 which identified a second-round obligation of 118 units new construction and rehabilitation of 31 units. The Borough at that time received a confirmation that they were entitled to a vacant land adjustment which identified again an RDP of 0 units while also granted a waiver from N.J.A.C. 5:93-4.1(b) from providing mechanisms to address unmet need. The borough also received 2 rehabilitation credits bringing the rehabilitation obligation to 29 units at the time.

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## 4.2: Third Round RDP and Unmet Need Obligation

Pursuant to a Settlement Agreement signed with FSHC and approved by Superior Court, the Borough had a Third Round RDP of 26 units and a total Unmet Need of 393 units. This Unmet Need was comprised of 118 units of Unmet Need from the Prior Round and 301 units of Unmet Need from the Third Round (inclusive of the gap period).

The Borough has constructed 34 affordable housing units (plus 7 bonus credits), which are summarized in Table 14 below. Through the application of these units, the Borough satisfied its RDP of 26 units and realized 8 excess credits which it can apply to Unmet Need.

Table 19: Plan Components Addressing Third Round 26 unit RDP

Plan Component	Units	Rental Bonus	Total	Status
<b>For Sale Family Units</b>				
Trafalgar Square – 471 Doremus Avenue (B 43, L 1)	2	N/A	2	Completed
<b>Alternative Living Arrangements (Group Homes)</b>				
Spectrum for Living 343 Highwood Avenue (B 17, L 15)	6	6	12	Completed
Spectrum for Living 641 Lincoln Avenue (B 76, L 14)	6	1 *	7	Completed
Life Opportunities 34 Valley Road (B 109, L 15)	3	-	3	Completed
BCUW/Madeline 15 Bradford Street (B 101, L 2)	4	-	4	Completed
Reed Next, Inc. 11 Jerome Avenue (B137, L18)	4	-	4	Completed
<b>100% Affordable Family Rental (Nouvelle LLC)</b>				
261 Rock Road- (B 107, L 1)	11	-	11	Completed
23 Kenmore Place- (B 81, L 1)	2	-	2	Completed
<b>Total (41-26 unit RDP=15 surplus credits)</b>	<b>38</b>	<b>7</b>	<b>45</b>	

\*25% maximum bonus cap reached.

In addition, to the 19 surplus credits noted above, the Borough has approved a mixed-use inclusionary development at Glen Rock Mall containing 14 affordable units which coincide with AHO-1 Overlay Zone. This development is currently under construction. As a result, the Borough has a total of 33 units to apply to the Unmet Need. The Borough also adopted an affordable housing overlay zones (identified in Table 20 below) and a municipal-wide mandatory set-aside ordinance.

Table 20: Overlay Parcels for Unmet Need

Plan Component	Total Credits	Status/Surplus
<b>Plan Surplus:</b>		
<u>Third Round Surplus</u> - 15 units available	<b>19</b>	Developed
<b>Overlay Zoning:</b>		
<u>AHO-1 Overlay Zone-1</u> : Block 55 Lot 2-7 & 24	<b>14</b>	Approved
<u>AHO-2 Overlay Zone</u> : Block 111, 112, 115, 116, varied lots	<b>Up to 33</b>	Zoned

Map 3: Affordable Housing Sites and Unmet Need Zoning



The FHA-2 requires that in addressing prior round obligations, the municipality shall “demonstrate how any sites that were not built in the prior rounds continue to present a realistic opportunity, which may include proposing changes to the zoning on the site to make its development more likely, and which may also include the dedication of municipal affordable housing trust fund dollars or other monetary or in-kind resources.” While the unmet need is commonly held to a lesser opportunity standard than addressing RDP the Borough has zoned some significant areas to support addressing some of this need.

Accordingly, the following unbuilt components from the Third Round Obligation are discussed.

Map 4: Block 111 Lots 1, 1.01, 1.02 thru 6, Block 112, Lots 1 thru 12, Block 115 Lots 13 thru 24 and Block 116 Lots 1 thru 5.



Source: NJ GeoWeb website aerial 2020 lot lines are approximate.

The parcels noted in these zones above are located in the central area of the Borough, encompassing the majority of the Rock Road C-2 zone commercial area. They comprise a collective area of approximately 8.42 acres.

These properties are located in the Affordable Housing Overlay Zone -2 (AHO-2) District, the purpose of which is to create a realistic opportunity for housing that is affordable to low- and moderate-income households in a mixed-use environment. The zones permit a density of 20 units per acre with an affordable housing set-aside of either twenty percent for for-sale units or for-rent units.

While this component has not yet been constructed, the area continues to present a realistic opportunity for the production of affordable housing. Specifically, the site remains:

1. Approvable. The Borough has already approved an overlay zoning district for the site permitting inclusionary mixed use multifamily development.
2. Available. There are no known title issues which would prohibit the development of this site.
3. Developable. The site is located in a water and sewer service area
4. Suitable. The site is located in the Borough's downtown, commercial shopping centers, another multifamily use, and numerous NJ Transit bus stops in the surrounding area.

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#### 4.3: Fourth Round RDP Obligation

As established in Section 3.2 of this plan, Glen Rock does not have an additional RDP obligation in the Fourth Round since there were no additional parcels that qualify as vacant or tracts that were developed with additional residential development that would qualify as a "changed circumstance". The Borough will continue to pursue the development of affordable housing specifically the creation of a 2-bedroom very low income unit at the Borough Annex property located on North Maple Avenue in accordance with the Borough's Spending Plan. Further the Borough will continue to implement the zoning permitted in the AHO-2 zone for mixed use development.

We note that FHA-2 includes language which requires VLA municipalities to satisfy at least 25 percent of their Fourth Round RDP obligation through redevelopment. Specifically, amended Section 1 of P.L.1995, c.231 (C.52:27D-310.1) of FHA-2 states:

*Any municipality that receives an adjustment of its prospective need obligations for the fourth round or subsequent rounds based on a lack of vacant land shall as part of the process of adopting and implementing its housing element and fair share plan identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted, and adopt realistic zoning that allows for such adjusted obligation, or demonstrate why the municipality is unable to do so.*

For the Fourth Round, Glen Rock "prospective need obligation that has been adjusted" (i.e., its RDP obligation) is zero units. As such, the Borough has a potential redevelopment obligation of zero units, as 25 percent of 0 is 0. As identified in Table 15 above, the Borough has affirmatively zoned for sites that would redevelop through the Unmet Need

mechanisms in place during the Third Round. This is particularly evident in the current ongoing construction at Glen Rock Mall property.

---

#### 4.4: Present Need Obligation

The Borough was assigned a Present Need (Rehabilitation) Obligation of zero units. Nevertheless, the Borough will continue to participate in the Bergen County Housing Improvement Program.

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#### 4.5: Other Provisions

The following additional requirements are noted:

1. Fourth Round Bonuses. Fourth-Round bonuses will be applied in accordance with N.J.A.C. 52:27d-311.k.
2. Very-Low Income and Low-Income Units. At least 50 percent of the units addressing the Fourth Round Prospective Need obligation shall be affordable to very low-income and low-income households with the remainder affordable to moderate-income households. A minimum of 13 percent of the affordable units will be made available to very low-income households, defined as households earning 30 percent or less of the regional median income by household size.
3. Rental Component. At least 25 percent of the Fourth Round Prospective Need obligation shall be met through rental units, including at least half in rental units available to families.
4. Families. At least half of the actual units created to address the Fourth Round Prospective Need obligation must be available to families.
5. Age-Restricted Cap. No more than 30 percent of all units developed or planned to meet the Fourth Round Prospective Need obligation shall be met with age-restricted units.
6. Development Fees. The Borough will continue to impose development fees as permitted by COAH's prior round rules. The funds generated by the collection of development fees will be applied directly towards any activity approved by State regulations for addressing the municipal fair share.

Table 217: RDP 26 Unit Analysis of Minimum and Maximum Requirements

Requirement	Requirement	Developed
Max. Age Restricted Units	6	0
Min. Rental Units	7	32
Min Rental Units Available to Families	4	13
Max. Rental Bonus Credits	7	7
Min. Units Available to Families	10	15
Min. Affordable Units Very Low Income	3	6
Min. Affordable Units to Very Low-Families	2	2

---

#### 4.6: Consistency with State Planning Initiatives

As noted in Section 1, an HE&FSP must also include:

- ❖ An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, and;
- ❖ An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

Accordingly, the following subsection analyzes the consistency of this HE&FSP to the above referenced state planning initiatives.

##### Multigenerational Family Housing Continuity Commission

The Multigenerational Family Housing Continuity Commission was established by the State of New Jersey in 2021. As noted in NJSA 52:27D-329.20, one of the primary duties of the Commission is to “prepare and adopt recommendations on how State government, local government, community organizations, private entities, and community members may most effectively advance the goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity, through the modification of State and local laws and policies in the areas of housing, land use planning, parking and streetscape planning, and other relevant areas.”

As of the date of this HE&FSP, the Multigenerational Family Housing Continuity Commission has not et adopted any recommendations.

## State Development and Redevelopment Plan

As established by NJSA 52:18A-200(f), the purpose of the State Development and Redevelopment Plan (SDRP) is to “coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination.”

As such, the SDRP establishes a number of goals and strategies related to a number of different topics, including economic redevelopment. One such goal is to revitalize existing urban centers by directing growth and development to those areas. Specifically, the SDRP seeks to revitalize the State’s cities and towns by protecting, preserving, and developing the valuable human and economic assets in cities, town, and other urban areas.

As indicated by the SDRP’s Policy Map, the entirety of the Borough is located in the PA-1 Metropolitan Planning Area, wherein development and redevelopment is intended to be directed. The intent of this Planning Area is to:

- ❖ Provide for much of the state’s future redevelopment;
- ❖ Revitalize cities and towns;
- ❖ Promote growth in compact forms;
- ❖ Stabilize older suburbs;
- ❖ Redesign areas of sprawl; and;
- ❖ Protect the character of existing stable communities.

Accordingly, this HE&FSP is consistent with the intents of the PA-1. Specifically, it is designed to encourage redevelopment and growth in a compact form, while also protecting the character of the existing community.

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### 4.7: Crediting Documentation and Ongoing Compliance

The Borough of Allendale is following the applicable requirements regarding unit monitoring and reporting. Specifically, the Borough completed the statutorily required updates to its housing project status report by the DCA deadline of February 15, 2025. These updates are included in the State’s new Affordable Housing Monitoring System and should be considered to fulfill the Borough obligation to specify the creditworthiness of all existing affordable units. Further, all crediting documentation submitted to and approved by the Court as part of the Borough’s Third Round Housing Element and Fair Share Plan remains on file with and accessible from the Court. All other crediting documentation, for plan components that were not part of the Borough’s Third Round HE&FSP, is included in the appendices of this plan.

# Appendices

1. Draft Resolutions Adopting and Endorsing Housing Element and Fair Share Plan
2. Endorsing Resolution No. 25-71 Committing to Comply to Fourth-Round Present and Prospective Need.
3. Superior Court Decision and Order Fixing Municipal Obligations
4. Third Round Settlement Agreement
5. Third Round Vacant Land Adjustment Table
6. Existing Affordable Housing Mandatory Set-Aside Ordinance
7. Existing/Adopted Chapter 230 Article XXVI (Affordable Housing) of Borough Code
8. Existing/Adopted Chapter 230 (Development Fees) of Borough Code
9. Existing/Adopted Chapter 230, Article XVA, AHO-1 Affordable Housing Overlay-I District of Borough Code.
10. Existing/Adopted Chapter 230, Article XVA AHO-2 Affordable Housing Overlay-II District of Borough Code.
11. Administrative Agent Manual and Affirmative Marketing Plan
12. Fourth Round Spending Plan

## **Appendix**

1. Draft Resolutions Adopting and Endorsing Housing Element and Fair Share Plan

**BOROUGH OF GLEN ROCK PLANNING BOARD  
BERGEN COUNTY, NEW JERSEY**

**Resolution No:**

**Offered by Planning Board Member:** Coll

**Seconded by Planning Board Member:** Tryforos

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**RESOLUTION OF THE BOROUGH OF GLEN ROCK PLANNING BOARD  
ADOPTING THE BOROUGH'S FOURTH ROUND HOUSING ELEMENT AND FAIR  
SHARE PLAN**

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

**WHEREAS**, pursuant to Mount Laurel IV, the Borough of Glen Rock (the “**Borough**”) filed a declaratory judgment action on July 6, 2015, entitled “In the Matter of the Application of the Borough of Glen Rock” Docket No. BER-L-6276-15, seeking a judicial declaration that its Housing Element and Fair Share Plan (“**3rd Round HEFSP**”) satisfied the “fair share” of the regional need for very low - low- and moderate-income housing, pursuant to the Mount Laurel Doctrine; and

**WHEREAS**, that culminated in a settlement agreement with Fair Share Housing Center (“**FSHC**”) on September 25, 2019; and

**WHEREAS**, on October 11, 2023, the Court entered a Final Judgment of Compliance and Repose, granting the Borough immunity from Builder’s Remedy lawsuits until July 2, 2025; and

**WHEREAS**, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. (hereinafter “**A4**”) into law, amending the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to -329 (the “**Act**”) and establishing a new framework for determining and enforcing municipalities’ affordable housing obligations under the Mount Laurel doctrine for the years 2025 – 2035 (the “**Fourth Round**”); and

**WHEREAS**, A4 required the New Jersey Department of Community Affairs (the “**DCA**”) to produce non-binding estimates of need for present and prospective need for low- and moderate-income housing in each municipality for the Fourth Round on or before October 20, 2024; and

**WHEREAS**, on October 18, 2024, in furtherance of such requirement, the DCA issued a report entitled “Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background” (the “**DCA Report**”) which report established the final calculation and obligations for each municipality in New Jersey, including the Borough; and

**WHEREAS**, the DCA Report calculated the Borough’s Fourth Round obligation as follows: a Present Need or Rehabilitation (“**Present Need**”) Obligation of 0 and a Prospective Need or New Construction Obligation (“**Prospective Need**”) of 222; and

**WHEREAS**, on January 22, 2025, the Borough Council adopted Resolution No. 57-25 (the “**Binding Resolution**”), accepting the “present need” but seeking a downward deviation from “prospective need” obligation as set forth in the DCA Report to a “prospective need” of 201 units based on the recommendation of Edward Snieckus, Jr., PP, LLA, ASLA of Burgis Associates, Inc. (the “**Borough Planner**”); and

**WHEREAS**, pursuant to the Administrative Directive #14-24, dated December 13, 2024 (the “**Directive**”), implementing the Affordable Housing Dispute Resolution Program (the “**Program**”) on January 23, 2025, the Borough filed a declaratory judgment action in the Superior Court of Bergen County, bearing Docket No. BER-L-561-25 (the “**Declaratory Judgment Action**”); and

**WHEREAS**, the filing of the Declaratory Judgment Action, in accordance with the Act and the Directive, gave the Borough continued immunity from Builder’s Remedy lawsuits, which continues to be in full force and effect; and

**WHEREAS**, the New Jersey Builders Association filed a challenge to the Declaratory Judgment Action as an interested party, disputing the Borough’s calculation of its prospective need; and

**WHEREAS**, on June 4, 2025, the Honorable Gregg A. Padovano, J.S.C., the designated Mount Laurel Judge for the Bergen Vicinage, entered an order (the “**Order**”) setting the Borough’s Present Need Obligation as 0 and the Prospective Need Obligation as 201, as set forth in the Binding Resolution; and

**WHEREAS**, the Borough Planner prepared a Housing Element and Fair Share Plan for the Fourth Round, dated June 5, 2025 (the “**Fourth Round HEFSP**”), consistent with the obligation set forth in the Binding Resolution and as upheld by the Order, which addresses the Borough’s Present Need and Prospective Need Obligations for the Fourth Round; and

**WHEREAS**, pursuant to N.J.S.A. 40:55D-28, the Borough of Glen Rock Planning Board (the “**Planning Board**”) is charged with the preparation and adoption of the Borough’s Master Plan, which includes the Fourth Round HEFSP; and

**WHEREAS**, on June 18, 2025, after providing notice in accordance with the Municipal Land Use Law, specifically N.J.S.A. 40:55D-13, the Planning Board held a public hearing to review the Fourth Round HEFSP; and

**WHEREAS**, after review and consideration of the Fourth Round HEFSP and presentation by the Borough Planner, the Planning Board has determined it is consistent with the goals and objectives of the Borough’s current Master Plan, and further determined adoption of the same is in the best interest of the Borough; and

**WHEREAS**, upon adoption of the Fourth Round HEFSP, the Planning Board Secretary is hereby directed to transmit the same to the Clerk of the Borough for consideration of endorsement by the Borough Council.

**NOW THEREFORE BE IT RESOLVED** the Borough of Glen Rock Planning Board, in the County of Bergen, State of New Jersey, hereby adopts the Fourth Round Housing Element and Fair Share Plan, dated June 5, 2025, and attached hereto as Exhibit A.

I certify that the foregoing Resolution was duly adopted by the Borough of Glen Rock Planning Board on June 18, 2025.

  
Secretary, Borough of Glen Rock Planning Board

**Exhibit A**

**Fourth Round Housing Element and Fair Share Plan**

## **Appendix**

2. Endorsing Resolution No. 25-71 Committing to Comply to Fourth-Round Present and Prospective Need.

**BOROUGH OF GLEN ROCK  
BERGEN COUNTY, NEW JERSEY**

**Resolution No: 57-25**  
**Offered by Council Member Gilbreath**  
**Seconded by Council Member Gilligan**

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**RESOLUTION OF THE BOROUGH OF GLEN ROCK  
ESTABLISHING THE BOROUGH'S FOURTH ROUND PRESENT AND  
PROSPECTIVE AFFORDABLE HOUSING OBLIGATIONS**

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

**WHEREAS**, pursuant to Mount Laurel IV, the Borough of Glen Rock (the “**Borough**”) filed a declaratory judgment action on July 6, 2015, entitled “In the Matter of the Application of the Borough of Glen Rock” Docket No. BER-L-6276-15, seeking a judicial declaration that its Housing Element and Fair Share Plan (“**3rd Round HEFSP**”) satisfied the “fair share” of the regional need for very low - low- and moderate-income housing, pursuant to the Mount Laurel Doctrine; and

**WHEREAS**, that culminated in a settlement agreement with Fair Share Housing Center (“**FSHC**”) on September 25, 2019; and

**WHEREAS**, on October 11, 2023, the Court entered a Final Judgment of Compliance and Repose, granting the Borough immunity from Builder’s Remedy lawsuits until July 2, 2025; and

**WHEREAS**, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. (hereinafter “**A4**”) into law, amending the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to -329 (the “**Act**”) and establishing a new framework for determining and enforcing municipalities’ affordable housing obligations under the Mount Laurel doctrine for the years 2025 – 2035 (the “**Fourth Round**”); and

**WHEREAS**, A4 required the New Jersey Department of Community Affairs (the “DCA”) to produce non-binding estimates of need for present and prospective need for low- and moderate-income housing in each municipality for the Fourth Round on or before October 20, 2024; and

**WHEREAS**, on October 18, 2024, in furtherance of such requirement, the DCA issued a report entitled “Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background” (the “DCA Report”) which report established the final calculation and obligations for each municipality in New Jersey, including the Borough; and

**WHEREAS**, the DCA Report calculated the Borough’s Fourth Round obligation as follows: a Present Need or Rehabilitation (“Present Need”) Obligation of 0 and a Prospective Need or New Construction Obligation (“Prospective Need”) of 222; and

**WHEREAS**, the Borough has determined to accept its Present Need Obligation of 0; and

**WHEREAS**, the Borough’s Affordable Housing Planner, Edward Snieckus, Jr., PP, LLA, ASLA of Burgis Associates, Inc. (the “Affordable Housing Planner”) has reviewed the DCA Report, specifically the data utilized by the DCA to determine the Borough’s calculated share of the land capacity with regard to the determination of the Borough’s Prospective Need;

**WHEREAS**, the Affordable Housing Planner determined the DCA mapping was overinclusive and included properties in the calculation of the land capacity factor which are not developable, including properties located inside floodways and properties not suitable for development due to narrow area and proximity to the railroad; and

**WHEREAS**, when these properties were removed from Borough’s weighted land area, the amount of developable space in the Borough was adjusted from 6.539 acres to 2.075 acres, resulting in an adjustment of the Borough’s calculated share of the region’s land capacity from .33% to .11%; and

**WHEREAS**, when this correction is made, the Borough’s Prospective Need Obligation is adjusted to 201 units; and

**WHEREAS**, upon the advice of its Affordable Housing Planner and other professionals, the Borough accepts a Prospective Need Obligation of 201 units; and

**WHEREAS**, the Affordable Housing Planner produced a report summarizing his findings, which is attached hereto as Exhibit A; and

**WHEREAS**, Section 3 of A4 provides “the municipality’s determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7” of A4; and

**WHEREAS**, the Affordable Housing Planner utilized the formulas established in Sections 6 and 7 of A4, and provided in the DCA published worksheet, to recalculate the Borough's Fourth Round Prospective Need Obligation to 201 units; and

**WHEREAS**, A4 provides that a municipality shall adopt a binding resolution determining the present and prospective fair share obligation no later than January 31, 2025; and

**WHEREAS**, the Borough's calculation of need is entitled to a "presumption of validity" as it complies with Sections 6 and 7 of A4; and

**WHEREAS**, the Borough specifically reserves the right to adjust the Fourth Round Obligation based the following adjustments or others identified during the process of promulgating a Fourth Round Housing Element and Fair Share Plan ("**4th Round HEFSP**"): 1) a "windshield survey" or similar survey which accounts for a lower estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment (whether predicated upon lack of sewer or lack of water or both); 4) an adjustment to the Land Capacity factor; and/or 5) an adjustment predicated upon regional planning entity formulas, inputs, or considerations, including, but not limited to the County and State Regional Master Plan; and

**WHEREAS**, in addition to the foregoing, the Borough specifically reserves all rights and positions, without prejudice, to revoke this resolution and commitment in the event of a successful challenge to A4 in the context of Borough of Montvale, et al. v. State of New Jersey, Docket No. MER-L-1778-24 or any other such action challenging A4 or calculations of Fourth Round Present or Prospective Obligations, or any legislation adopted and signed into law by the Governor of New Jersey altering the deadlines and/or requirements of A4; and

**WHEREAS**, in addition to the foregoing, nothing in A4 requires or can require an increase in the Borough's Fourth Round Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of A4 is to establish, for example, unchallenged numbers by default on March 1, 2025; and

**WHEREAS**, pursuant to the Administrative Directive #14-24, dated December 13, 2024 (the "**Directive**"), implementing the Affordable Housing Dispute Resolution Program (the "**Program**"); a municipality seeking certification with the Act, shall file an action in the form of a declaratory judgment complaint in the county in which the municipality is located; and

**WHEREAS**, the Borough authorizes the filing of a declaratory judgment action pursuant to the Directive within forty-eight hours after the adoption of this resolution to seek compliance with the Act; and

**WHEREAS**, the Borough further authorizes its professionals to prepare the 4th Round HEFSP and present the same for adoption prior to June 30, 2025; and

**WHEREAS**, in light of the above, the Borough finds it is in the best interest of the Borough to declare its Fourth Round Present and Prospective Need Obligations, authorize the filing of a declaratory judgment action pursuant to the Directive, and direct its professionals to prepare a 4th Round HEFSP, all in accordance with A4,

**NOW THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Glen Rock, in the County of Bergen, New Jersey, as follows:

**Section 1.** The foregoing recitals are hereby incorporated by reference as if fully set forth herein.

**Section 2.** The Borough's Fourth Round obligation is adopted as follows: a Present Need or Rehabilitation Obligation of 0 and a Prospective Need or New Construction Obligation of 201, as described above, and subject to all reservations of rights, including but not limited to:

- A. The right to adjust the number based on one or any of the following: a windshield survey, vacant land assessment, durational adjustments, variations in the Land Capacity Factor, and/or regional planning inputs; and
- B. The right to revoke this resolution in the event of a successful legal challenge to A4 or the Act, any legislative changes to A4 and signed into law by the Governor, or to the calculations of Fourth Round Present or Prospective Obligations.

**Section 3.** The Borough authorizes its professionals to file a declaratory judgment action within forty-eight hours after the adoption of this resolution in order to comply with the Directive.

**Section 4.** The Borough further authorizes its professionals to prepare the 4th Round HEFSP and present the same for adoption prior to June 30, 2025.


**Section 5.** This resolution shall take effect immediately.

**ROLL CALL:**

Council Member Martin - yes  
 Council Member Orlich - yes  
 Council Member Coll - yes

Council Member Gilbreath -yes  
 Council Member Gilligan - yes  
 Council Member Rozanski -yes

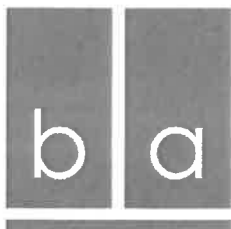
I, the Borough Clerk of the Borough of Glen Rock, hereby certify that this is a true copy of a resolution passed by the Council of the Borough of Glen Rock at a meeting held this 22<sup>nd</sup> day of January, 2025.

  
 Jacqueline Scalia, Borough Clerk

# **EXHIBIT A**

# Fourth Round Present and Prospective Need Analysis

Borough of Glen Rock  
Bergen County, New Jersey



Community Planning  
Land Development and Design  
Landscape Architecture

**B U R G I S**  
A S S O C I A T E S , I N C .

Principals:  
*Joseph H. Burgis PP, AICP*  
*Edward Snieckus, Jr. PP, LLA, ASLA*  
*David Novak PP, AICP*

# Fourth Round Present and Prospective Need Analysis

Borough of Glen Rock  
Bergen County, New Jersey

Prepared for the Borough of Glen Rock  
Mayor and Council

BA# 4173.15

The original document was appropriately signed and sealed on January 15, 2025, in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners

Joseph H. Burgis, AICP, PP  
Professional Planner #2450

Edward J. Snieckus Jr. PP, LLA, ASLA  
Professional Planner #5442



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## Executive Summary

The following Present and Prospective Need Analysis has been prepared for the Borough of Glen Rock in Bergen County, New Jersey.

By way of background, Governor Murphy signed A-40/S-50 into law on March 20, 2024 after the Senate and Assembly adopted it. This legislation (hereinafter "Amended FHA" or "Act") overhauled the Fair Housing Act (FHA) by abolishing the Council on Affordable Housing (COAH) and created a new process that involved the Department of Community Affairs (DCA) and the Administrative Office of the Courts (AOC).

The Amended FHA directed the New Jersey Department of Community Affairs ("DCA") to report the present need (also referred to as the rehab obligation) and the prospective need for Round Four based upon the standards set forth in the Act. The DCA issued its report on October 18, 2024; and, in accordance with the Act, made clear that the report was advisory only. For Glen Rock, the DCA Report identifies a Present Need of 0 and a Prospective Round Four Need of 222.

Since the DCA report is non-binding, each municipality has the opportunity to study and define why its obligations should be different based on the standards in the Act. However, the municipality must adopt a binding resolution by January 31, 2025, identifying the present and prospective need obligation to which it is committing.

As to the Round Four Prospective Need of 222 units that the DCA reported on October 18, 2024, the methodology used to determine a municipality's prospective fair share obligation requires an initial determination of the regional prospective need. The region that Glen Rock is in consists of all municipalities in Bergen, Passaic, Hudson and Sussex counties. To determine a municipality's share of the regional need, the Act requires a calculation of three factors: (1) the equalized nonresidential valuation factor; (2) the income capacity factor; and (3) the land capacity factor. The Act then requires these three factors to be averaged and applied to the regional need to determine the share of the regional need for each municipality that is not a Qualified Urban Aid Municipality ("QUAM").

The Borough does not dispute the DCA's calculation of the Equalized Nonresidential Valuation Factor or the Income Capacity Factor. However, the Borough does dispute the calculation of the Land Capacity Factor. More specifically, the Borough accepts the DCA's invitation to examine the Land Capacity Factor and the lands that the DCA deemed developable for purposes of calculating this factor.

**Recommendation:** For the reasons set forth herein, the DCA was overinclusive. Once appropriate corrections are made to the land that is developable, the Borough's Prospective Need Obligation should be adjusted from the 222 figure the DCA reported to 201 units. Based upon the findings in this report, the following summarizes the comparison of the three allocation factors as adjusted by the analysis provided herein.

Table 1: Summary of Adjusted Factors

	Equalized Nonresidential Valuation Factor	Income Capacity Factor	Land Capacity Factor
DCA Analysis	0.35%	1.72%	0.33%
Borough Analysis	0.35%	1.72%	0.11%

Furthermore, as to the Present Need (also known as the rehab obligation), the Borough of Glen Rock finds that the methodology and the data utilized by the DCA to calculate its Present Need Obligation acceptable at 0 units for Round Four.

Accordingly, the remainder of this Prospective Needs Analysis is divided into the following sections:

- ❖ Section 1: Present Need
- ❖ Section 2: Equalized Nonresidential Valuation Factor
- ❖ Section 3: Income Capacity Factor
- ❖ Section 4: Land Capacity Factor

## Section 1: Present Need

The following section reviews the Borough's Present Need as calculated by the DCA.

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### **1.1: Present Need Background**

As per the adopted legislation, a municipality's Present Need obligation shall be determined:

*"by estimating the deficient housing units occupied by low- and moderate-income households in the region, following a methodology similar to the methodology used to determine third round municipal present need, through the use of most recent datasets made available through the federal decennial census and the American Community Survey, including the Comprehensive Housing Affordability Strategy dataset thereof."*

The "Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background" workbook released by the DCA (herein referred to as the "DCA Workbook" or the "Workbook") noted that the Present Need calculations used three factors to calculate its present need: the number of housing units lacking complete kitchen facilities, the number of units lacking complete plumbing facilities, and the number of overcrowded units.

The analysis employed by DCA utilizes data from HUD's Comprehensive Housing Affordability Strategy (CHAS) dataset, which has municipal-level data on the number and percentage of low- and moderate-income households from a special tabulation of the US Census's American Community Survey (ACS) data. For a full explanation of how this data was utilized, see the DCA Workbook.

The DCA determined by the Borough's Present Need number is 0 units and is acceptable to the Borough of Glen Rock.

## Section 2: Equalized Nonresidential Valuation Factor

The following section reviews the equalized nonresidential valuation factor calculated by the DCA. The following is summarized:

1. The Borough finds that the methodology utilized by the DCA to calculate its nonresidential valuation factor is acceptable.
2. The Borough’s change in equalized nonresidential valuation between 1999 and 2023 is \$ 113,073,017.
3. This results in the Borough’s calculated share of the region’s equalized nonresidential valuation of 0.35%.

---

### 2.1: Basis of Calculation

As per the adopted legislation, a municipality’s equalized nonresidential valuation factor shall be determined as follows:

*“To determine this factor, the changes in nonresidential property valuations in the municipality, since the beginning of the round preceding the round being calculated, shall be calculated using data published by the Division of Local Government Services in the department. For the purposes of such, the beginning of the round of affordable housing obligations preceding the fourth round shall be the beginning of the gap period in 1999. The change in the municipality’s nonresidential valuations shall be divided by the regional total change in the nonresidential valuations to determine the municipality’s share of the regional change as the equalized nonresidential valuation factor.”*

---

### 2.2: Analysis of Calculation

The calculation conducted by the DCA determined that the Borough has a 0.35% share of the region’s equalized nonresidential valuation.

Table 2: DCA Equalized Nonresidential Valuation Calculation Summary

Year	Non-equalized Nonresidential Valuation	Equalization Ratio	Equalized Nonresidential Valuation
1999	\$95,727,900	0.8829	\$108,424,397
2023	\$171,306,100	0.7734	\$221,497,414
<i>Difference</i>			<i>\$113,073,017</i>

Source: DCA Fair Share Housing Obligations for 2025-2035 (Fourth Round) Workbook

The Borough has reviewed the methodology and data utilized by the DCA for this calculation. The methodology employed by the DCA is appropriate, the Borough finds that the equalization ratios employed by the DCA are accurate.

## Section 3: Income Capacity Factor

The following section reviews the income capacity factor calculated by the DCA. It finds that the data and methodology utilized by the DCA relating to the Borough's income capacity factor are both acceptable.

---

### 3.1: Basis of Calculation

As per the adopted legislation, a municipality's income capacity factor shall be determined by calculating the average of the following measures:

*"The municipal share of the regional sum of the differences between the median municipal household income, according to the most recent American Community Survey Five-Year Estimates, and an income floor of \$100 below the lowest median household income in the region; and*

*"The municipal share of the regional sum of the differences between the median municipal household incomes and an income floor of \$100 below the lowest median household income in the region, weighted by the number of the households in the municipality."*

---

### 3.2: Analysis of Calculation

The calculation conducted by the DCA determined that the Borough has a 1.72% share of the region's income capacity factor. Table 3 below summarizes the methodology utilized by the DCA to determine this share.

The Borough has reviewed the data and the methodology utilized by the DCA for this calculation and finds both to be acceptable.

Table 3: Income Capacity Factor

Number of Households	Median household income in the past 12 months (in 2022 inflation-adjusted dollars) *	\$100 Below Regional Median HH Income Floor	Diff. from Median Household Income Floor with Household Weight	HH Weighted Income Difference % of Region Total	Diff from Median Household Income Floor	Income Difference % of Region Total	Income Capacity Factor
3,652	\$ 202,586	\$51,992	549,969,288	1.6%	\$ 150,594	1.8%	1.72%

## Section 4: Land Capacity Factor

The DCA issued the data and mapping that was the basis for the land capacity factor on November 27<sup>th</sup>, over a month after the DCA deadline to issue its non-binding numbers under the Amended FHA.

The link to the DCA GIS data, and the description section

(<https://njdca.maps.arcgis.com/home/item.html?id=12acdf0a5104f8f8a2f604e96063e74>)

includes the following language:

"The land areas identified in this dataset are based on an the best available data using publicly available data enumerated in N.J.S.A. 52:27D-304.3c.(4) to estimate the area of developable land, within municipal and regional boundaries, that may accommodate development. It is important to note that the identified areas could be over or under inclusive depending on various conditions and that municipalities are permitted to provide more detailed mappings as part of their participation in the Affordable Housing Dispute Resolution Program." (underlined for emphasis)

The areas identified as developable in the DCA's calculation of the Land Capacity factor is overinclusive. Accordingly, the land capacity allocation factor should be adjusted from 6.539 to 2.075 acres. When this correction is made, Glen Rock's Round Four Prospective Need number should be 201 instead of the 222-unit figure identified by DCA.

While the basis for removing land treated as developable in the DCA's calculation is set forth below, it is important to note that the analysis to correct the land allocation factor is different than the analysis to use the determine a municipality's entitlement to vacant land adjustment. While the analysis to correct the Land Capacity factor focuses on developable land, the analysis to support a vacant land adjustment focuses on land suitable for inclusionary development. Therefore, just because a site was not removed for purposes of calculating the land capacity factor has no bearing on whether it should be removed to calculate entitlement to a vacant land adjustment.

In this regard, the Borough secured court approval of a vacant land adjustment in Round 3 and will necessarily seek an adjustment in Round Four in conjunction with its preparation of a Housing Element and Fair Share Plan. Nothing herein should be construed as a waiver of those rights that are explicitly reserved.

An analysis of the lands identified by the DCA as being "developable" revealed several inaccuracies. In summary, these inaccuracies generally included lands which were: artifacts of error as described by the DCA; located on developed properties or those inaccessible due to environmental constraints; located on open space or common element properties; located on properties presently under construction; and located on properties with active site plan or approvals. Correcting these inaccuracies adjusts the Borough's weighted land area from 6.539 acres to 2.075 acres. This results in an adjustment of the Borough's calculated share of the region's land capacity from 0.33% to 0.11%.

---

#### 4.1: Basis of Calculation

As per the adopted legislation, a municipality's income capacity factor shall be determined by:

*"estimating the area of developable land in the municipality's boundaries, and regional boundaries, that may accommodate development through the use of the 'land use / land cover data' most recently published by the Department of Environmental Protection, data from the American Community Survey and Comprehensive Housing Affordability Strategy dataset thereof, MOD-IV Property Tax List data from the Division of Taxation in the Department of the Treasury, and construction permit data from the Department of Community Affairs and weighing such land based on the planning area type in which such land is located. After the weighing factors are applied, the sum of the total developable land area that may accommodate development in the municipality and in the region shall be determined. The municipality's share of its region's developable land shall be its land capacity factor. Developable land that may accommodate development shall be weighted based on the planning area type in which such land is located."*

The legislation identifies the primary data sources and weighing factors to utilize in calculating a municipality's land capacity factor. However, unlike the equalized nonresidential valuation factor and the income capacity factor, the legislation did not establish a delineated process to combine the aforementioned data sources into one comprehensive and coherent formula.

The DCA subsequently released a workbook entitled "Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background" (herein referred to as the "DCA Workbook" or the "Workbook") which established that department's interpretation on how to calculate the land capacity factor. In summary, that workbook identified the following steps:

1. First, the DCA divided the weighing regions established by the legislation by municipality.
2. Next, land use/land cover areas were used to identify vacant, developable lands. The workbook identifies the codes and descriptions of the land use/land cover data used in this process. In short, they include: cropland and pastureland; orchards/vineyards/nurseries/horticultural areas; deciduous forest areas; coniferous forest areas; plantations; mixed forest areas; old field areas; phragmites dominate old field areas; deciduous brush/shrubland; coniferous brush/shrubland; mixed deciduous/coniferous brush/shrubland; severe burned upland vegetation; and undifferentiated barren lands.
3. These initial vacant, developable lands were then refined to remove rights-of-way as well as developed properties. For the latter, the DCA utilized MOD-IV tax data

and selected underlying tax parcels with property class codes for residential, commercial, industrial, apartment, railroad, and school.

4. Construction permit data was then analyzed to capture more recent development activities that may not have otherwise been reflected by the land use/land cover data or MOD-IV tax data.
5. Other limiting factors were utilized to remove initial vacant, developable lands. These include: open space, preserved farmland, category 1 waterways and wetlands (and associated buffers based on special area restrictions), steep slopes exceeding 15 percent, and open waters.
6. Due to limitations resulting from inconsistencies between data sources, the resulting DCA mapping included instances of small land areas caused by an incongruous alignment of geospatial layers. To eliminate these "slivers" of leftover land, DCA eliminated any segment with an area of less than 2,500 square feet. This presumed that a sliver with a minimum dimension of 25 by 100 feet could be a developable property
7. Finally, the resulting land area for each municipality was summed with the resulting land areas for all other municipalities within each housing region to then determine the municipal percentage of land capacity for the housing region.

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#### **4.2: Analysis of Calculation**

The calculation conducted by the DCA determined that the Borough has 6.539 acres of developable land which accounts for a 0.33% share of the region's land capacity factor. Overall, the Borough finds the general methodology utilized by the DCA to calculate its land capacity factor acceptable. However, an analysis of the DCA's resultant mapping discovered the following:

1. Several of the lands identified as "developable" by the DCA represent slivers which "are considered artifacts of error that are common when overlaying polygons and vectors from non-coincident data sources." The DCA initially tried to eliminate these slivers by deleting any feature parts with an area of less than 2,500 square feet.
2. Other lands identified as "developable" by the DCA are located on properties with development. To eliminate "developable" lands on developable properties, the DCA had removed any lands where the underlying tax parcels had property class codes for residential, commercial, industrial, apartments, railroad, and school. However, the property classifications identified by the DCA did not account for houses of worship, properties developed with nonprofit facilities, and residential dwellings with associated farmland.
3. Several lands identified as "developable" by the DCA were in fact located on open space, common elements for homeowner's associations, or properties containing infrastructure (e.g. detention basins, utility improvements, rights-of-way, etc.).

4. Some developable areas did not account for areas restricted by regulated 100-year floodway areas of streams and other mapped watercourses.
5. There were several instances of lands identified as "developable" by the DCA being located on properties which are presently under construction. This is likely due to a lag in construction permit reporting.
6. Finally, lands identified as "developable" by the DCA are located on properties with active site plan or general development plan (GDP) approvals which are no longer available for development.

These discrepancies are summarized in Table 4 utilizing the Land Capacity Analysis and are detailed in Appendix A of this analysis. Removing these lands would adjust the Borough's weighted land area from 6.539 acres to 2.075 acres. This results in an adjustment of the Borough's calculated share of the region's land capacity from 0.33% to 0.11%.

Irrespective of the land capacity factor analysis established herein, the Borough reserves the right to conduct a vacant land adjustment (VLA) to determine its realistic development potential (RDP) at a later date.

Table 4: Summary of Land Capacity Factor Analysis

ID#	Shapefile Object ID*	Block	Lot	Initial Weighted Area* (acres)	Review	Status	Weighted Area Recalculated* (acres)
1	27230	190	1	0.6353	Vacant developable municipal owned limited frontage in floodplain with 11,500 sf in floodway	Partial Include area outside floodway	0.3713
2	27234	84	1	0.2293	Vacant developable municipal owned	Include	0.2293
3	27229	203	1	1.4227	Vacant developable municipal owned	Exclude	0.0000
4	27231	173	11	0.2849	Narrow 25 feet or less in width, vacant minimal to no frontage adjacent to railroad, Undevelopable	Exclude	0.0000
5	27234	2203	11	1.1322	Narrow, vacant adjacent to railroad, frontage limited by steep slopes and underpass retaining wall. Undevelopable	Exclude	0.0000
6	27235	127	16	2.3170	Vacant municipally owned completely in the 100 yr floodplain and 41,000+/- sf in the regulatory floodway	Partial Include area outside floodway	1.3753
7	27236	129	12	0.0986	Municipal owned although upland and isolated	Include	0.0986
8	27237	129	21	0.2613	Not developable parcel almost completely in floodway and completely in the 100 yr floodplain of Ho-Ho-Kus Brook leaving minimal area. Undevelopable	Exclude	0.0000
<b>Total</b>							<b>2.0745</b>

\* Object ID and area computations identified were obtained from the NJDCA published Vacant and Developable Land Analysis.

## Appendix A: Land Capacity Factor Details

The following illustrations show in more detail the specific mapping of all the various land capacity areas as identified in the DCA analysis provided through the Land Capacity Analysis for P.L. 2024, c.2. They are obtained from the web based ARCGIS online mapping utilizing feature layers (hosted) by NJDCA and incorporating other layer features available through NJDEP and ARCGIS Online services.

**ID #1**



Map 1: NJ Department of Community Affairs, NJ Department of Environmental Protection, NJ Office of Information Technology

ID#	Shapefile Object ID	Block	Lot	Initial Weighted Area (acres)	Analysis	Status	Weighted Area Recalculated (acres)
1	27230	190	1	0.6353	Vacant developable municipal owned limited frontage in floodplain with 11,500 sf in floodway	Partially developable area outside floodway	0.3713

**ID #2**



Map: NJ Department of Community Affairs, NJ Department of Environmental Protection, NJ Office of Information Technology

ID#	Shapefile Object ID	Block	Lot	Initial Weighted Area (acres)	Analysis	Status	Weighted Area Recalculated (acres)
2	27234	84	1	0.2293	Vacant developable municipal owned	Include	0.2293

**ID #3**



Map: NJ Department of Community Affairs, NJ Department of Environmental Protection, NJ Office of Information Technology

ID#	Shapefile Object ID	Block	Lot	Initial Weighted Area (acres)	Analysis	Status	Weighted Area Recalculated (acres)
3	27229	203	1	1.4227	Narrow, vacant adjacent to railroad, frontage limited by adjacent railroad crossing. Undevelopable	Exclude	0.0000

**ID #4**



Map: NJ Department of Community Affairs, NJ Department of Environmental Protection, NJ Office of Information Technology

ID#	Shapefile Object ID	Block	Lot	Initial Weighted Area (acres)	Analysis	Status	Weighted Area Recalculated (acres)
4	27231	173	11	0.2849	Narrow with many areas 25 feet or less in width, vacant minimal to no frontage adjacent to railroad, Undevelopable	Exclude	0.0000

**ID #5**



Map: NJ Department of Community Affairs, NJ Department of Environmental Protection, NJ Office of Information Technology

ID#	Shapefile Object ID	Block	Lot	Initial Weighted Area (acres)	Analysis	Status	Weighted Area Recalculated (acres)
5	27234	2203	11	1.1322	Narrow, vacant adjacent to railroad, frontage limited by steep slopes and underpass retaining wall. Undevelopable	Exclude	0.0000

**ID #6**



Map: NJ Department of Community Affairs, NJ Department of Environmental Protection, NJ Office of Information Technology

ID#	Shapefile Object ID	Block	Lot	Initial Weighted Area (acres)	Analysis	Status	Weighted Area Recalculated (acres)
6	27235	127	16	2.3170	Vacant municipally owned completely in the 100 yr floodplain and 41,000+/- sf in the regulatory floodway	Partial Include area outside floodway	1.3753

**ID #7**



Map: NJ Department of Community Affairs, NJ Department of Environmental Protection, NJ Office of Information Technology

<b>ID#</b>	<b>Shapefile Object ID</b>	<b>Block</b>	<b>Lot</b>	<b>Initial Weighted Area (acres)</b>	<b>Analysis</b>	<b>Status</b>	<b>Weighted Area Recalculated (acres)</b>
7	27236	129	12	0.0986	Municipal owned although upland and isolated	Include	0.0986

**ID #8**



Map: NJ Department of Community Affairs, NJ Department of Environmental Protection, NJ Office of Information Technology

ID#	Shapefile Object ID	Block	Lot	Initial Weighted Area (acres)	Analysis	Status	Weighted Area Recalculated (acres)
8	27237	129	21	0.2613	Not developable parcel almost completely in floodway and completely in the 100 yr floodplain of Ho-Ho-Kus Brook leaving minimal area. Undevelopable	Exclude	0.0000

## **Appendix**

3. Superior Court Decision and Order Fixing Municipal Obligations

**Gregg A. Padovano, J.S.C.**  
Bergen County Justice Center  
10 Main Street  
Chambers/Courtroom 359  
Hackensack, New Jersey 07601

*Prepared by the court*

IN THE MATTER OF THE  
APPLICATION OF THE  
BOROUGH OF GLEN ROCK, a  
Municipal Corporation of the State  
of New Jersey,

Plaintiff/Petitioner.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION – CIVIL PART  
BERGEN COUNTY

DOCKET NO.: BER-L-561-25

Civil Action  
Mt. Laurel Program

**ORDER**

FIXING MUNICIPAL OBLIGATIONS FOR “PRESENT  
NEED” AND “PROSPECTIVE NEED” FOR THE  
FOURTH ROUND HOUSING CYCLE

**FILED**

**JUN 04 2025**

**GREGG A. PADOVANO, J.S.C.**

**THIS MATTER**, having come before the Court on referral from and recommendation issued by the Affordable Housing Dispute Resolution Program (“Program”), pursuant to the Complaint for Declaratory Judgment filed on January 23, 2025 (“DJ Complaint”) by the Petitioner, Borough of Glen Rock, New Jersey (“Petitioner” or “Municipality”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, et seq. (collectively, the “FHA”), and in accordance with Section II.A of Administrative Directive #14-24 (“Directive #14-24”) of the “Program”, seeking a certification of compliance with the FHA;

**AND IT APPEARING** that, the Municipality timely adopted Resolution #57-25 on January 22, 2025, agreeing to DCA's calculation of 0 affordable housing units of "present need" but seeking a downward deviation from "prospective need" calculations allocated to it by the New Jersey Department of Community Affairs ("DCA") in its report dated October 18, 2024 entitled Affordable Housing Obligations for 2025-2035 (Fourth Round) (the "DCA Report") – specifically identifying a "prospective need" obligation of 201 affordable housing units, which calculations have been deemed "presumptively valid" - and are based on the Municipality planners' recommendation for 201 units for a "prospective need" affordable housing obligation for the Fourth Round housing cycle based on their planner's report asserting that DCA had included property in its land capacity analysis that should have been excluded from consideration;

**AND IT APPEARING** that a challenge to the Municipality's calculations was timely and properly filed by the New Jersey Builders Association ("NJBA"), by and through its counsel, wherein NJBA disputed the Municipality's proposed obligation for prospective need and supported DCA's prospective need obligations, with the Municipality's position and the NJBA Challenge supported by their own expert report of J. Creigh Rahenkamp, PP, AICP;

**AND IT APPEARING** that, pursuant to the Program, the Administrative Office of the Courts ("AOC") appointed and assigned the case to Program Member, the Hon. Thomas Brogan, P.J. Cv. (Ret.) ("Program Member") to manage the proceedings, host settlement conferences, and make recommendations to the Court in accordance with the FHA and the AOC's Directive #14-24, and that the Program Member appointed Elizabeth McManus, PP, AICP, LEED AP, an independent affordable housing expert, as special adjudicator ("Special Adjudicator") in this case to work with closely with the Program Member, make recommendations to, and assist the Program;

**AND IT APPEARING** that, on, or about, March 24, 2025 a settlement conference was conducted followed by a session on that same date, on notice to all parties with the participation of local officials, attorneys for the Municipality and NJBA with the session following the settlement conference when efforts at resolution through mediation failed;

**AND IT APPEARING** that, after reviewing the arguments and submissions of the parties, the Program Member issued a written Report and Program Recommendation on or about April 14, 2025, wherein the Program Member found a downward deviation from the DCA's calculation and prospective need calculation to be the most reasonable result based on the Act, and finding further that 206 units is appropriate and in the interest of low and moderate income households and, consequently, recommended to the Court that this obligation be endorsed and effectuated, thereby establishing the prospective need for the Borough of Glen Rock at 206 units, and for the reasons set forth in the Program Member's Statement of Reasons and Opinion;

**AND THE COURT**, having received the Program Member's Report and Recommendation entered April 14, 2025 in the eCourts jacket for this matter at Trans. ID: LCV20251119781), the findings, terms, and recommendations of which are incorporated by reference as though more fully set forth herein (the "Report");

**AND THE COURT**, having reviewed and considered the Program Member's Report and Recommendations, having been satisfied with the recommendation to fix the municipal present need obligation of the Borough of Glen Rock for 0 affordable units for the Fourth Round housing cycle, and to accept a modification such that the prospective need obligation be fixed at 201 affordable units for the Fourth Round cycle in the place and instead of the DCA's calculated number of 220 units, without revoking immunity, and that an Order fixing those obligations at those numbers will be fair and equitable as well as in the best interests of the protected class of

low- and moderate-income households in the Municipality, and for good and sufficient cause having otherwise been shown, and for the reasons set forth in the attached statement of reasons

**IT IS ON THIS 4<sup>th</sup> DAY OF JUNE 2025**

**ORDERED and ADJUDGED** that the calculations established and identified within the Borough of Glen Rock's Complaint be, and the same are hereby **ACCEPTED and ADOPTED** in their entirety; and to that end, more specifically, it is further

**ORDERED** as follows:


1. That the "present need" obligation of the Municipality, be, and hereby is fixed as **0 affordable units** for the Fourth Round housing cycle.

2. That the "prospective need" obligation of the Municipality, be, and hereby is fixed as **201 affordable units** for the Fourth Round housing cycle.

3. That the Petitioner Municipality is hereby authorized to proceed to the compliance phase with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round, incorporating therein the "present need" and "prospective need" allocations aforesaid (and which plan shall include the elements set forth in the "Addendum" attached to Directive #14-24), as provided for and in accordance with Section III.A of Directive #14-24, with immunity, and without further delay; and

4. That any and all "challenges" to the Petitioner's Housing Element and Fair Share Plan as adopted by Paragraph 3 above must be filed by August 31, 2025, by way of Answer/Objection filed in the eCourts case jacket for this matter, and as provided for and in accordance with Section III.B of AOC Directive #14-24; and it is further understood

**ORDERED**, that a copy of this Order shall be deemed served on the Petitioner, Petitioner's counsel, and Challenger NJBA's counsel upon its posting by the Court to the eCourts case jacket for this matter pursuant to R. 1:5-1(a) and R. 1:32-2A.



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GREGG A. PADOVANO, J.S.C.  
Designated Mt. Laurel Judge – Bergen Vicinage

**STATEMENT OF REASONS PURSUANT TO R. 1:7-4(a)**

The Court here having reviewed and considered the Program Recommendation prepared by the Affordable Housing Dispute Resolution Program in this matter - specifically, that filed on April 14, 2025 by Program Member, Hon. Thomas Brogan, P.J. Cv., J.S.C. (Ret.) - and for the reasons that follow, the Court hereby adopts the Program Member's recommendation in part and the calculations established and identified within the Borough of Glen Rock's Complaint and fixes the "present need" obligation of 0 units and a "prospective need" obligation of 201 units for the Petitioner Municipality, Borough of Glen Rock, for the Fourth Round housing cycle.

The Fair Housing Act, N.J.S.A. 52:27D-302 to 313.3 (the "Act"), mandates municipalities to determine their fair share of affordable housing obligations. The Act's Fourth Round covers the period from 2025 to 2035, with specific calculations conducted and completed by the New Jersey Department of Community Affairs (DCA) in accordance with the Act. Specifically, in October 2024, DCA published its Affordable Housing Obligations for the 2025-2035 (Fourth Round) Methodology and Background Report (DCA Report), which assigned numerical obligations to all non-exempt municipalities. Municipalities were then required to file binding resolutions establishing their fair share obligations by January 31, 2025, and could challenge these calculations by providing alternative ones in compliance with the Act. The Affordable Housing Dispute Resolution Program, established by the Legislature, provides a mechanism for resolving such disputes.

The matter before this court involves the determination of affordable housing obligations for the Borough of Glen Rock, New Jersey as part of the Fourth Round process established by the Legislature. More specifically at issue is Glen Rock's "prospective need" obligation for the Fourth Round. "Prospective Need" represents the projection of housing needs for low and moderate-income households based on expected development and growth over the next decade. The Borough

of Glen Rock contested DCA's calculation of 222 affordable units, proposing a reduced number of 201 units, citing alleged lack of land capacity and errors in DCA's calculation, as the principal bases for its downward deviation and calculation, and which had the effect of reducing Glen Rock's projected prospective need by 21 units.

The New Jersey Builders Association ("NJBA") filed a timely challenge to Glen Rock's calculations concerning the proposed obligation for prospective need and supported DCA's prospective need obligations supported by their own expert report of J. Creigh Rahenkamp, PP, AICP. Both Glen Rock and NJBA provided contrasting calculations for Prospective Need, with Glen Rock suggesting a modification and reduction to 201 units and NJBA advocating for 222 units based on DCA's determination. Glen Rock's calculations included land capacity factors which DCA had not used, leading to its requested reduction in the Prospective Need. NJBA argued that Glen Rock's reduction method was improper and inconsistent with the Act.

Program Member, Judge Brogan, noted in his opinion that

The DCA utilized the methodology required by the statute and found in In the Matter of Application of the Municipality of Princeton, MER-L-550-12 [Jacobson Decision) and have arrived at 222 for Glen Rock's prospective need obligation.

Not surprisingly Glen Rock's planner using the same methodology arrives as a figure of 201.

The difference in the numbers is the use of differing Land Capacity Factors. The DCA using its satellite to measure the developable acreage in Glen Rock comes to the conclusion there are 6.54 acres of developable land.

Glen Rock in inspecting the parcels within its boundaries comes up with 2.08 acres. The difference between the 6.54 acres found by the DCA and the 2.08 found by the municipality accounts for the difference in prospective need units. The program with the assistance of its special adjudicators analysis (attached) determines the DCA number is over inclusive while the municipality acreage number is a but under inclusive. In its own independent analysis of doing a parcel-by-parcel review, the program comes to a figure of 3.21 acres. Since the FHA states municipalities shall have a presumption of validity in their calculation of prospective need, if determined in accordance with the FHA (N.J.S.A. 52:27d-304.26, 304.27) but a rebuttable presumption, the program recommends finding that the correct developable acreage is 3.21 which yields on obligation of 206 prospective need units.  
[Program Member's Opinion at 3-4.]

Given the comparison of methodologies, the Program Member – and now here, this Court, for the further reasons that follow - endorses a reduction of the DCA's Prospective Need calculation of 222 units, to 201 units for Glen Rock and rejects the NJBA's insistence upon strict adherence to the DCA's calculated number of 222. The court here also rejects the Special Adjudicator's determination and recommendation.

The record reveals that the Program Member found that the DCA's calculation of Glen Rock's Prospective Need was improperly calculated by including certain properties as developable. The Municipality's planner provided a report entitled "Fourth Round Present and Prospective Need Analysis" prepared by Burgis Associates, Inc., dated January 15, 2025 which detailed the methodology and calculation of the fourth round present and prospective need which was adopted by Glen Rock. See Glen Rock's Complaint, Exhibit A. The Municipality accepted the methodology and calculation of the present need as provided by the DCA. This number being 0 affordable units. This number was not objected to by NJBA and was also recommended by the Special Adjudicator. The Court agrees.

The Municipality, however, deviates from the prospective need calculation provided under the DCA Report. The Special Adjudicator noted in her report to the Program Member that

There is one aspect of the DCA Report that the Borough does not accept – calculation of the land capacity factor . . . all other figures and calculations . . . used by Glen Rock to calculate the prospective need are consistent with the DCA Report.

...

The DCA Report identified 6.539 acres throughout Glen Rock as developable based upon the criteria set forth therein such that the Borough's [land capacity factor] was 0.33%. . . . The Borough's analysis of the DCA Report, and the data it relied upon, found that 4.4.65 acres of the identified developable land was not in fact developable because it is constrained with floodway, or the configuration is such that it cannot be developed. The reduced developable lands identified by the Borough results in the [land capacity factor] of 0.11%

...

The categories of exclusions set forth by the Borough are reasonable since the lands are unable able [sic] to accommodate any development . . .

...


I agree with the Borough's exclusion categories and the individual exclusions with one exception. The Borough excluded Block 2203, Lot 11 (DCA Object Id 27234) due to its long narrow configuration and concerns regarding access. However, the property is more than 100 feet wide at its frontage along Maple Avenue. Given this frontage, the property should be included in the [land capacity factor]. The addition of this property to the Borough's identification of developable lands yields an approximate developable area of 3.21 acres and [a land capacity factor] of 0.16%.

...

While I understand the NJBA's position relative to the full allocation of regional need, the FHA does not address the process to address reasonable corrections to the DCA-identified developable area. The FHA states municipalities shall have a presumption of validity in their calculation of prospective need, if determined in accordance with the FHA (N.J.S.A. 52:27D-304.2.6, 304.2.7).  
[Program Member's Opinion attached exhibit.]

Having reviewed the record, expert reports and analyses presented, and arguments of the Municipality and NJBA, the Court finds that the Municipality’s presumption of validity has not been overcome. It is not lost on the Court that almost all of the Municipality’s findings and argument has been endorsed by the Special Adjudicator. The only deviation is the Municipality’s inclusion of a single parcel in its identification of land which is not developable. The subject parcel is further identified in the following exhibit included in Glen Rock’s planner’s report:

**ID #5**



Map: GIS Department of Community Affairs, GIS Department of Transportation Planning, and Office of Information Technology

ID#	Shapefile Object ID	Block	Lot	Initial Weighted Area (acres)	Analysis	Status	Weighted Area Recalculated (acres)
5	27234	2203	11	1.1322	Narrow, vacant adjacent to railroad, frontage limited by steep slopes and underpass retaining wall. Undevelopable	Exclude	0.0000

[See Glen Rock Complaint, Exhibit A.]

The Court here finds that the subject lot referenced by the Special Adjudicator and identified by Glen Rock, was properly included as “undevelopable” land due to existing location, conditions and other practical impairments to development. The Court further finds that Glen Rock has complied with the statutory framework provided by the Act, particularly the provisions allowing municipalities to adopt binding resolutions and seek judicial confirmation of their fair share obligations, was judiciously assessed and applied in this case. In the Court’s view, the Municipality’s determination aligns with the legislative intent to create an expeditious and fair process for determining municipal obligations and uniformly so, state-wide.

The issue of land capacity is an appropriate and legitimate concern and municipalities are encouraged to address such constraints comprehensively in their Housing Elements and Fair Share Plans. Compliance mechanisms placed into consideration in the plan development phase hereafter will also provide an appropriate forum to reassess and further address this issue to ensure that regional fair share obligations are met in a practical, timely, and feasible manner. It is inappropriate, however, to include parcels which are truly not developable as a practical matter.

For the foregoing reasons, the Court here concurs that the presumption of validity has not been overcome and that Municipality’s determination concerning prospective need, as mostly endorsed by the Program Member and Special Adjudicator’s recommendation is appropriate. The Court rejects the Special Adjudicator’s inclusion of a single parcel which, the Municipality, which is intimately familiar with and presumed to be knowledgeable of, has determined to be, as a practical matter, undevelopable.

Accordingly, the Court hereby adopts the Report and Recommendations of the Program Member filed on April 14, 2025, in part, and adopts the calculations provided by the Borough of Glen Rock, and will enter an Order fixing a “present need” obligation of 0 affordable units, and a modified “prospective need” obligation of 201 affordable units for the Petitioner, Borough of Glen Rock, New Jersey, for the Fourth Round housing cycle.

The Petitioner will be authorized to proceed to the compliance phase with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round, incorporating therein the “present need” and “prospective need” allocations aforesaid (and which plan shall include the elements set forth in the “Addendum” attached to Directive #14-24), as provided for and in accordance with Section III.A of Directive #14-24, with immunity, and without further delay, subject to any extension of time which may be afforded by this Court.

An appropriate form of Order implementing the Court’s decision above accompanies this Statement of Reasons.

## **Appendix**

### 4. Third Round Settlement Agreement



Peter J. O'Connor, Esq.  
Kevin D. Walsh, Esq.  
Adam M. Gordon, Esq.  
Laura Smith-Denker, Esq.  
David T. Rammler, Esq.  
Joshua D. Bauers, Esq.

September 20, 2019

Anthony R. Suarez, Esq.  
Werner Suarez & Morán, LLC  
One University Plaza, Suite 117  
Hackensack, NJ 07601

**Re: In the Matter of the Borough of Glen Rock, County of Bergen, Docket  
No. BER-L-6276-15**

Dear Mr. Suarez:

This letter memorializes the terms of an agreement reached between the Borough of Glen Rock (the Borough or "Glen Rock"), the declaratory judgment plaintiff, and Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (Mount Laurel IV) and, through this settlement, a defendant in this proceeding.

#### **Background**

Glen Rock filed the above-captioned matter on July 6, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. In accordance with In re N.J.A.C. 5:96 and 5:97, supra. Through the declaratory judgment process, the Borough and FSHC agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.

#### **Settlement terms**

The Borough and FSHC hereby agree to the following terms:

1. FSHC agrees that the Borough, through the adoption of a Housing Element and Fair Share Plan conforming with the terms of this Agreement (hereafter "the Plan") and through the implementation of the Plan and this Agreement, satisfies its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., for the Prior Round (1987-1999) and Third Round (1999-2025).
2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when Third Round fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round present and prospective need instead of doing so through plenary adjudication of the present and prospective need.
3. FSHC and Glen Rock hereby agree that Glen Rock's affordable housing obligations are as follows:

Rehabilitation Share (per Kinsey Report <sup>1</sup> )	15
Prior Round Obligation (pursuant to N.J.A.C. 5:93)	118
Third Round (1999-2025) Prospective Need (per Kinsey Report, as adjusted through this Agreement)	301

4. For purposes of this Agreement, the Third Round Prospective Need shall be deemed to include the Gap Period Present Need, which is a measure of households formed from 1999-2015 that need affordable housing, that was recognized by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017).
5. The Borough's efforts to meet its present need includes participation in the Bergen County Home Improvement Rehabilitation Program. While no units have been rehabilitated through this program since 2010, the Borough therefore has an obligation of 15 units to be rehabilitated. The Borough will continue to participate in this program and fund a rental rehabilitation program to be administered by contract with Bergen County Community Development or another experienced entity. This is sufficient to satisfy the Borough's present need obligation of 15 units.
6. As noted above, the Borough has a Prior Round prospective need of 118 units. The Borough received substantive certification from the Council on Affordable Housing (COAH) for its First Round Plan on February 27, 1990 and for its Second Round Plan on October 2, 1996. In both Prior Round grants of substantive certification, the Borough requested and received a vacant land adjustment with a realistic development potential (RDP) of 0 units. COAH did not require Glen Rock to provide mechanisms to address its RDP at that time. In addition, as part of COAH's Second Round certification, COAH had granted the Borough a waiver from the need to provide unmet need mechanisms.
7. The Borough has a Third Round obligation of 301 units. The Borough has updated its vacant land analysis, as calculated in Exh. A, and has a realistic development potential (RDP) of 26 units. That RDP will be satisfied as follows:

Site #	Project Name	Property Location	AH Units	Bonus Credits	Total Credits RDP	Family Credits	Type/Status/ Comments
1	Trafalgar Square B 43, L 1	471 Doremus Avenue	2	0	2	2	Family for sale, completed 2013
2	Spectrum for Living B 17, L 15	343 Highwood Avenue	6	6	12	0	Group Home, completed 1997
3	Spectrum for Living B 76, L 14	641 Lincoln Avenue	6	1; cap	7	0	Group Home, completed 1992

<sup>1</sup>David N. Kinsey, PhD, PP, FAICP, NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY, April 2017.

4	Life Opportunities Unlimited B 109, L15	34 Valley Road	3	0, cap	3	0	Group Home, completed 1997
A1	BCUW/ Madeline B 101, L2	15 Bradford Avenue	4	0, cap	4	0	Group Home, under construction
A2	Glen Rock Annex B 104, L 1	678 Maple Avenue	1	0, cap	1	1	Family rental, proposed
A3	100% Affordable 261 Rock Road B 107, L 1	261 Rock Road	11	0, cap	11	11	Family-rental proposed
A-4	100% Affordable, 23 Kenmore, B 81, Lot 1	23 Kenmore Place	2	0, cap	2	2	Family Rental Very Low Income
<b>Total</b>			<b>35</b>	<b>7</b>	<b>42</b>	<b>16</b>	<b>42 applicable to RDP of 26=16 remaining to apply to unmet need.</b>
<b>Max. Bonus Available 7 permitted</b>							<b>7 proposed</b>
<b>Min. Rental Requirement 7 req.</b>							<b>33 rentals proposed, existing</b>
<b>Min. Family Rental Requirement 4 req.</b>							<b>14 rentals proposed</b>
<b>Min Family Requirement 10 req.</b>							<b>16 family units existing, proposed</b>

8. The Borough's plan to address RDP of 26, subtracted from the Third Round obligation of 301 units, results in an unmet need of 275 units. The Borough's Prior Round unmet need of 118 plus the Borough's Third Round unmet need of 275 equals a total unmet need of 393, which shall be addressed through the following mechanisms, as more fully described in Exh. B to this Agreement:
- a. The Borough agrees to adopt overlay zones over portions of the C-2 (Central Business District) permitting mixed use developments with inclusionary multifamily residential. The overlay inclusionary district would encompass approximately 13.6 acres of the Borough's Central Business District. See the overlay zoning map attached as Exhibit B to this agreement. The zoning would require in the event that land uses change on any property within the overlay zones, affordable housing must be incorporated on that property by virtue of a 20% affordable housing set-aside.
  - b. The Borough shall adopt an ordinance requiring a mandatory affordable housing set aside for all new multifamily residential developments of five (5) units or more. The set aside for rental developments shall be fifteen percent (15%) and the set aside for for-sale developments shall be twenty percent (20%). The

provisions of the ordinance shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five (5) or more. The form of the Ordinance shall be finalized prior to final judgment being issued in this matter through collaboration between FSHC, the Special Master, and representatives of the Borough.

9. The Borough will provide a realistic opportunity for the development of affordable housing that will be developed or created through means other than inclusionary zoning by providing 13 affordable housing units on a property located at 261 Rock Road which is located at Block 107 /Lot 1 and at 23 Kenmore Place which is located at Block 81/ Lot 1 on the Borough's tax maps.

In accordance with N.J.A.C. 5:93-5.5, the Borough recognizes that it must provide evidence that the municipality has adequate and stable funding for any non-inclusionary affordable housing developments. The municipality is required to provide a pro forma of both total development costs and sources of funds and documentation of the funding available to the municipality and/or project sponsor, and any applications still pending. In the case where an application for outside funding is still pending, the municipality shall provide a stable alternative source, such as municipal bonding, in the event that the funding request is not approved. The Borough shall demonstrate in its compliance plan how it meets this obligation.

In accordance with N.J.A.C. 5:93-5.5, for non-inclusionary developments, a construction or implementation schedule, or timetable, shall be submitted for each step in the development process: including preparation of a site plan, granting of municipal approvals, applications for State and Federal permits, selection of a contractor and construction. The schedule shall provide for construction to begin within two years of court approval of this settlement. The municipality shall indicate the entity responsible for undertaking and monitoring the construction and overall development activity. The Borough shall demonstrate in its compliance plan how it meets this obligation.

10. The Borough agrees to require 13% of all units referenced in this Agreement, excepting those units that were constructed or granted preliminary or final site plan approval prior to July 1, 2008, to be very low income units, with half of the very low income units being available to families. Three (3) very-low income units are required (approximately 20 post-2008 units x 0.13 = 2.6). The municipality will comply with those requirements as follows:

Development/Compliance Mechanism	Affordable Units	Very low income units
BCUW/ Madeline (B 101, L2)	4	4
100% Affordable, 23 Kenmore, B 81, Lot 1	2	2
Glen Rock Annex Apartment (B 104, L 1)	1	1
<b>Total</b>	<b>7</b>	<b>7</b>

11. The Borough shall meet its Third Round Prospective Need in accordance with the following standards as agreed to by the Parties and reflected in the table in paragraph 7 above:
  - a. Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).
  - b. At least 50 percent of the units addressing the Third Round Prospective Need shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
  - c. At least twenty-five percent of the Third Round Prospective Need shall be met through rental units, including at least half in rental units available to families.
  - d. At least half of the units addressing the Third Round Prospective Need in total must be available to families.
  - e. The Borough agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation.
  
12. The Borough shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, Bergen County NAACP, Urban League of Bergen County, Bergen County Housing Coalition, and Supportive Housing Association, and shall, as part of its regional affirmative marketing strategies during its implementation of the affirmative marketing plan, provide notice to those organizations of all available affordable housing units. The Borough also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.
  
13. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in such projects shall be required to be at 30 percent of median income, and all other applicable law. The Borough as part of its HEFSP shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied. Income limits for all units that are part of the Plan required by this Agreement and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Borough annually within 30 days of the publication of determinations of median income by HUD as follows:
  - a. Regional income limits shall be established for the region that the Borough is located within (i.e. Region 1) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent

decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Borough's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.

- b. The income limits attached hereto as Exhibit C are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2019, and shall be utilized until the Borough updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
- c. The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Borough annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.

14. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.
15. As an essential term of this Agreement, within one hundred and twenty (120) days of Court's approval of this Agreement, the Borough shall introduce and adopt an ordinance or ordinances providing for the amendment of the Borough's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of this Agreement and the zoning contemplated herein and adopt a Housing Element and Fair Share Plan and Spending Plan in conformance with the terms of this Agreement.
16. The parties agree that if a decision of a court of competent jurisdiction in Bergen County, or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for the Borough for the period 1999-2025 that would be lower by more than twenty (20%) percent than the total prospective Third Round need obligation established in this Agreement, and if that calculation is memorialized in an unappealable final judgment, the Borough may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. Notwithstanding any such reduction, the Borough shall be obligated to adopt a Housing Element and Fair Share Plan that conforms to the terms of this Agreement and to implement all compliance mechanisms included in this Agreement, including by adopting or leaving in place any site specific zoning adopted or relied upon in connection with the Plan adopted pursuant to this Agreement; taking all steps necessary to support the development of any 100% affordable developments referenced herein; maintaining all mechanisms to address unmet need; and otherwise fulfilling fully the fair share obligations as established herein. The reduction of the

Borough's obligation below that established in this Agreement does not provide a basis for seeking leave to amend this Agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the Borough prevails in reducing its prospective need for the Third Round, the Borough may carry over any resulting extra credits to future rounds in conformance with the then-applicable law.

17. The Borough shall prepare a Spending Plan within the period referenced above, subject to the review of FSHC and approval of the Court, and reserves the right to seek approval from the Court that the expenditures of funds contemplated under the Spending Plan constitute "commitment" for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment approving this settlement in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). On the first anniversary of the entry of a final judgment in this matter, and on every anniversary of that date thereafter through the end of the period of protection from litigation referenced in this Agreement, the Borough agrees to provide annual reporting of trust fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services. The reporting shall include an accounting of all housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
18. On the first anniversary of entry of final judgment in this matter, and every anniversary thereafter through the end of this Agreement, the Borough agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.
19. The Fair Housing Act includes two provisions regarding action to be taken by the Borough during the ten-year period of protection provided in this Agreement. The Borough agrees to comply with those provisions as follows:
  - a. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of the Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.
  - b. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of final judgment in this matter, and every third year thereafter, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to

its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.

20. FSHC is hereby deemed to have party status in this matter and to have intervened in this matter as a defendant without the need to file a motion to intervene or an answer or other pleading. The parties to this Agreement agree to request the Court to enter an order declaring FSHC is an Intervenor, but the absence of such an order shall not impact FSHC's rights.
21. This Agreement must be approved by the Court following a fairness hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Borough shall present its planner as a witness at this hearing. FSHC agrees to support this Agreement at the fairness hearing. In the event the Court approves this proposed settlement, the parties contemplate the municipality will receive "the judicial equivalent of substantive certification and accompanying protection as provided under the FHA," as addressed in the Supreme Court's decision in In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 36 (2015). The "accompanying protection" shall remain in effect through July 1, 2025. If this Agreement is rejected by the Court at a fairness hearing it shall be null and void.
22. The Borough agrees to pay FSHC's attorneys fees and costs in the amount of \$5,000 within ten (10) days of the Court's approval of this Agreement pursuant to a duly-noticed fairness hearing.
23. If an appeal is filed of the Court's approval or rejection of this Agreement, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of this Agreement if the Agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful, at which point the Parties reserve their right to rescind any action taken in anticipation of the trial court's approval. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement.
24. This Agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Bergen County. A prevailing movant or plaintiff in such a motion or separate action shall be entitled to reasonable attorney's fees.
25. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.
26. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
27. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.

28. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.
29. The Parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the Agreement, that this Agreement contains the entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.
30. Each of the Parties hereto acknowledges that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of the Parties expressly represents to the other Parties that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.
31. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both Parties.
32. This Agreement constitutes the entire Agreement between the Parties hereto and supersedes all prior oral and written agreements between the Parties with respect to the subject matter hereof except as otherwise provided herein.
33. No member, official or employee of the Borough shall have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.
34. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which all of the Parties hereto have executed and delivered this Agreement.
35. All notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days notice as provided herein:

**TO FSHC:**

Adam M. Gordon, Esq.  
Fair Share Housing Center  
510 Park Boulevard  
Cherry Hill, NJ 08002  
Phone: (856) 665-5444  
Telecopier: (856) 663-8182  
E-mail: adamgordon@fairsharehousing.org

**TO THE BOROUGH:**

Anthony R. Suarez, Esq.  
Werner Suarez & Morán, LLC  
One University Plaza, Suite 117  
Hackensack, NJ 07601  
Telecopier: (201) 487-4979  
Email: [asuarez@wsmlawfirm.com](mailto:asuarez@wsmlawfirm.com)

**WITH A COPY TO THE  
MUNICIPAL CLERK:**

Jacqueline Scalia, Borough Clerk  
1 Harding Plaza  
Glen Rock, NJ 07452  
Telecopier: (201) 670-3959  
Email: [jscaliam@glenrocknj.net](mailto:jscaliam@glenrocknj.net)


Please sign below if these terms are acceptable.

Sincerely,



Adam M. Gordon, Esq.  
Counsel for Intervenor/Interested Party  
Fair Share Housing Center

On behalf of the Borough of Glen Rock, with the authorization  
of the governing body:

  
\_\_\_\_\_  
Mayor  
Dated: 9/25/19

**EXHIBIT A: VACANT LAND ADJUSTMENT**

Description or ID#	Property Name	Block	Lot	Property Location	Net Acreage	Total Units	Total RDP Required
#18 (VLA)	Cardamone	175	4	179 Rodney St.	0.71	9 (@12du/ac)	1.80 (@20%)
A&B	Glen Park Village	127	2& 3	569 Prospect St	1.973	52	10.40(@20%)
C-Site w/ development potential	Perry's Florist	159	14	660 Harristown Rd	3.91	47 (@12du/ac)	9.40 (@20%)
D-Proposed 100% Affordable	261 Rock Road	107	1	261 Rock Road	0.4882	11 du	2.2 (@20%)
Trafalgar Square	Trafalgar Square	43	1	471 Doremus	NA	NA	2
<b>Total</b>							<b>25.8, rounded up to 26 units</b>

**EXHIBIT B: OVERLAY ZONING MAP**



**Legend**

Overlay A	3 stories, 20 units
Overlay B	3 stories, 20 units
Overlay C	3 stories, 15 units
Overlay D	3 stories, 20 units
Overlay E	3 stories, 20 units

Map Date	Map No.	Map Scale

**Overlay Zones**


**APPENDIX A: MAPS AND INFORMATION**




Source 1: No longer proprietary data from NCEM  
 Source 2: Street intersection data from NCEM  
 Source 3: Parcel data from NCEM  
 Source 4: Parcel data from NCEM

**EXHIBIT C: 2019 INCOME LIMITS**

**2019 AFFORDABLE HOUSING REGIONAL INCOME LIMITS BY HOUSEHOLD SIZE**

Prepared by Affordable Housing Professionals of New Jersey (AHPNJ) - May 2019

Income limits not officially adopted by the State of New Jersey. Contact your municipality to see if applicable in your jurisdiction. Additional information about AHPNJ income limits is posted on AHPNJ.org

	1 Person	1.5 Person	2 Person	3 Person	4 Person	4.5 Person	5 Person	6 Person	7 Person	8+ Person	Max Increase Rents**	Sales***	Regional Asset Limit****
<b>Region 1</b>													
Median	\$66,607	\$71,365	\$76,122	\$85,697	\$95,159	\$98,959	\$102,785	\$110,377	\$117,989	\$125,802			
Moderate	\$53,286	\$57,092	\$60,898	\$68,510	\$76,122	\$79,167	\$82,212	\$88,302	\$94,391	\$100,481	2.6%	4.7%	\$183,994
Low	\$33,303	\$35,682	\$38,061	\$42,819	\$47,576	\$49,479	\$51,382	\$55,189	\$58,995	\$62,801			
Very Low	\$19,982	\$21,409	\$22,837	\$25,691	\$28,546	\$29,888	\$30,829	\$33,113	\$35,397	\$37,680			
<b>Region 2</b>													
Median	\$70,537	\$75,576	\$80,614	\$90,691	\$100,767	\$104,798	\$108,829	\$116,980	\$124,952	\$133,013			
Moderate	\$56,490	\$60,460	\$64,431	\$72,553	\$80,674	\$83,838	\$87,003	\$93,512	\$99,961	\$106,410	2.6%	5.67%	\$193,321
Low	\$35,289	\$37,788	\$40,307	\$45,345	\$50,384	\$52,389	\$54,414	\$58,445	\$62,476	\$66,506			
Very Low	\$21,151	\$22,673	\$24,194	\$27,207	\$30,230	\$31,439	\$32,649	\$35,067	\$37,485	\$39,904			
<b>Region 3</b>													
Median	\$82,810	\$88,715	\$94,640	\$106,470	\$118,300	\$123,032	\$127,764	\$137,228	\$146,692	\$156,156			
Moderate	\$66,248	\$70,980	\$75,712	\$85,176	\$94,640	\$98,426	\$102,211	\$109,782	\$117,354	\$124,925	2.6%	9.64%	\$225,261
Low	\$41,405	\$44,363	\$47,320	\$53,235	\$59,150	\$61,516	\$63,882	\$68,614	\$73,346	\$78,078			
Very Low	\$24,843	\$26,618	\$28,392	\$31,941	\$35,490	\$36,910	\$38,329	\$41,168	\$44,008	\$46,847			
<b>Region 4</b>													
Median	\$72,165	\$77,319	\$82,474	\$92,783	\$103,092	\$107,216	\$111,340	\$119,587	\$127,834	\$136,082			
Moderate	\$57,732	\$61,855	\$65,979	\$74,226	\$82,474	\$85,773	\$89,072	\$96,670	\$102,268	\$108,865	2.6%	3.91%	\$193,919
Low	\$36,082	\$38,680	\$41,277	\$46,392	\$51,506	\$53,608	\$55,670	\$59,794	\$63,917	\$68,041			
Very Low	\$21,649	\$23,196	\$24,742	\$27,835	\$30,928	\$32,165	\$33,402	\$35,876	\$38,350	\$40,825			
<b>Region 5</b>													
Median	\$63,070	\$67,575	\$72,080	\$81,090	\$90,100	\$93,704	\$97,308	\$104,516	\$111,724	\$118,932			
Moderate	\$50,456	\$54,060	\$57,664	\$64,872	\$72,080	\$74,863	\$77,646	\$83,613	\$89,579	\$95,546	2.6%	3.09%	\$166,981
Low	\$31,535	\$33,788	\$36,040	\$40,545	\$45,050	\$46,852	\$48,654	\$52,258	\$55,862	\$59,466			
Very Low	\$18,921	\$20,273	\$21,624	\$24,327	\$27,030	\$28,111	\$29,192	\$31,355	\$33,517	\$35,680			
<b>Region 6</b>													
Median	\$53,714	\$57,550	\$61,387	\$69,061	\$76,734	\$79,803	\$82,873	\$89,011	\$95,150	\$101,289			
Moderate	\$42,971	\$46,040	\$49,110	\$55,248	\$61,387	\$63,843	\$66,298	\$71,209	\$76,120	\$81,031	2.6%	5.15%	\$143,713
Low	\$26,857	\$28,775	\$30,694	\$34,530	\$38,367	\$39,902	\$41,436	\$44,506	\$47,575	\$50,644			
Very Low	\$16,114	\$17,285	\$18,416	\$20,718	\$23,020	\$23,941	\$24,862	\$26,703	\$28,545	\$30,387			

Moderate income is between 80 and 50 percent of the median income. Low income is 50 percent or less of median income. Very low income is 30 percent or less of median income.

\* These columns are for calculating the pricing for one, two and three bedroom sale and rental units as per N.J.A.C. 5:80-26.4(f).

\*\*This column is used for calculating the pricing for rent increases for units (as previously calculated under N.J.A.C. 5:97-9.3). The increase for 2015 was 2.3%, the increase for 2016 was 1.1%, the increase for 2017 was 1.7%, and the increase for 2018 was 2.2%. The increase for 2019 is 2.6% (Consumer Price Index for All Urban Consumers (CPI-U): Regions by expenditure category and commodity and service group). Landlords who did not increase rents in 2015, 2016, 2017, or 2018 may increase rent by up to the applicable combined percentage including 2019 or 9.0% whichever is less in accordance with N.J.A.C. 5:97-9.3(d). In no case can rent for any particular apartment be increased more than one time per year.

\*\*\* This column is used for calculating the pricing for resale increases for units (as previously calculated under N.J.A.C. 5:97-9.3). 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.

Low income tax credit developments may increase based on the low income tax credit regulations.

\*\*\*\* The Regional Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b).

## **Appendix**

### 5. Third Round Vacant Land Adjustment Table

Table 23: Vacant Land Assessment  
Borough of Glen Rock, New Jersey

ID	Block	Lot	Location	Owner	Area (ac)	Comments	Developable Area (ac)	RDP Units
1	107	20.02	74 HAMILTON AVE.	MACKIE, SUSAN	0.37	Does not qualify for RDP Analysis. Lot size is too small.	N/A	N/A
2	121	22	86 CENTRAL AVE REAR	HIRSCHBERG, SHELDON M. & DIANE M.	0.07	Does not qualify for RDP Analysis. Lot size is too small.	N/A	N/A
3	121	16	512 ACKERMAN AVE. REAR	PETRONE, WILLIAM C. & ALYSSA G.	0.37	Does not qualify for RDP Analysis. Lot size is too small.	N/A	N/A
4	127	17	432 GROVE ST.	NANNINGA, ANNA A.	0.16	Does not qualify for RDP Analysis. Lot size is too small.	N/A	N/A
5	127	23	GROVE ST.	GRASSEY, RICHARD R.	0.90	Not developable. Environmental constraints: Wetlands and 100 Year Flood Zone. Entirety of lot is constrained	0.00	N/A
6	127	24	HOHOKUS BROOK	PHILIP & STELLA GULMY LLC	0.45	Not developable. Environmental constraints: Wetlands, 100 Year Food Zone. Approximately .33 acres are constrained.	0.11	N/A
7	127	19	HOHOKUS BROOK	PHILIP & STELLA GULMY LLC	0.83	Does not qualify for RDP Analysis due to lack of frontage for access. Environmental Constraints: 100 Year Flood Zone. Approximately .40 acres are constrained.	0.43	N/A
8	128.02	1	PROSPECT ST.	PUBLIC SERVICE ELEC & GAS	3.59	Property owned by PSE&G for OH Lines & Lot is too shallow.	0.00	N/A
9	128.03	1	ACKERMAN AVE.	PUBLIC SERVICE ELEC & GAS	0.84	Property owned by PSE&G for OH Lines & Lot is too shallow.	0.00	N/A
10	128.04	1	E. SIDE HIGHLAND RD.	PUBLIC SERVICE ELEC & GAS	0.26	Property owned by PSE&G for OH Lines & Lot is too shallow.	0.00	N/A

ID	Block	Lot	Location	Owner	Area (ac)	Comments	Developable Area (ac)	RDP Units
11	128.05	1	HIGHLAND & RIDGE RD.	PUBLIC SERVICE ELEC. & GAS	0.57	Property owned by PSE&G for OH Lines & Lot is too shallow.	0.00	N/A
12	128.06	1	RIDGE RD. & BERKELEY PL.	PUBLIC SERVICE ELEC & GAS	0.65	Property owned by PSE&G for OH Lines & Lot is too shallow.	0.00	N/A
13	128.07	1	HAMILTON & BERKELEY	PUBLIC SERVICE ELEC & GAS	1.91	Property owned by PSE&G for OH Lines & Lot is too shallow.	0.00	N/A
14	129	20	GROVE ST.	PUBLIC SERV ELEC & GAS	0.20	Does not qualify for RDP Analysis. Lot size is too small.	N/A	N/A
15	129	21	432 GROVE ST.	VILLAGE OF RIDGEWOOD	0.58	Does not qualify for RDP Analysis. Environmental Constraints: Wetlands, 100 Year Flood Zone. Entirety of site is constrained.	0.00	N/A
16	129	19	432 GROVE ST.	AVED, JOSEPH	1.23	Not developable. Environmental constraints: Wetlands and 100 Year Flood Zone. Entirety of site is constrained.	0.00	N/A
17	145	8	49 HIGHLAND RD.	KENNEDY, MICHAEL W & JOYCE	0.32	Does not qualify for RDP Analysis. Lot size is too small.	N/A	N/A
<b>18</b>	<b>175</b>	<b>4</b>	<b>179 RODNEY ST.</b>	<b>CARDAMONE, ANDREW &amp; KAREN</b>	<b>0.71</b>	<b>Qualifies for RDP. No known environmental constraints.</b>	<b>0.71</b>	<b>1.8</b>
19	177	19	WALDRON AVE.	RINBRAND, BETTY LOU	0.34	Does not qualify for RDP Analysis. Lot size is too small.	N/A	N/A
20	207	15	26 BROOKFIELD AVE.	BLEYLE, DOROTHY M.	0.27	Does not qualify for RDP Analysis. Lot size is too small.	N/A	N/A
21	21	19	56 NORWOOD AVE.	PROBERT, JR., ROBERT & CYNTHIA M.	0.14	Does not qualify for RDP Analysis. Lot size is too small.	N/A	N/A
22	23	14	457 BROAD ST.	COLLINS, JAMES	0.16	Does not qualify for RDP Analysis. Lot size is too small.	N/A	N/A
23	238	26	GARVEY PL.	LEE,KUN HSIN & CHUNG CHING&CHIN MEI	0.08	Does not qualify for RDP Analysis. Lot size is too small.	N/A	N/A

ID	Block	Lot	Location	Owner	Area (ac)	Comments	Developable Area (ac)	RDP Units
24	238	25	REAR OF GARVEY PL.	SCIROCCO, CHRISTOPHER & KIMBERLY	0.04	Does not qualify for RDP Analysis. Lot size is too small.	N/A	N/A
25	238	23	REAR OF GARVEY PL	GOREY, PETER & CORA M.	0.07	Does not qualify for RDP Analysis. Lot size is too small.	N/A	N/A
26	238	24	REAR OF GARVEY PL.	HAUBEN,HILA SELA & HEN	0.08	Does not qualify for RDP Analysis. Lot size is too small.	N/A	N/A
27	241	1	26 GARVEY PL.	ZAYDES, ANATOLY & MARINA	0.09	Does not qualify for RDP Analysis. Lot size is too small.	N/A	N/A
28	26	8	ACKERMAN AVE.	DEL CALZO, MICHAEL & ADRIANNA	0.11	Does not qualify for RDP Analysis. Lot size is too small.	N/A	N/A
29	37	24.02	591 BROAD ST.	599 BROAD STREET LLC	0.09	Does not qualify for RDP Analysis. Lot size is too small.	N/A	N/A
30	40	13	DOREMUS AVE.	GOLABEK, CHRISTOPHER & SUZANNE	0.02	Does not qualify for RDP Analysis. Lot size is too small.	N/A	N/A
31	42	8	REAR DOREMUS AVE	MC CRODDEN, MARK & PATRICIA	0.01	Does not qualify for RDP Analysis. Lot size is too small.	N/A	N/A
32	42	2	DEMAREST ST.	LEMIEUX, CARRIE L.	0.28	Does not qualify for RDP Analysis. Environmental Constraints: Wetlands, 100 Year Flood Zone. Approximately .13 acres are constrained.	0.15	N/A
33	42	1	DEMAREST ST	LEMIEUX, CARRIE L.	0.37	Does not qualify for RDP Analysis. Environmental Constraints: Wetlands, 100 Year Flood Zone. Approximately .36 acres are constrained.	0.01	N/A
34	46	6	DEMAREST ST.	LEMIEUX, CARRIE L.	0.81	Does not qualify for RDP Analysis. Environmental Constraints: Wetlands. Approximately .76 acres are constrained.	0.05	N/A

ID	Block	Lot	Location	Owner	Area (ac)	Comments	Developable Area (ac)	RDP Units
35	46	7	DEMAREST ST.	MITZNER, BARRY & CECILE	0.16	Does not qualify for RDP Analysis. Environmental constraints: Wetlands. Entirety of site is constrained.	0.00	N/A
36	46	8	242 DEMAREST ST.	WALLIN, JASON (ETAL)	0.02	Does not qualify for RDP Analysis. Lot size is too small.	N/A	N/A
37	48	1	161 MCKINLEY PL.	WOOD, MILDRED	0.09	Does not qualify for RDP Analysis. Lot size is too small.	N/A	N/A
38	49	8	321 LINCOLN AVE. REAR	WIRTZ, LYNETTE M	0.27	Does not qualify for RDP Analysis. Lot size is too small.	N/A	N/A
39	49	6	MCKINLEY PL. REAR	BISCAN, SHERRI	0.23	Does not qualify for RDP Analysis. Lot size is too small.	N/A	N/A
40	49	7	MC KINLEY PL. REAR	SULLIVAN, MARK & GWEN	0.06	Does not qualify for RDP Analysis. Lot size is too small.	N/A	N/A
41	53	9.02	65 RUTLAND RD.	HANNON, JOHN M. & NANCY	0.40	Does not qualify for RDP Analysis. Lot size is too small.	N/A	N/A
42	55	24	PORTION OF MAIN LINE	GLEN ROCK MALL, LLC	0.64	Does not qualify for RDP Analysis. Lot size is too narrow to accommodate development.	N/A	N/A
43	65	10	PEMBROKE PL.	TOSCHI, ALEXANDER U. & MARY M.	0.27	Does not qualify for RDP Analysis. Lot size is too small.	N/A	N/A
44	7	1.02	18 MIDWOOD ROAD	VISOKEY, BRADLEY & KATHLEEN	0.36	Does not qualify for RDP Analysis. Lot size is too small.	N/A	N/A
45	80	9	BLVD.	TOMAS, ROBERT & LINDA	0.15	Does not qualify for RDP Analysis. Lot size is too small.	N/A	N/A
46	87	3	RR SERAFIN PL.	LEONE, ROSE & ALDERIGGIO	0.06	Does not qualify for RDP Analysis. Lot size is too small.	N/A	N/A
47	88	4.03	759 LINCOLN AVE.	LEONE, MARK	0.25	Does not qualify for RDP Analysis. Lot size is too small.	N/A	N/A

**Table 24: Developed Lots with Development Potential  
Borough of Glen Rock, New Jersey**

ID	Block	Lot	Location	Owner	Area (ac)	Developable Area (ac)	Comments	RDP Units
A	127	2	569 PROSPECT ST.	MACKIE, SUSAN	1.30	0.81	Pursuant to Court Master, Qualifies for RDP Analysis. Environmental Constraints: 100 Year Flood Zone. Approximately .49 acres are constrained.	10.4
B	127	3	575 PROSPECT ST.	GLEN PARK VILLAGE LLC	0.64	0.45	Pursuant to Court Master, Qualifies for RDP Analysis. Environmental Constraints: 100 Year Flood Zone. Approximately .19 acres are constrained.	With above
C	159	14	660 HARRISTOWN RD.	PERRY'S FLORIST	3.91	3.91	Pursuant to Court Master, Qualifies for RDP Analysis. No environmental constraints.	9.4
D	107	1	261 ROCK ROAD	261 ROCK ROAD	0.48	0.48	Qualifies for RDP due to proposed development concept	2.2
E	43	1	471 DOREMUS AVENUE	TRAFALGAR SQUARE DEVELOPMENT	1.74	1.74	Qualifies due to approved development during third round	2.0

## **Appendix**

### 6. Existing Affordable Housing Mandatory Set-Aside Ordinance

**§ 230-139. Affordable housing set-aside requirements. [Added 12-9-2020 by Ord. No. 1835]**

- A. Purpose. This section is intended to ensure that any site or development that benefits from a subdivision or site plan approval, rezoning, use variance, redevelopment plan or rehabilitation plan approved by the Municipality or a Borough land use board that results in five or more new multifamily or single-family attached dwelling units produces affordable housing at a set-aside rate of 20% for affordable for-sale and 15% if rental affordable units are created. This section shall apply except where inconsistent with applicable law or Court order.
- B. Mandatory set-aside requirement.
- (1) Any multifamily or single-family attached residential development, including the residential portion of a mixed-use project, that is approved and contains five or more new dwelling units as a result of a subdivision or site plan approval, rezoning, use variance, redevelopment plan or rehabilitation plan approved by the Municipality or a Borough land use board shall be required to set aside a minimum percentage of units for affordable housing.
  - (2) For inclusionary projects for sale, or offered for rent, the minimum set-aside percentage shall be 20% percent for affordable ownership unit, 15% if affordable rental units are created. Where the set-aside percentage results in a fractional unit, the total set-aside requirement shall be rounded upwards to the next whole number, regardless of the fractional amount.
  - (3) Nothing in this section precludes the Municipality or a Borough land use board from imposing an affordable housing set-aside in a development not required to have a set-aside pursuant to this section consistent with N.J.S.A. 52:27D-311(h) and other applicable law.
  - (4) This requirement does not create any entitlement for a property owner or applicant for subdivision or site plan approval, a zoning amendment, use variance, or adoption of a redevelopment plan or rehabilitation plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.
  - (5) This requirement does not apply to any sites or specific zones for which higher set-aside standards have been or will be established, either by zoning, subdivision or site plan approval, or an adopted redevelopment plan or rehabilitation plan.
  - (6) If the Municipality's Settlement Agreement with Fair Share Housing Center ("FSHC") dated September 25, 2019, or the Municipality's 2019 Housing Element and Fair Share Plan establishes set-aside standards for any specific sites or zones which are different from the set-aside standards set forth in this section, the set-asides established for those sites or zones in the Settlement Agreement or Housing Element and Fair Share Plan shall govern.
  - (7) Furthermore, this requirement shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more.

- (8) Where a developer demolishes existing dwelling units and builds new dwelling units on the same site, the provisions of this section shall apply only if the net increase in the number of dwelling units is five or greater.
- (9) All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section.
- (10) No subdivision shall be permitted or approved for the purpose of avoiding compliance with the mandatory set-aside requirements set forth in this section. [**Added 7-28-2021 by Ord. No. 1848**]
- (11) All affordable units to be produced pursuant to this section shall comply with the Borough's Affordable Housing Ordinance at Article XXVI, § 230-127 et seq., of the Zoning Ordinance of the Borough of Glen Rock and the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.), as may be amended from time to time, and any applicable Order of the Court, including a Judgment of Compliance and Repose Order.

## **Appendix**

7. Existing/Adopted Chapter 230 Article XXVI (Affordable Housing) of Borough Code

ARTICLE XXVI  
Affordable Housing

[Added 12-13-2006 by Ord. No. 1541; amended 12-13-2006 by Ord. No. 1542; 12-9-2020 by Ord. No. 1836]

§ 230-127. Purpose.

- A. This article is intended to assure that very-low-, low- and moderate-income units (affordable housing units) are created with controls on affordability and that only very-low-, low- and moderate-income households shall occupy these units. This article shall apply except where inconsistent with applicable state law.
- B. The Borough of Glen Rock's Planning Board has adopted a Housing Plan 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 adopted by the Planning Board and endorsed by the Governing Body. The Fair Share Plan describes how the Borough of Glen Rock shall address its fair share for very-low-, low- and moderate-income housing as documented in the Housing Element and outlined in the terms of the settlement agreement between the Borough of Glen Rock and Fair Share Housing Center (FSHC).
- C. This article implements the Borough's Fair Share Plan and addresses the requirements of the Court and the terms of the Settlement Agreement.
- D. The Borough of Glen Rock shall track 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 shall be available to the public at the Borough's Municipal Building.

§ 230-128. Definitions.

The following terms when used in this article shall have the meanings given in this section:

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

ADAPTABLE — A dwelling unit constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

ADMINISTRATIVE AGENT — The entity designated by the Borough to administer affordable units in accordance with this article, N.J.A.C. 5:93,<sup>1</sup> and UHAC (N.J.A.C. 5:80-26).

AFFIRMATIVE MARKETING — A regional marketing strategy designed to attract buyers and/ or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

AFFORDABILITY AVERAGE — The average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

AFFORDABLE — A sales price or rent level that is within the means of a very-low-, low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6,

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1. Editor's Note: The provisions of N.J.A.C. 5:93 expired 10-01-2016.

as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

**AFFORDABLE HOUSING DEVELOPMENT** — A development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Borough's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable housing development.

**AFFORDABLE HOUSING PROGRAM(S)** — Any mechanism in a municipal Fair Share Plan prepared or implemented to address a Borough's fair share obligation.

**AFFORDABLE UNIT** — A housing unit proposed or created pursuant to the Act, credited pursuant to applicable COAH regulations, the FSHC Settlement Agreement, or an order of the Superior Court.

**AGE-RESTRICTED UNIT** — A housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population where the head of household is a minimum age of either 62 years, or 55 years and meets the provisions of the 42 U.S.C. § 3601 et seq., except that, due to death, a remaining spouse of less than 55 years of age shall be permitted to continue to reside.

**AGENCY** — The New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1 et seq.).

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

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

**CERTIFIED HOUSEHOLD** — A household that has been certified by an administrative agent as a very-low-income household, low-income household or moderate-income household.

**COAH** — The New Jersey Council on Affordable Housing and/or its successors and assigned pursuant to applicable laws.

**DCA** — The State of New Jersey Department of Community Affairs.

**DEFICIENT HOUSING UNIT** — A housing unit with health and safety code violations that requires the repair or replacement of a major system. A "major system" includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load-bearing structural systems.

**DEVELOPER** — Any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land included in a proposed development including

the holder of an option to contract to purchase, or other person having an enforceable proprietary interest in such land.

**DEVELOPMENT** — 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** — A development containing both affordable units and market rate units. This term includes, but is not limited to: new construction, the conversion of a nonresidential structure to residential use and the creation of new affordable units through the gut rehabilitation or reconstruction of a vacant residential structure.

**LOW-INCOME HOUSEHOLD** — A household with a total gross annual household income equal to 50% or less of the median household income.

**LOW-INCOME UNIT** — A restricted unit that is affordable to a low-income household.

**MAJOR SYSTEM** — The primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and load-bearing structural systems.

**MARKET-RATE UNITS** — Housing not restricted to very-low-, low-, or moderate-income households that may sell or rent at any price.

**MEDIAN-INCOME** — The median income by household size for the applicable housing region, as updated annually by COAH or through a court-approved process.

**MODERATE-INCOME HOUSEHOLD** — A household with a total gross annual household income in excess of 50% but less than 80% of the median household income.

**MODERATE-INCOME UNIT** — A restricted unit that is affordable to a moderate-income household.

**MULTIFAMILY UNIT** — A structure containing five or more dwelling units.

**MUNICIPAL HOUSING LIAISON** — The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for the Borough of Glen Rock.

**NON-EXEMPT SALE** — 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** — A process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

**REGIONAL ASSET LIMIT** — The maximum housing value in each housing region affordable to

a four-person household with an income at 80% of the regional median as defined by duly adopted Regional Income Limits published annually by COAH, a successor entity, or established by the Court.

**REHABILITATION** — The repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

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

**RESTRICTED UNIT** — A dwelling unit, whether a rental unit or an ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as amended and supplemented.

**UHAC** — The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26 et seq.

**VERY-LOW-INCOME HOUSEHOLD** — A household with a total gross annual household income equal to 30% or less of the median household income for the applicable housing region.

**VERY-LOW-INCOME UNIT** — A restricted unit that is affordable to a very-low-income household.

**WEATHERIZATION** — Building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for purposes of a rehabilitation program.

### **§ 230-129. Applicability.**

- A. The provisions of this article shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Borough of Glen Rock pursuant to the Borough's most recently adopted Housing Element and Fair Share Plan.
- B. In addition, any property in the Borough of Glen Rock that is currently zoned for nonresidential uses and that is subsequently rezoned for residential purposes or receives a zoning change or a use variance to permit residential development, or receives a zoning change or a density variance to permit higher density residential development, and provided such residential development provides a sufficient compensatory benefit in terms of the density of development permitted, shall provide an affordable housing set-aside as set forth in § 230-139. The determination of a sufficient compensatory benefit shall be made by the reviewing authority based upon prevailing legislation and/or case law.
- C. The following sections shall apply to all developments that contain affordable housing units, as defined herein, including any currently unanticipated future developments that will provide affordable housing units.

### **§ 230-130. Alternative living arrangements.**

- A. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8<sup>2</sup> and UHAC, with the following exceptions:

- (1) Affirmative marketing (N.J.A.C. 5:80-26.15); provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;
  - (2) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
- B. With the exception of units established with capital funding through a twenty-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least thirty-year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.
  - C. The service provider for the alternative living arrangement shall act as the administrative agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

**§ 230-131. Phasing schedule for inclusionary zoning.**

In inclusionary developments the following schedule shall be followed:

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

**§ 230-132. New construction.**

- A. Very-low, low and moderate split and bedroom distribution of affordable housing units:
  - (1) The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit. At least 13% of all restricted rental units shall be very-low-income units (affordable to a household earning 30% or less of median income). The very-low-income units shall be counted as part of the required number of low-income units within the development. At least 25% of the obligation shall be met through rental units, including at least half in rental units available to families. A maximum of 25% may be age restricted. At least half of the units in total shall be available to families.
  - (2) In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units.

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2. Editor's Note: The provisions of N.J.A.C. 5:93 expired 10-016-2016.

- (3) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
  - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total affordable units;
  - (b) At least 30% of all affordable units shall be two-bedroom units;
  - (c) At least 20% of all affordable units shall be three-bedroom units; and
  - (d) The remaining units may be allocated among two- and three-bedroom units at the discretion of the developer.
- (4) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted very-low-, low- and moderate-income units within the inclusionary development. This standard may be met by having all one- bedroom units or by having a two-bedroom unit for each efficiency unit.

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.
- (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:
  - (a) An adaptable toilet and bathing facility on the first floor; and
  - (b) An adaptable kitchen on the first floor; and
  - (c) An interior accessible route of travel on the first floor; and
  - (d) 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
  - (e) If not all of the foregoing requirements in Subsection B(2)(a) through (d) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of Subsection B(2)(a) through (d) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
  - (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free SubCode, N.J.A.C. 5:23-7, or evidence that Glen Rock has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:

[1] Where a unit has been constructed with an adaptable entrance, upon the request of a person with disabilities who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

- [2] To this end, the builder of restricted units shall deposit funds within the Borough of Glen Rock Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
  - [3] The funds deposited under Subsection B(2)(f)[2] above shall be used by the Borough of Glen Rock for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
  - [4] The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Borough of Glen Rock for the conversion of adaptable to accessible entrances.
  - [5] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free SubCode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's Affordable Housing Trust Fund in care of the Borough Chief Financial Officer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
- (g) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free SubCode, N.J.A.C. 5:23-7.

C. Design:

- (1) In inclusionary developments, very-low-, low- and moderate-income units (also to be called affordable units) shall be integrated with the market units to the extent possible.
- (2) In inclusionary developments, affordable units shall have access to all of the same common elements and facilities as the market units.

D. Maximum rents and sales prices:

- (1) In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD.
- (2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52% of median income.
- (3) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for very-low-, low- and moderate-income units,

provided that at least 13% of all affordable housing rental units shall be affordable to very-low-income households, earning 30% or less of the regional median household income.

- (4) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.
- (5) In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
  - (a) A studio shall be affordable to a one-person household;
  - (b) A one-bedroom unit shall be affordable to a one-and-one-half-person household;
  - (c) A two-bedroom unit shall be affordable to a three-person household;
  - (d) A three-bedroom unit shall be affordable to a four-and-one-half-person household; and
  - (e) A four-bedroom unit shall be affordable to a six-person household.
- (6) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
  - (a) A studio shall be affordable to a one-person household;
  - (b) A one-bedroom unit shall be affordable to a one-and-one-half-person household; and
  - (c) 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% of the purchase price and the Freddie Mac Thirty-Year Fixed-Rate mortgage rate (formerly Federal Reserve H.15)], taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% 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% of the eligible monthly income of the appropriate size household, including an allowance

for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

- (9) Income limits for all units that are part of the Borough's Housing Element and Fair Share Plan, and for which income limits are not already established through a federal program exempted from the UHAC pursuant to N.J.A.C. 5:80-26.1, shall be updated by the Borough annually within 60 days of the publication of determinations of median income by HUD as follows:
  - (a) Regional income limits shall be established for Region 1 based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Borough's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80% of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50% of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very-low-income unit for a household of four shall be 30% of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.
- (10) The income limits are the result of applying the percentages set forth in Subsection D(9)(a) above to HUD's determination of median income for the current Fiscal Year and shall be utilized by the Borough until the Borough updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
- (11) The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Borough annually by taking the percentage increase of the income limits calculated pursuant to Subsection D(9)(a) above over the previous year's income limits and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.

E. Affordable housing set-asides.

- (1) Refer to § 230-139.
- (2) No development that has an affordable housing set-aside obligation may fulfill that obligation by utilizing the Borough's Market-to-Affordable or Accessory Apartment Program unless otherwise provided by ordinance, redevelopment or development agreement.

- (3) Payments in lieu and off-site provision of affordable housing shall be subject to Council approval.

**§ 230-133. Minimum floor area requirements for very-low-, low- and moderate-income housing units.**

- A. The minimum floor area requirements for very-low-, low- and moderate-income housing units shall comply with minimum applicable building code requirements.

**§ 230-134. Utilities.**

- A. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
- B. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

**§ 230-135. Occupancy standards.**

- A. In referring certified households to specific restricted units, the administrative agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:
  - (1) Provide an occupant for each bedroom;
  - (2) Provide children of different sexes with separate bedrooms;
  - (3) Provide separate bedrooms for parents and children; and
  - (4) Prevent more than two persons from occupying a single bedroom.

**§ 230-136. Control periods for restricted ownership units and enforcement mechanisms.**

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this article for a period of at least 30 years, until the Borough of Glen Rock takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- 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 nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
- D. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the administrative agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay the Borough, upon the first nonexempt sale after the

unit's release from the restrictions set forth in this article, an amount equal to the difference between the unit's nonrestricted 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 section shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- F. A restricted ownership unit shall be required to obtain a continuing certificate of occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

**§ 230-137. Price restrictions for restricted ownership units, homeowner association fees and resale prices.**

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

- A. The initial purchase price for a restricted ownership unit shall be approved by the administrative agent.
- B. The administrative agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- C. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by very-low-, low- and moderate-income purchasers and those paid by market purchasers.
- D. The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See § 230-138.2.
- E. 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.

**§ 230-138. Buyer income eligibility.**

- A. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income. In addition, in accordance with the A500 ACS amendment to the Act, very-low-income ownership units shall be reserved for households with a gross household income less than or equal to 30% of median income,
- B. Notwithstanding the foregoing, however, the administrative agent may, upon approval by the Borough Council, and subject to the Court's approval, permit moderate-income purchasers to

buy low-income units in housing markets if the administrative agent determines that there are an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units.

- C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the administrative agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
- D. The administrative agent shall certify a household as eligible for a restricted ownership unit when the household is a very-low-income, low-income or moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33% of the household's eligible monthly income.

**§ 230-138.1. Limitations on indebtedness secured by ownership unit; subordination.**

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the administrative agent for a determination in writing that the proposed indebtedness complies with the provisions of this section, and the administrative agent shall issue such determination prior to the owner incurring such indebtedness.
- B. With the exception of first purchase money mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of the unit, as such price is determined by the administrative agent in accordance with N.J.A.C. 5:80-26.6(b).

**§ 230-138.2. Capital improvements to ownership units.**

- A. The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that adds an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
- B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the administrative agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to ten-year, straight-line depreciation, has been approved by the administrative agent. Unless otherwise approved by the administrative agent, the purchase of any property other than central air conditioning shall not be made a

condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

**§ 230-138.3. Control period for restricted rental units.**

- A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this article for a period of at least 30 years, until Glen Rock takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- B. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Bergen. The deed shall also identify each affordable unit by apartment number and/or address and whether that unit is designated as a very-low-, low- or moderate-income unit. Neither the unit nor its affordability designation shall change throughout the term of the deed restriction. A copy of the filed document shall be provided to the administrative agent within 30 days of the receipt of a certificate of occupancy.
- C. A restricted rental unit shall remain subject to the affordability controls of this section despite the occurrence of any of the following events:
  - (1) Sublease or assignment of the lease of the unit;
  - (2) Sale or other voluntary transfer of the ownership of the unit; or
  - (3) The entry and enforcement of any judgment of foreclosure on the property containing the unit.

**§ 230-138.4. Rent restrictions for rental units; leases; rent increases.**

- A. A written lease shall be required for all restricted rental units 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 5% of the monthly rent of the applicable restricted unit and shall be payable to the developer and/or landlord or to the administrative agent, to be applied only to the costs of administering the controls applicable to the unit as set forth in this article.
- D. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15% of the total number of dwelling units are restricted rental units in compliance with this article.

- E. The rent levels of very-low-, low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the Northeast Urban Area, upon its publication for the prior calendar year. This increase shall not exceed 9% in any one year. Rent increases for units constructed pursuant to Low-Income Housing Tax Credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.

**§ 230-138.5. 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% of median income by household size.
  - (2) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income by household size.
  - (3) Moderate-income rental units shall be reserved for households with a gross household income less than 80% of median income by household size.
- B. The administrative agent shall certify a household as eligible for a restricted rental unit when the household is a very-low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% 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 35% (40% 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% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
  - (3) The household is currently in substandard or overcrowded living conditions;
  - (4) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
  - (5) The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the administrative agent and the owner of the unit.
- C. The applicant shall file documentation sufficient to establish the existence of the circumstances in Subsection B(1) through (5) above with the administrative agent, who shall counsel the household on budgeting.

**§ 230-138.6. Administrative agent.**

The administrative agent may be an independent entity serving under contract to and reporting to the Borough. For new sale and rental developments, all of the fees of the administrative agent shall be paid by the owners of the affordable units for which the services of the administrative agent are required. For resales, single-family homeowners and condominium homeowners shall be required to pay 3% of the sales price for services provided by the administrative agent related to the resale of their homes. That fee shall be collected at closing and paid directly to the administrative agent. The administrative agent shall perform the duties and responsibilities of an administrative agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which include:

**A. Affirmative marketing:**

- (1) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Borough of Glen Rock and the provisions of N.J.A.C. 5:80-26.15; and
- (2) Providing counseling or contracting to provide counseling services to very-low-, low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

**B. Household certification:**

- (1) Soliciting, scheduling, conducting and following up on interviews with interested households;
- (2) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a very-low-, low- or moderate-income unit;
- (3) Providing written notification to each applicant as to the determination of eligibility or noneligibility;
- (4) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
- (5) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;
- (6) Employing a random selection process as provided in the Affirmative Marketing Plan of the Borough of Glen Rock when referring households for certification to affordable units; and
- (7) Notifying the following entities of the availability of affordable housing units in the Borough of Glen Rock: FSHC; the New Jersey State Conference of the NAACP; the Latino Action Network; the Bergen County, the New Jersey chapter of the NAACP; Bergen County Housing Coalition; and Community Access Unlimited Inc;

## C. Affordability controls:

- (1) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
- (2) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
- (3) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Bergen County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit;
- (4) Communicating with lenders regarding foreclosures; and
- (5) Ensuring the issuance of continuing certificates of occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

## D. Resales and re-rentals:

- (1) Instituting and maintaining an effective means of communicating information between owners and the administrative agent regarding the availability of restricted units for resale or re-rental; and
- (2) Instituting and maintaining an effective means of communicating information to very-low-, low- and moderate-income households regarding the availability of restricted units for resale or re-rental.

## E. Processing requests from unit owners:

- (1) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this section;
- (2) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air-conditioning systems;
- (3) Notifying the Borough of an owner's intent to sell a restricted unit; and
- (4) Making determinations on requests by owners of restricted units for hardship waivers.

## F. Enforcement:

- (1) Securing annually from the Borough a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
- (2) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the administrative agent;

- (3) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the administrative agent where complaints of excess rent or other charges can be made;
- (4) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
- (5) Establishing a program for diverting unlawful rent payments to the Borough's Affordable Housing Trust Fund; and
- (6) Creating and publishing a written operating manual for each affordable housing program administered by the administrative agent, to be approved by the Borough Council and the Court, setting forth procedures for administering the affordability controls.

G. Additional responsibilities:

- (1) The administrative agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
- (2) The administrative agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet any monitoring requirements and deadlines imposed by the Court.
- (3) The administrative agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

**§ 230-138.7. Affirmative marketing requirements.**

- A. The Borough of Glen Rock shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- B. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region 1 and is required to be followed throughout the period of restriction.
- C. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 1, comprised of Bergen, Hudson, Passaic and Sussex Counties.
- D. The Borough has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and re-rentals. The administrative agent designated by the Borough of

Glen Rock shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.

- E. In implementing the Affirmative Marketing Plan, the administrative agent shall provide a list of counseling services to very-low-, low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- F. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the administrative agent shall consider the use of language translations where appropriate.
- G. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
- H. Applications for affordable housing shall be available in several locations, including, at a minimum, the county administration building and/or the county library for each county within the housing region; the municipal administration building and the municipal library in the Borough in which the units are located; and the developer's rental office. Pre-applications shall be emailed or mailed to prospective applicants upon request.
- I. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

**§ 230-138.8. 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 Borough shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. After providing written notice of a violation to an owner, developer or tenant of a very-low-, low- or moderate-income unit and advising the owner, developer or tenant of the penalties for such violations, the Borough may take the following action(s) against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
  - (1) The Borough may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the owner, developer or tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
    - (a) A fine of not more than \$2,500 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;

- (b) In the case of an owner who has rented a very-low-, low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Glen Rock Housing Trust Fund of the gross amount of rent illegally collected;
  - (c) In the case of an owner who has rented a very-low-, low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
- (2) The Borough may file a court action in the Superior Court seeking a judgment that would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the very-low-, low- or moderate-income unit.
- (a) The judgment shall be enforceable, at the option of the Borough, by means of an execution sale by the Sheriff, at which time the very-low-, low- and moderate-income unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the Borough, including attorney's fees. The violating owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.
  - (b) The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the very-low-, low- and moderate-income unit. The excess, if any, shall be applied to reimburse the Borough for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the Borough in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the Borough in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the Borough for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the Borough for such. Failure of the owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the Borough. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the Borough, whether such balance shall be paid to the owner or forfeited to the Borough.
  - (c) Foreclosure by the Borough due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the very-low-, low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the

Sheriff's sale shall not be entitled to any right of redemption.

- (d) 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 Borough may acquire title to the very-low-, 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 very-low-, 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.
- (e) Failure of the very-low-, low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the Borough shall obligate the owner to accept an offer to purchase from any qualified purchaser which may be referred to the owner by the Borough, with such offer to purchase being equal to the maximum resale price of the very-low-, low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (f) 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.

**§ 230-138.9. Monitoring and reporting requirements. [Amended 7-28-2021 by Ord. No. 1849]**

- A. The Municipal Housing Liaison shall complete and return to COAH, its successor, or court of competent jurisdiction all forms necessary for monitoring requirements related to dwelling units in affordable housing projects and the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Borough of Glen Rock's approved housing program, as well as to the expenditure of revenues and implementation of the approved plan.
- B. By July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the municipality, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity. Any interested party may by motion request a hearing before the Court regarding these issues.
- C. As required by N.J.S.A. 52:27D-329.1, the Borough will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very-low-income requirements, including its family very-low-income requirements. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very-low-income and family very-low-

income housing obligations. The schedule for the reporting of this information shall be as set forth in the most recent settlement agreement between the Borough of Glen Rock and FSHC.

**§ 230-138.10. Appeals.**

Appeals from all decisions of an administrative agent appointed pursuant to this article shall be filed in writing with the Court.

**§ 230-139. Affordable housing set-aside requirements. [Added 12-9-2020 by Ord. No. 1835]**

- A. Purpose. This section is intended to ensure that any site or development that benefits from a subdivision or site plan approval, rezoning, use variance, redevelopment plan or rehabilitation plan approved by the Municipality or a Borough land use board that results in five or more new multifamily or single-family attached dwelling units produces affordable housing at a set-aside rate of 20% for affordable for-sale and 15% if rental affordable units are created. This section shall apply except where inconsistent with applicable law or Court order.
- B. Mandatory set-aside requirement.
- (1) Any multifamily or single-family attached residential development, including the residential portion of a mixed-use project, that is approved and contains five or more new dwelling units as a result of a subdivision or site plan approval, rezoning, use variance, redevelopment plan or rehabilitation plan approved by the Municipality or a Borough land use board shall be required to set aside a minimum percentage of units for affordable housing.
  - (2) For inclusionary projects for sale, or offered for rent, the minimum set-aside percentage shall be 20% percent for affordable ownership unit, 15% if affordable rental units are created. Where the set-aside percentage results in a fractional unit, the total set-aside requirement shall be rounded upwards to the next whole number, regardless of the fractional amount.
  - (3) Nothing in this section precludes the Municipality or a Borough land use board from imposing an affordable housing set-aside in a development not required to have a set-aside pursuant to this section consistent with N.J.S.A. 52:27D-311(h) and other applicable law.
  - (4) This requirement does not create any entitlement for a property owner or applicant for subdivision or site plan approval, a zoning amendment, use variance, or adoption of a redevelopment plan or rehabilitation plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.
  - (5) This requirement does not apply to any sites or specific zones for which higher set-aside standards have been or will be established, either by zoning, subdivision or site plan approval, or an adopted redevelopment plan or rehabilitation plan.
  - (6) If the Municipality's Settlement Agreement with Fair Share Housing Center ("FSHC") dated September 25, 2019, or the Municipality's 2019 Housing Element and Fair Share Plan establishes set-aside standards for any specific sites or zones which are different

from the set-aside standards set forth in this section, the set-asides established for those sites or zones in the Settlement Agreement or Housing Element and Fair Share Plan shall govern.

- (7) Furthermore, this requirement shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five or more.
- (8) Where a developer demolishes existing dwelling units and builds new dwelling units on the same site, the provisions of this section shall apply only if the net increase in the number of dwelling units is five or greater.
- (9) All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section.
- (10) No subdivision shall be permitted or approved for the purpose of avoiding compliance with the mandatory set-aside requirements set forth in this section. [**Added 7-28-2021 by Ord. No. 1848**]
- (11) All affordable units to be produced pursuant to this section shall comply with the Borough's Affordable Housing Ordinance at Article XXVI, § 230-127 et seq., of the Zoning Ordinance of the Borough of Glen Rock and the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.), as may be amended from time to time, and any applicable Order of the Court, including a Judgment of Compliance and Repose Order.

## **Appendix**

8. Existing/Adopted Chapter 230 (Development Fees) of Borough Code

**§ 101-21. Development fees. [Added 1-28-2009 by Ord. No. 1589<sup>1</sup>; amended 12-9-2020 by Ord. No. 1833]**

A. Purpose.

- (1) In *Holmdel Builder's Ass'n v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to the Council On Affordable Housing's (COAH) adoption of rules.
- (2) Pursuant to P.L. 2008, c. 46, Section 8 (N.J.S.A. 52:27D-329.2) and the Statewide Nonresidential Development Fee Act (N.J.S.A. 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 nonresidential development.
- (3) This section establishes standards for the collection, maintenance and expenditure of development fees pursuant to COAH's rules and in accordance P.L. 2008, c. 46, Sections 8 and 32 through 38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing very low-, 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. 5:93-8.<sup>2</sup>

B. Basic requirements.

- (1) This section shall not be effective until approved by the Court, COAH, or a successor agency.
- (2) The Borough of Glen Rock shall not spend development fees until the Court, COAH, or a successor agency has approved a plan for spending such fees (Spending Plan).

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

**DEVELOPMENT FEE** — Money paid by a developer for the improvement of property as permitted by applicable COAH regulations.

**EQUALIZED ASSESSED VALUE** — The assessed value of a property divided by the current average ratio of assessed to true value for the Municipality in which the property is situated, as determined in accordance with Sections 1, 5, and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through 54:1-35c).

**GREEN BUILDING STRATEGIES** — Those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

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1. Editor's Note: This ordinance provided that it should take effect upon COAH approval, which was received.

2. Editor's Note: The provisions of N.J.A.C. 5:93 expired 10-016-2016.

## D. Residential development fees.

## (1) Imposition of fees.

- (a) Within the Borough of Glen Rock, all residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
- (b) When an increase in residential density pursuant to a "d" variance is granted under N.J.S.A. 40:55D-70d(5) (known as a "d" variance), developers shall be required to pay a "bonus" development fee of 6% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding filing of the "d" variance application. Example: If an approval allows four units to be constructed on a site that was zoned for two units, the development fees will equal 1 1/2% of the equalized assessed value on the first two units; and 6% of the equalized assessed value for the two non-age-restricted additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

[1] Eligible exactions, ineligible exactions and exemptions for residential development.

- [a] Affordable housing developments and developments where the developer is providing for the construction of affordable units elsewhere in the Borough, if permitted by ordinance or by agreement with the Borough of Glen Rock, shall be exempt from development fees.
- [b] Developments that have received preliminary or final site plan approval prior to the adoption of the first development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval is not applicable, the issuance of a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to exemption. In all cases, the applicable fee percentage shall be determined based upon the development fee ordinance in effect on the date that building permit is issued.
- [c] In addition to the construction of new principal and/or accessory buildings, development fees shall be imposed and collected when an existing structure is demolished and replaced, if the expansion is not otherwise exempt from the development fee requirement. The

development fee shall be calculated on the increase in the equalized assessed value of the new structure. Furthermore:

- [i] No development fee shall be collected for a demolition and replacement of a residential building resulting from a natural disaster.
- [ii] No development fee shall be collected for the construction of an "accessory structure" which is not a "building" as these terms are defined in the 1978 Zoning Ordinance of the Borough of Glen Rock.
- [iii] Additions and alterations to existing detached single-family dwellings are exempt from the payment of a development fee.
- [iv] Additions and alterations to existing detached two-family dwellings are exempt from the payment of a development fee.
- [d] Nonprofit organizations which have received tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code, providing current evidence of that status is submitted to the Municipal Clerk, together with a certification that services of the organization are provided at reduced rates to those who establish an inability to pay existing charges, shall be exempted from paying a development fee.
- [e] Federal, state, county, and local governments shall be exempted from paying a development fee.

E. Nonresidential development fees.

(1) Imposition of fees.

- (a) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted below, shall pay a fee equal to 2 1/2% (2.5%) of the increase in equalized assessed value of the land and improvements, for all new nonresidential construction on an unimproved lot or lots.
- (b) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2 1/2% (2.5%) of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
- (c) Eligible exactions, ineligible exactions and exemptions for nonresidential development:
  - [1] The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the 2 1/2% (2.5%) development fee, unless otherwise exempted below.
  - [2] The 2 1/2% (2.5%) fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint,

reconstruction, renovations and repairs.

- [3] Nonresidential projects that have received a certificate of occupancy or general development plan approval or have entered into a developer's agreement or a redevelopment agreement, all prior to July 17, 2008 (the effective date of P.L. 2008, c. 46), shall be exempt from the payment of nonresidential development fees, provided that an affordable housing fee of at least 1% of the equalized assessed value of the improvements is included in the development plan, developer's agreement or redevelopment agreement.
- [4] Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required as specified in the Form N-RDF "State of New Jersey Nonresidential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.
- [5] A developer of a nonresidential development exempted from the nonresidential Borough development fee shall be subject to the fee at such time the basis for the exemption no longer applies and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.
- [6] If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Borough of Glen Rock as a lien against the real property of the owner.

F. Collection procedures.

- (1) The Borough of Glen Rock shall collect development fees for affordable housing in accordance with the following:
  - (a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the Borough Construction Code Official responsible for the issuance of a building permit of the applicable approval.
  - (b) For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Nonresidential Development Certification/Exemption," to be completed by the developer as per the instructions provided. The Borough Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Borough Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
  - (c) The Borough Construction Official responsible for the issuance of a building

permit shall notify the Borough Tax Assessor of the issuance of the first building permit for a development that is subject to a development fee.

- (d) Within 90 days of receipt of that notice, the Borough 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 shall notify the Borough Tax Assessor of any and all requests for the scheduling of a final inspection on a property that is subject to a development fee.
- (f) Within 10 business days of a request for the scheduling of a final inspection, the Borough Tax 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 the Borough 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 (N.J.S.A. 40:55D-8.6).
- (h) Fifty percent of the initially calculated development fee shall be collected at the time of the issuance of the building permit. The remaining portion shall be tendered to the Borough of Glen Rock at the time of the issuance of a certificate of occupancy. The developer shall be responsible for paying any difference between the fee calculated at the issuance of the building permit and the fee determined at issuance of certificate of occupancy.
- (i) Upon tender of the remaining development fee, provided the developer is in full compliance with all other applicable laws and regulations, the Borough shall issue a final certificate of occupancy for the subject property.
- (j) Regardless of the time of collection of the development fee, the fee shall be based upon the percentage that applies on the date that the construction permit is issued.
- (k) The Construction Code Official shall forward all collected development fees to the Borough of Glen Rock's Chief Financial Officer who shall deposit such fees into the established "Housing Trust Fund."

#### G. Appeal of development fees.

- (1) A developer may challenge residential development fees imposed due to a disagreement as to the equalized assessed value of the property by filing a challenge with the Bergen County Board of Taxation. Such a challenge must be made within 45 days from the issuance of the certificate of occupancy. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account established by the Borough of Glen Rock. 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, N.J.S.A. 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. Other challenges to the imposition of a residential development fee must be brought in the Superior Court as a prerogative writ challenge.

- (2) A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account established by the Borough of Glen Rock. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 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.

#### H. Affordable Housing Trust Fund.

- (1) All collected development fees and any proceeds from the sale of units with extinguished controls shall be deposited by the Chief Financial Officer of the Borough of Glen Rock into a separate designated interest-bearing "Housing Trust Fund," which shall be maintained by the Borough Chief Financial Officer.
- (2) The following additional funds shall be deposited in the Housing Trust Fund and shall at all times be identifiable by source and amount:
  - (a) Recapture funds;
  - (b) Proceeds from the sale of affordable units;
  - (c) Rental income from municipally operated units;
  - (d) Affordable housing enforcement fines and application fees;
  - (e) Developer contributed funds for barrier free affordable housing pursuant to N.J.A.C. 5:97-8.5<sup>3</sup>;
  - (f) Repayments from affordable housing program loans; and
  - (g) Any other funds collected in connection with the Borough's affordable housing program.
- (3) In the event of a failure by the Borough of Glen Rock to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of any Judgment of Compliance or a revocation of a Judgment of Compliance; or a failure to implement the approved Spending Plan and to expend funds within the applicable required time period as set forth in *In re Tp. of Monroe*, 442 NJ Super. 565 (Law Div. 2015) (aff'd 442 NJ Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services

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3. Editor's Note: The provisions of N.J.A.C. 5:97 expired 6-2-2015.

(NJLGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Borough of Glen Rock, or, if not practicable, then within the county or the housing region.

- (4) Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the Borough a reasonable opportunity to respond and/or to remedy the noncompliant condition(s), and upon a finding of continuing and deliberate noncompliance, determine to authorize NJLGS to direct the expenditure of funds in the trust fund or impose such other remedies as may be reasonable and appropriate to the circumstances.
- (5) Interest accrued in the Affordable Housing Trust Fund shall only be used on eligible affordable housing activities approved by the Court.

I. Use of funds.

- (1) The expenditure of all funds shall conform to a spending plan approved by the Court, COAH, or its successor agency. Funds deposited in the Affordable Housing Trust Fund may be used for any activity approved by the Court to address the Borough's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to:
  - (a) A housing rehabilitation program;
  - (b) New construction of affordable housing units and related costs; in the case of inclusionary developments, eligible costs shall be prorated based on the proportion of affordable housing units included in the development;
  - (c) Accessory apartment, market to affordable, or regional affordable housing partnership programs;
  - (d) Financial assistance designed to increase affordability;
  - (e) Conversion of existing nonresidential buildings to create new affordable units;
  - (f) Purchase of and/or improvement of land to be used for affordable housing;
  - (g) Purchase of existing market rate or affordable housing for the purpose of maintaining or implementing affordability controls;
  - (h) Extensions or improvements of roads and infrastructure directly serving affordable housing sites; in the case of inclusionary developments, costs shall be pro-rated based on the proportion of affordable housing units included in the development;
  - (i) Green building strategies designed to be cost saving and in accordance with accepted national or state standards;
  - (j) Administration necessary for implementation of the Housing Plan Element and Fair Share Plan, or any other activity as specified in the approved Spending Plan and as permitted by the Court and specified in the approved Spending Plan.

- (2) Funds shall not be expended to reimburse the Borough of Glen Rock for past housing activities.
- (3) At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to very-low-, low- and moderate-income households in affordable units included in the Housing Element and Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income for Housing Region 1, in which Glen Rock is located.
  - (a) Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.
  - (b) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income. The specific programs to be used for very-low-income affordability assistance shall be identified and described within the Spending Plan.
  - (c) Payments in lieu of constructing affordable units on site, if permitted by ordinance or by agreement with the Borough of Glen Rock, and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- (4) The Borough of Glen Rock may contract with a private or public entity to administer any part of its Housing Plan Element and Fair Share Plan, including the requirement for affordability assistance.
- (5) No more than 20% of development fee revenues collected in any given year from the development fees may be expended on administration, including, but not limited to, the salaries and benefits for Glen Rock Borough employees or consultant fees necessary to develop or implement a new affordable housing program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program.
  - (a) In the case of a rehabilitation program, the administrative costs of the rehabilitation program shall be included as part of the 20% of the collected development fees that may be expended on administration.
  - (b) Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH and or its successor agency, and/or Court monitoring requirements. All other housing rehabilitation costs are considered programmatic and not administrative. Legal or other fees related to litigation opposing affordable housing sites or related to securing or appealing a judgment from the Court are not eligible uses of the Affordable Housing Trust Fund.
- (6) Approval by the Court of this Spending plan constitutes a "commitment" for

expenditure pursuant to N.J.S.A. 52:27D-329.2 and 329.3, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment approving the Borough of Glen Rock's most recent Settlement Agreement with Fair Share Housing Center, in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2014) (aff'd 442 N.J. Super. 53).

- J. **Monitoring.** The Borough of Glen Rock Municipal Housing Liaison shall provide annual reporting of Affordable Housing Trust Fund activity to the State of New Jersey, Department of Community Affairs, Council on Affordable Housing or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government Services. The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and nonresidential developers, payments in lieu of constructing affordable units on site (if permitted by ordinance or by agreement with the Borough), funds from the sale of units with extinguished controls, barrier free escrow funds, repayments from affordable housing program loans, and any other funds collected in connection with the Borough's housing program, as well as an accounting of the expenditures of the revenues and implementation of the Spending Plan approved by the Court.
- K. **Ongoing collection of development fees.** The ability for the Borough of Glen Rock to impose, collect and expend development fees shall expire with its substantive certification unless Glen Rock Borough has filed an adopted Housing Element and Fair Share Plan with the Court, COAH or its successor agency, has petitioned for substantive certification, and has received the Court's or COAH's approval of its development fee ordinance. If the Borough of Glen Rock fails to renew its ability to impose and collect development fees prior to the date of expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-320). The Borough of Glen Rock shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification, or judgment of compliance.

## **Appendix**

9. Existing/Adopted Chapter 230, Article XVA, AHO-1 Affordable Housing Overlay-I District of Borough Code.

ARTICLE XVA  
**AHO-1 Affordable Housing Overlay-I District**  
**[Added 12-9-2020 by Ord. No. 1832]**

**§ 230-72.1. Principal permitted uses.**

- A. This district has been created to assist the Borough of Glen Rock fulfill a distinct portion of its constitutional obligation to provide affordable housing. As a community without the land resources to fully address its affordable housing obligation, Glen Rock has an unmet need component to its affordable housing obligation. The AHO-1 District is designed to partially address this obligation and to implement certain obligations detailed in the Court approved Settlement Agreement between the Borough and Fair Share Housing Center. The provisions of this section are intended to promote the health, safety and welfare of the public and Borough of Glen Rock and encourage the construction of inclusionary housing consistent with smart growth design goals in the commercial center of the Borough easily accessible to public transit.
- B. Permitted principal uses in the AHO-1 District include each of the principal uses permitted in the underlying district. In addition, attached multifamily inclusionary housing is and shall be a principal permitted use in the district.

**§ 230-72.2. Bulk requirements.**

- A. Minimum tract area. The minimum area of the lots comprising a tract for development permitted to apply the overlay standards of this zone shall be 11,000 square feet.
- B. Height. Maximum height of two stories or 28 feet, whichever is lesser, within 300 feet of the ROW of Rock Road, whereas no building shall exceed a maximum height of three stories or 38 feet, whichever is lesser, beyond 400 feet of the Rock Road ROW.
- C. Number of buildings and residential building front yard setbacks from Rock Road. Up to, but not exceeding, five separate buildings may be erected within this district. Residential uses are prohibited in any and all buildings set back less than 300 feet from Rock Road in this zone. Any building setback from Rock Road more than 300 feet is permitted to be developed with residential dwellings on the second and third floors, but not the ground or first floor. Buildings setback from Rock Road greater than 500 feet may be developed as multifamily dwellings on all floors.
- D. Density in the AHO-1 District shall not exceed 15 dwelling units per acre.
- E. Yards. Minimum building setback distances in the AHO-1 District shall be as established by and for the underlying zone district, except when the adjacent use is a rail line as noted herein. Notwithstanding the underlying building setback requirements, any and all three-story buildings in this district are required to provide a minimum setback to any A-2 District boundary line of 20 feet where the total length of a building does not exceed 60 feet and 25 feet for buildings greater than 60 feet.
- F. Minimum required building setback from the New Jersey Transit railroad property shall be 30 feet. Pavement and parking may be constructed up two feet from the New Jersey Transit

property. A five-foot pavement and parking buffer shall be provided along all other property lines. In those instances when the pavement and parking areas are within 10 feet of a residential district boundary line, a solid fence of six feet shall be erected with the finished side of said fence facing towards adjacent residential districts.

- G. Maximum building length. The maximum total building length of 200 feet is permitted without a step-back in the building that measures at least 15 feet in depth by 20 feet in length. Areas of the same building that are completely below finished grade are exempt from this requirement.
- H. Total impervious coverage in this district shall not exceed 90%.
- I. Twenty percent of the total number of housing units in a development generated in this district shall be reserved as affordable housing. All such affordable housing shall be deed restricted for a minimum of 30 years pursuant to N.J.A.C. 5:80-26.2. Affordable housing as defined in N.J.A.C. 5:80-26.2 shall be supplied in accordance with the price stratification and bedroom distribution as detailed in the Court approved settlement agreement between the Borough of Glen Rock and Fair Share Housing Center.
- J. All affordable housing units in this district shall be constructed, marketed, occupied and maintained in strict compliance with Glen Rock's Affordable Housing Ordinance and the Court approved settlement agreement between the Borough of Glen Rock and Fair Share Housing Center.
- K. Architectural design standards. The following are architectural design standards for new buildings constructed in this zone.
  - (1) Architectural and neighborhood goals:
    - (a) The design standards in this section provide the criteria for proposed development within this zone in order to promote a high quality, pedestrian friendly, mixed-use environment. These standards promote:
      - [1] Appropriate scale for a mixed-use building;
      - [2] Standards for all permitted and accessory uses;
      - [3] A compatible mixture of architectural styles.
  - (2) Architectural and neighborhood standards:
    - (a) Architectural character:
      - [1] All building details shall reinforce pedestrian scale through the use of features such as windows, doors, porches, columns and balconies;
      - [2] The base of buildings shall be distinguished from the middle and top of the building with an emphasis on providing design elements that will enhance the pedestrian environment particularly at the street level;
      - [3] Elements such as cornices, belt courses, corbelling, molding, string courses, ornamentation, changes in material or color, and other sculpturing of the base

are appropriate and should be provided to add special interest to the base;

- [4] Storefront windows should be distinguished from the rest of the building through the use of arches, pediments, mullions, and other treatments;
- [5] Building facades in excess of 120 feet in length shall be designed to avoid a monolithic appearance through the use of different facade materials and building setbacks (minimally three feet), that act to break the building appearance into smaller increments and sections;
- [6] Building materials may include brick, stone, cast stone, metal, clay, porcelain, ceramic, tile, resin panels and glass storefront assemblies, wood and fiber cement siding or other material as approved by the reviewing authority;
- [7] First level commercial, retail and office may be designed using different material than the levels above.

(b) Building orientation:

- [1] The first floors of all buildings, including parking levels, must be designed to encourage and compliment pedestrian-scale activity as seen from the adjacent streets;

(c) Building entrances:

- [1] Building entrances should be easily identifiable and feature large, open and transparent windows.
- [2] Retail entrances can have up to a two-foot pop-out/protrusion/recess into the required setback for columns or other architectural features that distinguish the commercial or retail storefront;
- [3] Entrances for residential, office and uses other than retail should be separate and distinct from retail/commercial entrances.

(d) Doors and windows:

- [1] Where windows are used, they should be transparent;
- [2] Where expanses of solid wall are necessary, they may not exceed 30 feet in length;
- [3] Windows are encouraged to align vertically from floor to floor and the pattern of window openings should relate to a building's vertical bay pattern;
- [4] All windows should have dimensionality so as to create shadows and texture within the building facade;
- [5] At a minimum, all windows should have deep headers and sills; in addition, trim on all sides that projects from the building facade is encouraged;
- [6] Window glazing should be recessed relative to the surrounding enframingent.

If divided lintels are used, they should include external members that cast shadows on the glass;

- [7] Upper-story windows should be vertically proportioned. Windows may be clustered in pairs and triples to create larger, horizontally proportioned expanses of windows.

(e) Roofline emphasis:

- [1] Any pitched roofline should be emphasized with deep eaves or overhangs, cross gables, and/or dormer windows. The shape of rooflines should coordinate with and reinforce the variation in bay massing and can be utilized to screen mechanical equipment.

[2] Bays for vertical articulation:

- [a] Buildings should be broken into bays whose width relates to the width of each residential unit or vertically stacked pair of units;
- [b] Each bay is recommended to not exceed 60 feet in width;
- [c] Examples of elements that contribute to bay differentiation include changes in facade plane, downspouts, expansion joints, pilasters, variation in roof-line, gables, dormers, overhangs, and bay windows or other projections.

L. Off-street parking.

- (1) The minimum amount and criteria for parking required shall be based on the rates required by Article VI, Parking, except the residential portion of the development shall be calculated based upon the following:
- (a) Studio/efficiency and one-bedrooms: 1.0 space/unit.
- (b) Two-bedroom: 1.5 spaces/unit.
- (c) Three-bedroom: 2.0 spaces/unit.
- (2) Mixed-use developments may meet the required parking provisions of this section by participation in a shared parking of two or more uses, provided that plans for such a program have been approved by the Planning Board, and further provided that the number of the parking spaces equals the sum of the required number of parking spaces of each use participating in the shared parking program. Notwithstanding the foregoing, the reviewing Board may approve a shared parking plan with fewer parking spaces than the sum of the requirements for the participating uses without the need for a variance, if all of the following requirements are complied with:
- (a) A shared parking provision of off-street parking shall be permitted where adjacent properties are either commonly owned or otherwise controlled, or upon confirmation of shared parking easement rights.
- (b) The applicant must demonstrate that the particular combination of uses and the

peak periods of demand for parking spaces, as applicable, are such that a lesser number of spaces are necessary to meet the total parking and/or loading needs for the development at all times.

- (c) The shared parking methodology used by the applicant to calculate the number of shared parking spaces permitted shall be those recommended in the Urban Land Institute "Shared Parking Standards for a Mixed-Use Center" latest edition or similar nationally recognized standard.
- (d) The applicant must demonstrate that the parking are located to be reasonably convenient, safe and suitable for use by the various uses, buildings and/or lots involved in the shared parking program.
- (e) The applicant and the reviewing Board must agree on a mechanism that will ensure that the shared parking and/or loading spaces, as applicable, will continue to comply with this section for the life of the development.

## **Appendix**

10. Existing/Adopted Chapter 230, Article XVA AHO-2 Affordable Housing Overlay-II District of Borough Code.

ARTICLE XVB  
**AHO-2 Affordable Housing Overlay-II District**  
[Added 12-9-2020 by Ord. No. 1832]

**§ 230-72.3. Principal permitted uses.**

- A. This district has been created to assist the Borough of Glen Rock in fulfilling a distinct portion of its constitutional obligation to provide affordable housing. As a community without the land resources to fully address its affordable housing obligation, Glen Rock has an unmet need component to its affordable housing obligation. The AHO-2 District is designed to partially address this obligation and to implement certain obligations detailed in the Court approved Settlement Agreement between the Borough and Fair Share Housing Center. The provisions of this section are intended to promote the health, safety and welfare of the public and Borough of Glen Rock and encourage the construction of inclusionary housing consistent with smart growth design goals in the commercial center of the Borough easily accessible to public transit.
- B. Permitted principal uses in the AHO-2 District include each of the principal uses permitted in the underlying district. In addition, attached multifamily inclusionary housing is and shall be a principal permitted use only on the second and third floors, but not the ground or first floor.

**§ 230-72.4. Bulk requirements.**

- A. Minimum tract area. The minimum area of the lots comprising a tract for development permitted to apply the overlay standards of this zone shall be 11,000 square feet.
- B. Height. No building shall exceed a maximum height of three stories or 38 feet, whichever is lesser.
- C. Density in the district shall not exceed 20 dwelling units per acre.
- D. Yards. Minimum required building setback distances are as established by and for the underlying zone district. Notwithstanding the underlying building setback requirements, any and all three-story buildings in this district are required to provide a minimum twenty-five-foot setback to any residential zone boundary line.
- E. A five-foot pavement and parking buffer shall be provided along all residential district zone lines. In those instances when the pavement and parking areas are within 10 feet of a residential district boundary line, a solid fence of six feet shall be erected with the finished side of said fence facing towards adjacent residential districts.
- F. Total impervious coverage in this district shall not exceed 90%.
- G. Twenty percent of total number housing units generated in a development in this district shall be reserved as affordable housing. All such affordable housing shall be deed restricted for a minimum of 30 years pursuant to N.J.A.C. 5:80-26.2. Affordable housing as defined in N.J.A.C. 5:80-26.2 shall be supplied in accordance with the price stratification and bedroom distribution requirements as detailed in the Court approved settlement agreement between

the Borough of Glen Rock and Fair Share Housing Center.

- H. All affordable housing units in this district shall be constructed, marketed, occupied and maintained in strict compliance with Glen Rock's Affordable Housing Ordinance and the Court approved settlement agreement between the Borough of Glen Rock and Fair Share Housing Center.
- I. Architectural design standards. To comply with § 230-72.2K.
- J. Off-street parking. To comply with § 230-72.2L.

## **Appendix**

### 11. Administrative Agent Manual and Affirmative Marketing Plan

## **BOROUGH OF GLEN ROCK**

### **A RESOLUTION ADOPTING AN AFFRIMATIVE MARKETING PLAN FOR THE BOROUGH OF GLEN ROCK**

**WHEREAS**, in accordance with applicable Council on Affordable Housing (“COAH”) regulations and the New Jersey Uniform Housing Affordability Controls (“UHAC”) N.J.A.C. 5:80-26.1 et seq., the Borough of Glen Rock is required to adopt by resolution an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created by rehabilitation are affirmatively marketed to very low, low and moderate income households, particularly those living and/or working within Housing Region 1, the Housing Region encompassing the Borough of Glen Rock;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Glen Rock, County of Bergen, State of New Jersey, do hereby adopt the following Affirmative Marketing Plan:

#### **Affirmative Marketing Plan**

- A. All affordable housing units in the Borough of Glen Rock shall be marketed in accordance with the provisions herein unless otherwise provided in N.J.A.C. 5:93-1, et seq. This Affirmative Marketing Plan shall apply to all developments that contain or will contain very low, low or moderate-income units, including those that are part of the Borough’s prior round obligation and its current Fair Share Plan, and those that may be constructed in future developments not yet anticipated by the Fair Share Plan.
- B. The Affirmative Marketing Plan shall be implemented by an Administrative Agent designated by and/or under contract with the Borough of Glen Rock. All the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of the affordable unit(s).
- C. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Borough, shall undertake all the following strategies:
  1. Review, approve and ensure that the developers/sellers/owners publish at least one advertisement in a newspaper of general circulation within the housing region.
  2. Broadcast of one advertisement by a radio or television station broadcasting throughout the housing region.
  3. At least one additional regional marketing strategy using one of the other sources listed below at Sec. E of this plan.
- D. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or

sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 1 in which the Borough is located and covers the entire period of deed restriction for each restricted housing unit.

E. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:

1. All newspaper articles, announcements and requests for applications for very low, low, and moderate-income units shall appear in the Star Ledger and The Record.

The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspaper during the first week of the marketing program and subsequently utilizing internet advertisements each month thereafter until all available units have been leased. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of publication to the Administrative Agent. All press releases and advertisements must be approved in advance by the Borough's Administrative Agent.

Advertisements will also be placed on the following websites:

Glen Rock Borough - <http://www.glenrocknj.net>

New Jersey Housing Resource Center (NJHRC) - <http://www.njhrc.gov>

CGP&H - [AffordableHomesNewJersey.com](http://AffordableHomesNewJersey.com)

1. The advertisement shall include a description of the:
  - i. Street address(es) of the units;
  - ii. Directions to the units;
  - iii. Range of prices for the units;
  - iv. Number of bedrooms in the affordable units (bedroom mix);
  - v. Maximum income permitted to qualify for the units;
  - vi. Location of applications;
  - vii. Business hours when interested households may obtain an application;
  - viii. Application fees, if any;
  - ix. Number of units currently available; and
  - x. Anticipated dates of availability.
2. Newspaper advertisements, announcements and information on where to request applications for very low, low, and moderate-income housing shall appear in at least one locally oriented weekly newspaper within the region.
3. Advertisements will be broadcast on at least one regional cable television or radio station.

4. Applications shall be mailed or emailed by the Administrative Agent to the prospective applications upon request. However, when on-line preliminary applications are utilized, if prospective applicants do not have internet access, they will be given a phone number to call the Administrative Agent, who will then enter all pre-application information online during the phone call. Locations of applications, brochures, and flyers to affirmatively market the program are listed in attached Appendix II, and will also be made available on the Borough's website. Also, information on how to apply shall be made available at the developer's sales/rental office and shall be mailed or emailed to prospective applicants upon request.
5. The Administrative Agent shall develop, maintain and regularly update a list of community contact person(s) and/or organizations(s) in Bergen, Hudson, Passaic, and Sussex Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers. Please see Appendix I for a complete list.
  - i. Quarterly information shall be sent to each of the following agencies with a request for publication in their journals and for circulation among their members:
    - Bergen County Board of Realtors
    - Hudson County Board of Realtors
    - Passaic County Board of Realtors
    - Sussex County Board of Realtors
  - ii. Quarterly information shall be sent to the administrators of each of the following agencies in each of the counties and requests to post same shall be sent to the administrators of each of the following agencies within the counties of Bergen, Hudson, Passaic, and Sussex:
    - Welfare or Social Service Board
    - Rental Assistance Office (local office of DCA)
    - Offices on Aging or Division of Senior Services
    - Housing Authority
    - Community Action Agencies
    - Community Development Departments
  - iii. Quarterly information shall be sent to the chief personnel administrators of all the major employers within the region as listed in attached Appendix I in accordance with the Region 1 Affirmative Marketing Plan.

- iv. Quarterly information and copies of any press releases and advertisements of the availability of very low, low and moderate-income housing shall be sent to the following additional community and regional organizations:

Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002)  
New Jersey State Conference of the NAACP (4326 Harbor Beach Blvd. #775, Brigantine, NJ 08203)  
The Latino Action Network (P.O. Box 943, Freehold, NJ 07728)  
Bergen County Chapter of the NAACP (P.O. Box 1136, Teaneck, NJ, 07666)  
Hudson County Chapter of NACCP (Jersey City, New Jersey)  
Bergen County Housing Coalition  
Bergen Urban League  
Supportive Housing Association (185 Valley St., South Orange, NJ, 07079)

- v. The Administrative Agent will also provide specific direct notice to the following community and regional organizations whenever affordable housing units become available in the Borough to the organizations including, but not limited to those listed below (see Appendix I for full list):

Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002)  
New Jersey State Conference of the NAACP (4326 Harbor Beach Blvd. #775, Brigantine, NJ 08203)  
The Latino Action Network (P.O. Box 943, Freehold, NJ 07728)  
Bergen County Chapter of the NAACP (P.O. Box 1136, Teaneck, NJ, 07666)  
Housing Partnership for Bergen County (2 East Blackwell St., Suite 12, Dover, NJ, 07801)  
Community Access Unlimited, Inc. (80 West Grand St., Elizabeth, NJ, 07202)  
Supportive Housing Association (185 Valley St., South Orange, NJ, 07079)

6. A random selection method to select occupants of very low, low and moderate-income housing will be used by the Borough's Administrative Agent in conformance with N.J.A.C. 5:80-26.16(1).
7. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 1 comprised of Bergen, Hudson, Passaic, and Sussex Counties.
8. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify very low, low and moderate income households; to place income eligible households in very low, low and moderate income units upon initial occupancy; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to very low, low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26.1, et seq.

9. Whenever appropriate, the Administrative Agent shall provide or direct qualified very low, low and moderate-income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.
10. All developers/owners of very low, low and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy.
11. The implementation of the Affirmative Marketing Plan shall continue until all very low, low and moderate-income housing units are initially occupied and for as long as affordable units exist that remain deed restricted and for which the occupancy or re-occupancy of units continues to be necessary. Please note that in addition to complying with this Borough-wide Affirmative Marketing Plan that the Administrative Agent shall also review and approve a separate Affirmative Marketing Plan for every new affordable development in Glen Rock that is subject to N.J.A.C. 5:80-26.1 et seq. That document shall be completed by the owner/developer and will be compliant with the Borough's Affirmative Marketing Plan as presented herein, and incorporate development specific details and permitted options, all subject to the Administrative Agent's review and approval. The development specific affirmative marketing plans will use the standard form for Region 1, which is attached hereto as Appendix III.
12. The Administrative Agent shall provide the Municipal Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, et seq. and the Order granting the Borough a Final Judgment of Compliance and Repose.

**BE IT FURTHER RESOLVED** that the appropriate Borough officials and professionals are authorized to take all actions required to implement the terms of this Resolution.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect pursuant to law.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

\_\_\_\_\_  
Jacqueline Scalia, Borough Clerk

**AFFIRMATIVE FAIR HOUSING MARKETING PLAN**  
**For Affordable Housing in (REGION 1)**  
**DRAFT**

**I. APPLICANT AND PROJECT INFORMATION**

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

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

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

**II. RANDOM SELECTION**

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

**III. MARKETING**

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

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

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

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

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

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

<b>TARGETS PARTIAL HOUSING REGION 1</b>			
Non-Daily Newspaper			
	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL NEWSPAPER(S)	CIRCULATION AREA
<input type="checkbox"/>		Bayonne Community News	Hudson
<input type="checkbox"/>		Northern Valley Suburbanite	Northern Bergen
<input type="checkbox"/>		Teaneck Suburbanite	Teaneck, Bergen
<input type="checkbox"/>		Twin Boro News	Northern Bergen
<input type="checkbox"/>		Shopper News	Bergen
<input type="checkbox"/>		The Ramsey Reporter	Ramsey, Bergen
<input type="checkbox"/>		The Town Journal	Franklin Lakes, Bergen
<input type="checkbox"/>		The Village Gazette	Ridgewood, Bergen
<input type="checkbox"/>		Messenger	Garfield, Bergen
<input type="checkbox"/>		Observer	Hasbrouck Heights, Bergen
<input type="checkbox"/>		Weekly News	Hasbrouck Heights, Bergen
<input type="checkbox"/>		Hawthorne Press	Hawthorne, Passaic
<input type="checkbox"/>		Journal America	Passaic

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

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

**TARGETS ENTIRE HOUSING REGION 1**

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

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

**TARGETS PARTIAL HOUSING REGION 1**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### IV. APPLICATIONS

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

#### V. CERTIFICATIONS AND ENDORSEMENTS

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

Signature	Date
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# Appendix

## 12. Fourth Round Spending Plan

**May 19, 2025**  
**Borough of Glen Rock**  
**Affordable Housing Trust Fund Spending Plan**

## INTRODUCTION

The Borough of Glen Rock (hereinafter the “Borough”), Bergen County, has prepared a Housing Element and Fair Share Plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Amended Fair Housing Act (N.J.S.A. 52:27D-301) and the proposed new Fair Housing Act Rules promulgated by the New Jersey Department of Community Affairs (DCA) (N.J.A.C. 5:99) and the regulations of the Council on Affordable Housing (“COAH”), N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:91 Second Round and N.J.A.C. 5:97-8.10 Third Round procedural and substantive regulations. The Borough began collecting development fees in 2005 to be put towards their affordable housing trust fund.

As of **May 15, 2025**, the Borough has a balance of **\$917,432.39** in its Affordable Housing Trust fund. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund account for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:99 and N.J.A.C. 5:93-1 et seq. and N.J.A.C. 5:91 and N.J.A.C. 5:97-8.10 as described in the sections that follow as applicable.

### 1. REVENUES FOR CERTIFICATION PERIOD

It is anticipated that during the period of January 1, 2025 through June 30, 2035, which encompasses the period that the Borough will have a Fourth Round Judgment of Compliance and Repose (hereinafter “Fourth Round JOR”), the Borough is projected to add an additional **\$2,000,000** to its Affordable Housing Trust Fund. This is detailed below.

- (a) Development fees: The Borough does anticipate collection of residential and non-residential development fees between January 1, 2025 and June 30, 2035 assuming that, on average, the Borough will collect approximately **\$200,000** in development fees per year during the remainder of the Third Round and throughout the Fourth Round.

- (b) Payment in lieu (PIL): The Borough does not currently anticipate the contribution of any payments in lieu toward the municipal Affordable Housing Trust Fund during the period of its Fourth Round JOR.
- (c) Other Funds: The Borough does not currently anticipate the contribution of any other funds toward the municipal Affordable Housing Trust Fund during the period of its Fourth Round JOR.
- (d) Projected interest: It is estimated that the Borough will collect approximately **\$40,000** in total interest between January 1, 2025, through June 30, 2035. This figure assumes that, on average, the Borough will collect approximately \$4,000 in interest per year throughout the Fourth Round.

**PROJECTED REVENUES – AFFORDABLE HOUSING TRUST FUND  
JANUARY 1, 2025 THROUGH JUNE 30, 2035**

<b>SOURCE OF FUNDS</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>	<b>2029</b>	<b>2030</b>	<b>2031</b>	<b>2032</b>	<b>2033</b>	<b>2034</b>	<b>1/1/2035- 6/30/2035</b>	<b>Total</b>
(a) Development fees:	\$100,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$100,000	<b>\$2,000,000</b>
(b) Payments in Lieu of Construction	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
(c) Other Funds	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
(d) Interest	\$2,000	\$4,000	\$4,000	\$4,000	\$4,000	\$4,000	\$4,000	\$4,000	\$4,000	\$4,000	\$2,000	<b>\$40,000</b>
<b>Total</b>	<b>\$102,000</b>	<b>\$204,000</b>	<b>\$204,000</b>	<b>\$204,000</b>	<b>\$204,000</b>	<b>\$204,000</b>	<b>\$204,000</b>	<b>\$204,000</b>	<b>\$204,000</b>	<b>\$204,000</b>	<b>\$ 100,000</b>	<b>\$ 2,040,000</b>

In sum, the Borough projects a total of **\$2,040,000** in revenue to be collected between January 1, 2025 and June 30, 2035. This projected amount, when added to current trust fund balance of **\$917,432** results in a total anticipated trust fund balance of **\$2,957,432** available to fund and administer the Borough’s affordable housing plan. All interest earned on the account shall be used only for the purposes of affordable housing.

## 2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

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

- (a) Collection of development fee revenues: Collection of development fee revenues shall be consistent with the Borough's development fee ordinance for both residential and non-residential developments in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Amended Fair Housing Act (FHA-2) (N.J.S.A. 52:27D-301) and the proposed new Fair Housing Act Rules promulgated by the New Jersey Department of Community Affairs (DCA) (N.J.A.C. 5:99).
- (b) Distribution of development fee revenues: The Planning Board adopts and forwards a resolution to the Governing Body recommending the expenditure of development fee revenues as set forth in this spending plan. The Governing Body reviews the request for consistency with the spending plan and adopts the recommendation by resolution. The release of funds requires adoption of the Governing Body resolution in accordance with the spending plan. Once a request is approved by resolution, the Chief Financial Officer releases the requested revenue from the trust fund for the specific use approved in the governing body's resolution.

## 3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

- (a) Rehabilitation. The Borough has a rehabilitation obligation of 0 units. The Borough has and will continue to participate in the Bergen County Home Improvement Program (BCHIP), to rehabilitate income qualified units in the Borough. Since this BCHIP does not provide funding to rental units, the Borough will contract with a professional Affordable Housing Administrator to administer a Glen Rock municipal Home Improvement Program – which will be open to both owners and renters –and will utilize funds appropriated from the Borough's Affordable Housing Trust Fund towards this program.

The Borough will set aside funding of \$100,000 for the first three years of the 10 year cycle for a total allocation of \$300,000 by the end of year 2028 initially and continue to monitor interest in this rehabilitation program in the allocation of funding from the Trust Fund. This program shall be reassessed annually to identify if sufficient funds are available to possibly increase the amount of funding available for this program.

- (b) Affordability Assistance. In prior spending plans, N.J.A.C. 5:93-8.16(c), required an allocation for affordability assistance, although as amended by the FHA-2 and

N.J.A.C. 5:99-2.5, the spending plan no longer required to set aside a minimum amount of funding for this program. While the Borough has continued to satisfy the minimum amount of spending towards affordability assistance in prior plans, the Borough plans to continue to fund its affordability assistance program with funds projected in this plan. "Affordability assistance" means the use of funds to render housing units more affordable to low- and moderate-income households and includes, but is not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner's association or condominium fees and special assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code, pursuant to N.J.A.C. 5:99-2.5.

This allocation of funding is planned to fund the Borough's proposed affordability assistance program as detailed above and noted in the Appendix to this Plan. An allocation of \$30,000 per year or a total of \$300,000 by the end of 2035 is allocated to these programs. In addition, the Borough plans to fund the improvements to the municipally sponsored unit renovation/redevelopment of the borough Annex on Maple Avenue. An allocation of up to \$350,000 is allocated towards this expenditure. Further the Borough may seek to expand this program to assist affordability towards affordable housing options should discretionary funding become available as identified below in the category identified herein under emergent opportunities.

- (c) Administrative Expenses. Per N.J.A.C. 5:99-2.4(a), no more than 20% of all affordable housing trust funds shall be expended on administration. The Borough projects that a maximum of \$591,486 is estimated to be available from the affordable housing trust fund to be used for administrative purposes through June 30, 2035. Projected administrative expenditures, subject to the 20% cap, include the payment for the salaries and benefits for municipal employees and consultant fees related to costs as set forth at N.J.A.C. 5:99-2.4(b), (c) and (d).

Actual development fees + interest through 5/19/25		\$ 917,423
Development fees + interest projected 2025-2035	+	\$2,040,000
<b>Total</b>	=	2,957,432
20 percent requirement	x 0.20 =	\$591,486
Less administrative expenditures through 5/19/25	-	\$0.00
<b>PROJECTED MAXIMUM Available for Administrative Expenses 2025-2035</b>	=	<b>\$591,486.48</b>

(d) Other Emergent Housing Opportunities. The Borough will reserve the remaining trust fund balance, projected to be up to **\$1,765,945** for other emergent opportunities to create affordable housing that may arise during the Fourth Round. The Borough shall seek approval for any emergent affordable housing opportunities not included in the Borough’s fair share plan in accordance with N.J.A.C. 5:99-4.1.

#### 4. EXPENDITURE SCHEDULE

The Borough intends to use affordable housing trust fund revenues for the creation of housing units, affordability assistance, and administration. Where applicable, the funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows.

<b>PROJECTS / PROGRAMS</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>	<b>2029</b>	<b>2030</b>	<b>2031</b>	<b>2032</b>	<b>2033</b>	<b>2034</b>	<b>2035</b>	<b>Total</b>
Rehabilitation	\$100,000	\$100,000	\$100,000	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	<b>\$300,000</b>
Affordability Assistance	\$380,000	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000	<b>\$650,000</b>
Administration	\$59,148.65	\$59,148.65	\$59,148.65	\$59,148.65	\$59,148.65	\$59,148.65	\$59,148.65	\$59,148.65	\$59,148.65	\$59,148.65	<b>\$591,486.48</b>
Other Emergent Opportunities	\$141,594.59	\$141,594.59	\$141,594.59	\$141,594.59	\$141,594.59	\$141,594.59	\$141,594.59	\$141,594.59	\$141,594.59	\$141,594.59	<b>\$1,415,945.91</b>
<b>Total Allocated</b>	<b>\$680,743.24</b>	<b>\$330,743.24</b>	<b>\$330,743.24</b>	<b>\$230,743.24</b>	<b>\$230,743.24</b>	<b>\$230,743.24</b>	<b>\$230,743.24</b>	<b>\$230,743.24</b>	<b>\$230,743.24</b>	<b>\$230,743.24</b>	<b>\$2,957,432.39</b>

## 5. EXCESS OR SHORTFALL OF FUNDS

In the event of any expected or unexpected shortfall of funds necessary to implement the Fair Share Plan, the Borough will handle the shortfall of funds through an alternative funding source to be identified by the Borough and/or by adopting a resolution with an intent to bond. In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be dedicated toward the Borough's additional affordability assistance and/or any other emergent affordable housing opportunities that may arise during the Fourth Round.

## 6. SUMMARY

The Borough intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:99 and consistent with the housing programs outlined in the Borough's Housing Element and Fair Share Plan.

The Borough has a balance of **\$917,432** as of May 19, 2025 and anticipates an additional **\$2,040,000** in revenues through June 30, 2035 for a total of **\$2,957,432**. During the period of the Borough's Fourth Round JOR through June 30, 2035, the Borough agrees to set aside **\$300,000** towards rehabilitation assistance, **\$650,000** towards affordability assistance **\$591,486.48** towards administrative costs, and **\$1,415,945.91** towards other emergent affordable housing opportunities that may arise during the Fourth Round (dependent upon actual income), totaling **\$2,957,432.39** in anticipated expenditures.

Any shortfall of funds will be offset by an alternative funding source to be identified by the Borough. In the unlikely event that no alternative funding is available, the Borough will bond to provide the necessary funding. The Borough will dedicate any excess funds or remaining balance toward its affordability assistance and/or any other emergent affordable housing opportunities that may arise during the Fourth Round.

<b>SPENDING PLAN SUMMARY</b>	
Balance as of May 15, 2025	<b>\$917,432.39</b>
<b>PROJECTED REVENUE THROUGH 6/30/35</b>	
Development fees	+ \$2,000,000
Payments in lieu of construction	+ \$0.00
Other funds	+ \$0.00
Interest	+ \$40,000
SUBTOTAL REVENUE	= \$2,040,000
<b>TOTAL REVENUE</b>	<b>= \$2,957,432.39</b>
<b>EXPENDITURES</b>	
Rehabilitation Program	- \$300,000.00
Affordability Assistance	- \$650,000.00
Administration	- \$591,486.48
Other Emergent Opportunities	
<b>TOTAL PROJECTED EXPENDITURES</b>	<b>= 1,541,486.48</b>
<b>REMAINING BALANCE</b>	<b>= \$1,415,945.91</b>
Excess Funds or Remaining Balance Reserved for Affordability Assistance and/or Additional Affordable Housing Activity Necessary to Address Fourth Round obligation	<b>= \$1,415,945.91</b>

## APPENDIX:

### FOR-SALE UNIT AFFORDABILITY ASSISTANCE PROGRAM AND RENTAL UNIT AFFORDABILITY ASSISTANCE PROGRAM

#### FOR-SALE UNIT AFFORDABILITY ASSISTANCE PROGRAM

##### 1. Down Payment Loan Program.

The Borough may offer a Down Payment Assistance Loan program to qualified purchasers of households earning 80% or less of median income of the housing region. To be eligible for the loan, the qualified Buyer must be able to supply 3% of the down payment with the Buyer's own funds, plus additional closing costs that exceed the amount of the loan. No gifts or other loans may be used to fund the 3% down payment amount, but may be used to fund additional closing costs. The loan amount may be made up to 10% of the purchase price.

The Borough must approve the Buyer's qualifications and need for the loan. The loan has no prepayment penalty. It is due and payable when the Buyer resells, borrows against the property or refinances the First Purchase Money Mortgage. The loan may be subordinated only to the First Purchase Money Mortgage. When calculating the borrowing capacity of the homeowner and the equity in the property, this loan must be included. The Buyer must sign a mortgage and mortgage note to the Borough.

##### 2. Payment of Closing Costs.

Eligible Buyers may receive payment of closing costs, i.e., title work and policy, reasonable attorney's fees for closing of title, preparation of survey, homeowners insurance, recording fees and other necessary closing expenses to third parties, not to exceed one thousand five hundred dollars (\$1,500) per unit. This assistance shall be in the form of a grant. Total buyer assistance grants, which include Payment of Closing Costs and Payment of Lender Fees, shall not exceed three thousand dollars (\$3,000) per unit. Utility deposits, i.e., gas and electric, paid to utility companies are to be returned to the Borough Affordable Housing Trust Fund upon resale of the unit. The buyer will execute documents required to secure payment to Glen Rock Borough.

### 3. Payment of Lender Fees.

Eligible Buyers may receive payment of lender fees, i.e., mortgage points, application fees, appraisal fees, bank attorney review fees, and necessary mortgage closing expenses, not to exceed one thousand five hundred dollars (\$1,500) per unit. This assistance shall be in the form of a grant. Total buyer assistance grants, which include Payment of Closing Costs and Payment of Lender Fees, shall not exceed three thousand dollars (\$3,000) per unit.

### 4. Administration.

Glen Rock's Affordability Assistance Programs are managed by the Glen Rock Borough Affordable Housing Administrative Agent. The availability of the program shall be advertised continually on the Borough's website. The following administrative process is applied to the For-Sale Unit Affordability Assistance Program:

- a. The Buyer contacts the Administrative Agent to confirm that he/she wants to receive Down Payment Assistance.
- b. The Buyer must present proof to the Administrative Agent that he/she is qualified for Affordable Housing in the Glen Rock Borough.
- c. Buyer must produce an exact copy of a signed Real Estate Contract for an affordable housing unit in Glen Rock Borough, which indicates clearly the full amount of the purchase price. Buyer must provide the Administrative Agent with the full name, address, phone number, and fax number of the Buyer's Attorney or Settlement Agent so that the Attorney or Settlement Agent can review and approve any and all documents required for the loan.
- d. The Administrative Agent contacts the Realtor or Developer for confirmation of the sale of the unit, and the name of the Attorney handling the sale for the Developer at closing.
- e. The amount of the Down Payment Assistance loan is verified (not to exceed ten percent of the Purchase Price) so that a Mortgage Note, Mortgage, and Repayment Agreement can be prepared by the Administrative Agent.
- f. The amount of the Down Payment Assistance must be disclosed to the Lender, so that the Lender can accurately prepare the First Mortgage documents. The Buyer must give a copy of the First Mortgage Commitment to the Administrative

Agent upon receipt of same, so that the Lender can receive full information about the Down Payment Assistance Loan, which shall constitute a Second Mortgage on the premises. The Lender must approve the secondary financing. The Glen Rock Borough Affordable Housing Attorney will contact the Lender once the Affordable Housing Attorney has a copy of the First Mortgage Commitment.

- g. The Glen Rock Borough Finance Department will generate the necessary forms and obtain Glen Rock Borough Council approval for it to issue an Affordable Housing Trust Fund check payable to the Seller's Attorney or Settlement Agent, so that the Down Payment Assistance check can be deposited into the Seller's Attorney Trust Account or Settlement Agent Trust Account pending Closing of Title. The letter and check to the Seller's Attorney or Settlement Agent shall state that the deposit money must be returned to the Glen Rock Borough if the closing is canceled, or if the sale is declared null and void. If there is a Closing of Title, the Down Payment Assistance money shall be released to the Seller. This money shall be shown on the Closing Statement as a deposit, with credit given at closing to the Buyer. The Buyer must fully execute the Mortgage Note, Mortgage, and Repayment Agreement at the Closing of Title before any money is released.
- h. The Seller's Attorney or Settlement Agent shall verify that the Mortgage Note, Mortgage, and Repayment Agreement have been properly executed, and shall file the original Mortgage with the County Clerk to protect the Glen Rock Borough Second Mortgage on the property and return the Filed Mortgage to Affordable Housing Attorney along with the original Mortgage Note and Repayment Agreement.

#### RENTAL UNIT AFFORDABILITY ASSISTANCE PROGRAM

##### 1. Rental Assistance

Glen Rock Borough may offer a Rental Assistance Program that is managed by the Administrative Agent. Eligible recipients of the program are renters who qualify for a very-low, low- or moderate-income rental unit. The following assistance is available to very-low, low- and moderate-income households:

- a. Payment of "moving expenses" based upon verified receipts, in an amount not to exceed five hundred dollars (\$500) per family.

b. Rent subsidies based upon size of household and number of bedrooms in apartment, which subsidies shall be limited to a time period of one (1) year per household:

- 1) One-bedroom, low-income unit -\$55 per month subsidy.
- 2) One-bedroom, moderate-income unit -\$100 per month subsidy.
- 3) Two-bedroom, low-income unit -\$100 per month subsidy.
- 4) Two-bedroom, moderate-income unit -\$200 per month subsidy.
- 5) Three-bedroom, low-income unit -\$150 per month subsidy.
- 6) Three-bedroom, moderate-income units -\$250 per month subsidy

The following assistance is available to very low-income households:

- a. Payment of "moving expenses" based upon verified receipts, in an amount not to exceed one thousand five hundred dollars (\$1,500) per household.
- b. Rental security deposit -Deposits paid to landlord to be returned to the Borough's Affordable Housing Trust Fund upon termination of tenancy.
- c. Rent subsidies based upon size of household and number of bedrooms in apartment which subsidies shall be limited to a time period of one (1) year per household, but may be extended beyond one (1) year if affordable housing trust funds are available:
  - 1) One-bedroom - \$75 per month subsidy.
  - 2) Two-bedroom - \$125 per month subsidy.
  - 3) Three-bedroom - \$175 per month subsidy.

Rental assistance does not need to be repaid by the tenant. The amount of the rental supplement will be calculated initially based on the tenant's actual income and the rent level of the affordable units to help bring the total shelter costs down to 30% of the total household income or lower, if warranted by the particular household circumstances. If the tenant wishes to renew the lease, he/she must be re-income qualified and the rental supplement will be recalculated. If the tenant no longer qualifies for the rental assistance, he/she may renew the lease and stay in the unit, but will no longer receive rental assistance.

## 2. Administration.

Glen Rock Borough's Rental Unit Affordability Assistance Program will be administered by the Administrative Agent. The availability of the program shall be advertised continually on the Borough's website. After an applicant is income qualified by the Administrative Agent pursuant to the Uniform Housing Affordability Controls, the applicant will complete and provide an affordability assistance application to the Administrative Agent.

For qualified and approved payment of moving expense, the Administrative Agent will follow the Borough purchasing and requisition process for generating a check that is made out to the applicant. Once the check is produced, the Administrative Agent provides it to the applicant.

For qualified and approved payment of utility deposit, the Administrative Agent follows the Borough purchasing and requisition process for generating a check that is made out to the utility company. Once the check is produced, the Administrative Agent provides it to the applicant for payment to the utility company.

The affordability assistance recipient will sign a contract with Glen Rock Borough which states, at a minimum: the amount of funds granted, interest information, procedures, duration and conditions of affordability assistance, and repayment information if required.

The availability of any Affordability Assistance Programs must be noticed to all tenants of affordable units within Glen Rock Borough and provided to all administrative agents of affordable units within Glen Rock Borough and advertised on the Borough's website.

An income eligible occupant or applicant for an affordable unit within Borough may not be denied participation in the Affordability Assistance Program(s) unless funding is no longer available.