

BOROUGH OF WALDWICK MASTER PLAN HOUSING ELEMENT AND FAIR SHARE PLAN

Prepared for:

Planning Board
Borough of Waldwick
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Waldwick, New Jersey 07463

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The original of this report was signed and
sealed in accordance with N.J.S.A. 13:41-1.2

A handwritten signature in black ink, appearing to read "Paul Grygiel", is written over a horizontal line.

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I. Introduction

This Housing Element and Fair Share Plan has been prepared on behalf of the Borough of Waldwick, Bergen County, in accordance with the New Jersey Municipal Land Use Law per N.J.S.A. 40:55D-28b(3) and the Fair Housing Act (N.J.S.A. 52:27D-301, et seq.). This document supersedes and replaces the Borough's 2018 Housing Element and Fair Share Housing Plan which was adopted on August 1, 2018, hereinafter referred to as the "Borough's 2018 Housing Plan."

The Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., requires that a municipal master plan include a Housing Element in order for the municipality to exercise the power to zone and regulate land use. The Housing Element and Fair Share Plan is adopted by the Borough Planning Board and endorsed by the governing body. It is intended to achieve the goal of meeting the Borough's obligations to plan and regulate land use to provide for a fair share of the regional need for affordable housing.

Waldwick remains committed to meeting its constitutional obligation to provide through its land use regulations a realistic opportunity for a fair share of the region's present and prospective needs for housing for low- and moderate-income families. This Housing Element and Fair Share Plan document outlines how the Borough will address its affordable housing obligations.

II. Affordable Housing in New Jersey

In 1975 the Supreme Court of New Jersey in South Burlington County N.A.A.C.P. v. Township of Mount Laurel, 67 N.J. 151 (1975), ruled that the developing municipalities in the State of New Jersey exercising their zoning power, in general, had a constitutional obligation to provide a realistic opportunity for the construction of their fair share of the region's low- and moderate-income housing needs. In 1983, the Supreme Court refined that constitutional obligation in South Burlington County N.A.A.C.P. v. Township of Mount Laurel, 92 N.J. 158 (1983), to apply to those municipalities having any portion of their boundaries within the growth area as shown on the State Development Guide Plan. In 1985, the New Jersey Legislature adopted, and the Governor signed, the Fair Housing Act N.J.S.A. 52:2D-301, et seq. ("FHA") which transformed the judicial doctrine that became known as the "Mount Laurel doctrine" into a statutory one and provided an alternative administrative process in which municipalities could elect to participate in order to establish a Housing Element and Fair Share Plan ("HEFSP") that would satisfy its constitutional obligation by creating an administrative agency known as the Council on Affordable Housing ("COAH") to develop regulations to define the obligation and implement it. COAH proceeded to adopt regulations for First Round obligations applicable from 1987 to 1993 and Second Round obligations that created a cumulative obligation from 1987 to 1999.

COAH first proposed Third Round substantive and procedural rules in 2003, but due to multiple legal challenges, these rules were not adopted until 2008. However, the Third Round rules adopted in 2008 were challenged in an appeal entitled In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 416 N.J. Super. 462 (App. Div. 2010) (the "2010 Case"). In October 2010, the Appellate Division determined, among other things, that the methodology in the rules adopted in 2008 was invalid and that COAH should adopt regulations utilizing methodologies similar to the ones utilized in the First and Second Rounds, i.e. 1987-1999. In 2023, the Supreme Court of New Jersey affirmed the Appellate Division's invalidation of the third iteration of the Third Round regulations, sustained their determination that the growth share methodology was invalid, and directed COAH to adopt new regulations based upon the methodology utilized in the First and Second Rounds, In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 215 N.J. 578 (2023) (the "2023 Case"). COAH proceeded to propose such regulations in accordance with the schedule established by the New Jersey Supreme Court in the 2023 Case. On October 20, 2014, COAH deadlocked with a 3-3 vote and failed to adopt the revised Third Round regulations.

Due to COAH's failure to adopt the revised regulations and subsequent inaction, Fair Share Housing Center ("FSHC"), a party in the 2010 Case and the 2023 Case, filed a motion with the New Jersey Supreme Court to enforce litigant's rights. On March 10, 2015 the New Jersey Supreme Court issued its decision on FSHC's motion. The Supreme Court found that the COAH administrative process had become non-functioning and, as a result, returned primary jurisdiction over affordable housing matters to the trial courts. In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (the "2015 Case"). In doing so, the Supreme Court declined to adopt a specific methodology or formula to calculate the Third Round affordable housing obligations of the municipalities. The Court did provide some guidance by reiterating its endorsement of the

previous methodologies employed in the First and Second Round Rules as the template to establish Third Round affordable housing obligations.

In the 2015 Case, the Supreme Court decision recognized that many municipalities attempted to address their affordable housing obligations in 2008 by preparing a housing element and fair share plan and petitioning COAH for substantive certification of the plan. Through no fault of its own, Waldwick, like a number of other municipalities, did not receive substantive certification of its 2008 plan due to inaction by COAH and subsequent legal challenges. Such towns are considered “participating municipalities” and were afforded an opportunity to prepare a new housing element and fair share plan to address its affordable housing obligations. Waldwick subsequently filed a declaratory judgment with the Superior Court in July 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and FHA in accordance with the decision in the 2015 Case. The Borough reached a settlement with FSHC, which was memorialized in an agreement between the two parties dated May 14, 2018. This settlement agreement was approved by the Superior Court on June 21, 2018.

On March 20, 2024, Governor Phil Murphy signed a package of affordable housing bills. One of these overhauled the FHA and eliminated COAH, and set forth the process of determining Fourth Round (2025 to 2035) affordable housing obligations. The New Jersey Department of Community Affairs (DCA) calculated statewide and regional affordable housing needs, including its non-binding determination of each municipality’s Fourth Round affordable housing obligations. Municipalities were able to either the accept the DCA determination of their obligation, or to provide their own municipal determination of their Fourth Round obligation. This Housing Element and Fair Share Plan has been prepared pursuant to applicable law and regulations and addresses Waldwick’s affordable housing compliance.

III. Housing Element/ Fair Share Plan Requirements

In accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.), a municipal Master Plan must include a housing element as the foundation for the municipal zoning ordinance. Pursuant to the Fair Housing Act, a municipality's housing element must be designed to provide access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing. The housing element must contain at least the following, as per the FHA at N.J.S.A. 52:27D-310:

- 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;
- 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;
- An analysis of the municipality's demographic characteristics, including, but not necessarily limited to, household size, income level, and age;
- An analysis of the existing and probable future employment characteristics of the municipality;
- A determination of the municipality's present and prospective fair share of low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low- and moderate-income housing; and
- A consideration of the lands most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing; and
- 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, pursuant to N.J.S.A. 52:27D-329.20f.(1); 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.

Administrative Directive #14-24 issued on December 13, 2024 by the Administrative Office of the Courts promulgates procedures and guidelines implementing the Affordable Housing Alternative Dispute Resolution Program ("the Program") established pursuant to section 5 of P.L.2024, c.2 (N.J.S.A. 52:27D-313.2). Additional required elements of a Housing Element and Fair Share Plan (HEFSP) are appended to this Directive and include the following:

- Detailed site suitability analyses, based on the best available data, for each of the un-built inclusionary or 100 percent affordable housing sites in the plan as well as an identification of each of the sites that were proposed for such development and rejected, along with the reasons for such rejection.
- The concept plan for the development of each of the selected sites should be overlaid on the most up to date environmental constraints map for that site as part of its analysis to see what changes will be needed (either to the selected sites or to their zoning) to ensure that all of the units required by the settlement agreement will actually be produced.
- Documentation of the creditworthiness of all of the existing affordable housing units in its HEFSP and to demonstrate that it has followed all of the applicable requirements for extending expiring controls, including confirmation that all of the units on which the controls have been extended are code-compliant or have been rehabilitated to code-compliance, and that all extended controls cover a full 30-year period beginning with the end of the original control period. Documentation as to the start dates and lengths of affordability controls applicable to these units and applicable Affordable Housing Agreements and/or deed restrictions is also required. Additionally, the income and bedroom distributions and continued creditworthiness of all other existing affordable units in the HEFSP must be provided.
- An analysis of how the HEFSP complies with or will comply with all of the terms of the executed settlement agreement.

The HEFSP must also include (in an Appendix) all of the adopted ordinances and resolutions needed to implement the HEFSP, including:

- All zoning amendments (or redevelopment plans, if applicable).
- An Affordable Housing Ordinance that includes, among other required regulations, its applicability to 100 percent affordable and tax credit projects, the monitoring and any reporting requirements set forth in the settlement agreement, requirements regarding very low income housing and very low income affordability consistent with the FHA and the settlement agreement, provisions for calculating annual increases in income levels and sales prices and rent levels, and a clarification regarding the minimum length of the affordability controls (at least 30 years, until the municipality takes action to release the controls).
- The adoption of the mandatory set aside ordinance, if any, and the repeal of the existing growth share provisions of the code.
- An executed and updated Development Fee Ordinance that reflects the court's jurisdiction.
- An Affirmative Marketing Plan adopted by resolution that contains specific directive to be followed by the Administrative Agent in affirmatively marketing affordable housing units, with an updated COAH form appended to the Affirmative Marketing Plan, and with both documents specifically reflecting the direct notification requirements set forth in the settlement agreement.
- An updated and adopted Spending Plan indicating how the municipality intends to allocate development fees and other funds, and detailing (in mini manuals) how the municipality

proposes to expend funds for affordability assistance, especially those funds earmarked for very low income affordability assistance.

- A resolution of intent to fund any shortfall in the costs of the municipality's municipally sponsored affordable housing developments as well as its rehabilitation program, including by bonding if necessary.
- Copies of the resolution(s) and/or contract(s) appointing one or more Administrative Agent(s) and of the adopted ordinance creating the position of, and resolution appointing, the Municipal Affordable Housing Liaison.
- A resolution from the Planning Board adopting the HEFSP, and, if a final Judgment is sought before all of the implementing ordinances and resolutions can be adopted, a resolution of the governing body endorsing the HEFSP.

IV. Housing Stock and Demographic Analysis

Housing Stock Inventory

In 2023, there were 3,486 housing units in Waldwick Borough, of which 52, or 1.5 percent, were vacant. Of the 3,434 occupied units, 88 percent were owner occupied and 12 percent were renter occupied. Table 1, Housing Units by Occupancy Status, 2023, illustrates this occupancy status.

Table 1. Housing Units by Occupancy Status, 2023

	Housing Units	Owner Occupied	Renter Occupied
Occupied	3,434	3,019	415
Vacant	52	-	-
Total	3,486	-	-

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

Approximately 80 percent of the total housing stock consists of single-family detached units. Structures with three or more units make up just about 5 percent of the total housing stock. See Table 2, Housing Units by Number of Units in Structure, 2023, for a detailed explanation of the Borough's housing units.

Table 2. Housing Units by Number of Units in Structure, 2023

Number of Units	Total	Percent
1, Detached	2,766	79.3%
1, Attached	246	7.1%
2	309	8.9%
3 or 4	29	0.8%
5 to 9	0	0.0%
10 to 19	0	0.0%
20+	136	3.9%
Mobile Home	0	0.0%
Other	0	0.0%
Total	3,486	100.0%

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

Table 3, Housing Units by Age, 2023, illustrates the age of the Borough's housing stock. As one would expect from a smaller, largely built-out community, relatively few housing units, 8 percent, were built after 2000. A majority of the Borough's housing, 43 percent, was constructed in years between 1950 and 1969.

Table 3. Housing Units by Age, 2023

Year Built	Total Units	Percent
2020 or later	13	0.4%
2010 to 2019	259	7.4%
2000 to 2009	21	0.6%
1990 to 1999	143	4.1%
1980 to 1989	99	2.8%
1970 to 1979	251	7.2%
1960 to 1969	478	13.7%
1950 to 1959	1,506	43.2%
1940 to 1949	337	9.7%
Before 1940	379	10.9%
Total	3,486	100.0%

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

Table 4, Housing Units by Number of Rooms for the Borough of Waldwick and Bergen County, 2023, shows that in Waldwick, approximately 4 percent of housing units have between one and three rooms; 38 percent have between four and six rooms; and 58 percent have seven or more rooms. In Bergen County, 18 percent of housing units have between one and three rooms; 43 percent have between four and six rooms; and 30 percent have seven or more rooms. The mean number of rooms per housing unit in Waldwick is 6.8, indicating that housing units in the Borough are, on average, slightly larger than that of Bergen County (i.e., 5.8 rooms per unit).

Table 4. Housing Units by Number of Rooms for the Borough of Waldwick and Bergen County, 2023

Rooms	Number of Units in Waldwick	Percent of Units in Waldwick	Number of Units in Bergen County	Percent of Units in Bergen County
1	56	1.6%	10,090	2.7%
2	41	1.2%	13,229	3.6%
3	41	1.2%	41,700	11.3%
4	216	6.2%	51,568	14.0%
5	286	8.2%	50,366	13.7%
6	833	23.9%	57,779	15.7%
7	804	23.1%	46,007	12.5%
8	559	16.0%	38,447	10.4%
9+	650	18.6%	59,349	16.1%
Total	3,486	100.0%	368,535	100.0%
Mean Rooms per Unit	6.8		5.8	

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

Tables 5 and 6, Housing Values, Owner Occupied, 2013 and 2023, respectively, show that the median housing value of owner-occupied housing in Waldwick increased by 38 percent between 2013 and 2023. During this same time, the median value in Bergen County increased by 31 percent. In 2013, Waldwick's median housing value of \$416,000 was 8 percent lower than that of Bergen County (i.e., \$451,400). In 2023, Waldwick's median housing value of \$576,200 was 3 percent lower than that of Bergen County (i.e., \$593,200).

Table 5. Housing Values, Owner Occupied, 2013

Housing Value	Number in Waldwick	Percent in Waldwick	Number in Bergen County	Percent in Bergen County
Less than \$50,000	84	2.8%	3,463	1.6%
\$50,000 to \$99,999	19	0.6%	2,019	0.9%
\$100,000 to \$149,999	10	0.3%	3,343	1.5%
\$150,000 to \$199,999	22	0.7%	4,657	2.1%
\$200,000 to \$299,999	194	6.5%	21,262	9.7%
\$300,000 to \$499,999	1,995	67.1%	97,870	44.5%
\$500,000 to \$999,999	630	21.2%	72,577	33.0%
\$1,000,000 or more	19	0.6%	14,827	6.7%
Total	2,973	100.0%	220,018	100.0%
2013 Median Value	\$416,000		\$451,400	

Source: American Community Survey, 2009-2013 (Table DP04 Selected Housing Characteristics)

Table 6. Housing Values, Owner Occupied, 2023

Housing Value	Number in Waldwick	Percent in Waldwick	Number in Bergen County	Percent in Bergen County
Less than \$50,000	39	1.3%	4,241	1.8%
\$50,000 to \$99,999	6	0.2%	2,583	1.1%
\$100,000 to \$149,999	0	0.0%	2,366	1.0%
\$150,000 to \$199,999	0	0.0%	2,680	1.2%
\$200,000 to \$299,999	76	2.5%	11,285	4.9%
\$300,000 to \$499,999	842	27.9%	62,212	26.9%
\$500,000 to \$999,999	2,030	67.2%	115,000	49.8%
\$1,000,000 or more	26	0.9%	30,556	13.2%
Total	3,019	100.0%	230,923	100.0%
2023 Median Value	\$576,200		\$593,200	

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

Monthly rental costs in Waldwick are, on average, slightly higher than monthly rental costs County-wide, with almost 94 percent of Borough renters paying \$1,000 or more per month in rent versus 93 percent in Bergen County. In Waldwick, the largest percentage of renters, 58 percent, pay \$3,000 or more. See Table 7, Comparison of the Borough of Waldwick and Bergen County, Monthly Rental Cost, 2023 for additional details.

Table 7. Comparison of the Borough of Waldwick and Bergen County, Monthly Rental Cost, 2023

Monthly Rent	Number in Waldwick	Percent in Waldwick	Number in Bergen County	Percent in Bergen County
No Rent Paid	12	-	3,907	-
Less than \$500	0	0.0%	3,870	3.3%
\$500 to \$999	25	6.2%	5,086	4.3%
\$1,000 to \$1,499	41	10.2%	21,678	18.3%
\$1,500 to \$1,999	36	8.9%	39,395	33.3%
\$2,000 to \$2,499	7	1.7%	21,731	18.3%
\$2,500 to \$2,999	63	15.6%	11,103	9.4%
\$3,000 or more	231	57.3%	15,614	13.2%
Total	403	100.0%	118,477	100.0%
Median Rent	\$3,189		\$3,907	

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

In 2023, 22 percent of Waldwick owner occupied households contributed 30 percent or more of their income towards monthly housing costs, and 50 percent of Waldwick owner occupied households put less than 20 percent of their income towards monthly housing costs. See Table 8, Monthly Housing Costs as Percentage of Household Income in the Past 12 Months – Owner Occupied Housing Units, 2023, for additional information.

Table 8. Monthly Housing Costs as Percentage of Household Income in the Past 12 Months – Owner Occupied Housing Units, 2023

	Less than 20 percent	20 to 29 percent	30 percent or more
Less than \$20,000	0.0%	0.0%	1.9%
\$20,000 - \$34,999	0.0%	0.0%	2.9%
\$35,000 - \$49,999	0.7%	0.0%	2.5%
\$50,000 - \$74,999	0.5%	2.3%	4.6%
\$75,000 or more	48.7%	26.0%	9.6%
Zero or Negative Income	0.3%		

Source: American Community Survey, 2019-2023 (Table S2503 Financial Characteristics)

In 2023, 60 percent of Waldwick renter occupied households contributed 30 percent or more of their income towards monthly housing costs, whereas only 23 percent of Waldwick renter occupied households contributed less than 20 percent. See Table 9, Monthly Housing Costs as a Percentage of Household Income in the Past 12 Months – Renter Occupied Housing Units, 2023, for further information.

Table 9. Monthly Housing Costs as a Percentage of Household Income in the Past 12 Months – Renter Occupied Housing Units, 2023

	Less than 20 percent	20 to 29 percent	30 percent or more
Less than \$20,000	0.0%	0.0%	18.3%
\$20,000 - \$34,999	0.0%	0.0%	0.0%
\$35,000 - \$49,999	0.0%	0.0%	14.5%
\$50,000 - \$74,999	0.0%	2.7%	5.8%
\$75,000 or more	23.1%	11.3%	21.4%
Zero or Negative Income	0.0%		
No Cash Rent	2.9%		

Source: American Community Survey, 2019-2023 (Table S2503 Financial Characteristics)

Waldwick has 9 housing units that lack complete plumbing facilities and 67 units that are overcrowded (defined as having 1.01 or more persons per room). There are no units in the Borough units that lack telephone service available and 76 units that lack complete kitchen facilities. See Table 10, Selected Quality Indicators, Occupied Housing Stock, 2023, for further information.

Table 10. Selected Quality Indicators, Occupied Housing Stock, 2023

	Overcrowded	No Telephone Service Available	Lacking Complete Plumbing	Lacking Complete Kitchen Facilities
Units	67	0	9	76

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

General Population Characteristics

There have been minor fluctuations in Waldwick's population in the years since 1990. Between 1990 and 2000, the population decreased by 1.4 percent, and increase only by 0.03% between 2000 and 2010. In 2020, Waldwick's population was observed at 10,058 persons, which was the largest change in population over the past 3 decades with a 4.5% increase. The County's population has slowly increased between 1990 (i.e., 825,380 persons) and 2020 (i.e., 955,732 persons). See Table 11, Population Change, 1990-2010, for more information.

Table 11. Population Change, 1990-2020

	1990	2000	Percent Change (1990-2000)	2010	Percent Change (2000-2010)	2020	Percent Change (2010-2020)
Waldwick	9,757	9,622	-1.4%	9,625	0.03%	10,058	4.5%
Bergen County	825,380	884,118	7.1%	905,116	2.4%	955,732	5.6%

Source: 1990, 2000, 2010 and 2020 U.S. Census

From 2010 to 2020, there were shifts in Waldwick's age distribution. The age group 15 through 24 increased from 1,013 persons to 1,142 persons (i.e., 8 percent). Similarly, the age group 25 through 34 increased from 929 persons to 1,054 persons (i.e., 8 percent). The age group 45 through 54 decreased from 1,658 persons to 1,430 persons (i.e., -17 percent). The age group 55 through 64 increased from 1,109 persons to 1,401 persons (i.e., 21 percent), and the age group 64 through 74 increased from 629 persons to 875 persons (i.e., 34 percent). The age group 75 and above saw a decrease of 6 percent (i.e., 766 persons in 2010 to 753 persons in 2020). See Table 12, Age Distribution, 2010-2020, for additional details.

Table 12. Age Distribution, 2010-2020

Age Group	2010	Percent	2020	Percent	Percent Change
Under 5	628	6.5%	602	6%	-7.7%
5-14	1,388	14.4%	1,359	13.6%	-5.6%
15-24	1,013	10.5%	1,142	11.4%	8.6%
25-34	929	9.7%	1,054	10.5%	8.2%
35-44	1,505	15.6%	1,442	14.3%	-8.3%
45-54	1,658	17.2%	1,430	14.3%	-16.9%
55-64	1,109	11.5%	1,401	13.9%	20.9%
65-74	629	6.5%	875	8.7%	33.8%
75+	766	8.0%	753	7.5%	-6.3%
Totals	9,625	100.0%	10,058	100.0%	-

Source: 2010 and 2020 U.S. Census

Household Characteristics

A household is defined by the U.S. Census Bureau as those persons who occupy a single room or group of rooms constituting a housing unit; however these persons may or may not be related. As a subset of households, a family is identified as a group of persons including a householder and one or more persons related by blood, marriage or adoption, all living in the same household. In 2023, there were 3,434 households in Waldwick, with an average of 2.94 persons per household and an average of 3.34 persons per family. Approximately 88 percent of the households are comprised of married couples with or without children. Almost 18 percent of the Waldwick households are non-family households, which includes individuals (Source: ACS 2019-2023, Table S1101).

Income Characteristics

Persons residing in Waldwick have, on average, higher incomes than that of Bergen County as a whole. Annual median income for Borough households in 2023 was \$155,526, whereas annual median income for Bergen County households was \$123,715. Table 13, Household and Family Income by Income Brackets for Waldwick and Bergen County, 2023, further illustrates these findings by noting the number of households in each of the income categories.

Table 13. Household and Family Income by Income Brackets for Waldwick and Bergen County, 2023

	Waldwick		Bergen County	
	Households	Percent	Households	Percent
Less than \$5,000	27	0.8%	7,259	2.1%
\$5,000 to \$9,999	31	0.9%	3,942	1.1%
\$10,000 to \$14,999	39	1.1%	7,234	2.0%
\$15,000 to \$19,999	44	1.3%	6,577	1.9%
\$20,000 to \$24,999	20	0.6%	6,705	1.9%
\$25,000 to \$34,999	67	2.0%	15,240	4.3%
\$35,000 to \$49,999	156	4.5%	23,079	6.5%
\$50,000 to \$74,999	261	7.6%	39,916	11.3%
\$75,000 to \$99,999	398	11.6%	35,056	9.9%
\$100,000 to \$149,999	627	18.3%	62,751	17.8%
\$150,000 or more	1764	51.4%	145,548	41.2%
Total	3,434	100.0%	353,307	100.0%
Median Income	\$155,526		\$123,715	

Source: American Community Survey, 2019-2023 (Table S2503 Financial Characteristics)

Furthermore, the household income for a one person household in 2023 in Waldwick was \$50,833. As such, the moderate-income threshold for a household of one person was \$40,666 (i.e., 80 percent of \$50,833). In attempting to approximate the number of low- and moderate- income households in the Borough, using the household size of one person is a conservative approach that represents just a minimum threshold. Table 13 above shows that the percentage of households in the Borough for which income was below this minimum threshold was at least 7 percent (household income of less than the \$35,000-\$49,999 range) (Source: ACS 2019-2023, Table B19019).

The percentage of persons and household below the poverty level, as defined by the 2023 American Community Survey, equates to 2.2 percent of all Waldwick Residents. This is lower than the County as a whole, wherein 6.7 percent of County residents were living below the poverty level in 2023 (Source: ACS 2019-2023, Table S1701).

Employment Characteristics

Table 14, Employment Status, 2023, indicates the number of Borough residents 16 years and over who are in the labor force, the type of labor force (i.e., civilian or armed forces) and employment status. Approximately 71 percent of Waldwick residents 16 and over are in the in the labor force and, among those in the labor force, all are in the civilian labor force. Of the residents in the civilian labor force, approximately 97 percent are employed and approximately 3 percent are unemployed.

Table 14. Employment Status, 2023

	Number in Waldwick	Percent in Waldwick
Population 16 years and over	7,763	-
In Labor Force	5,530	71.2%
Civilian Labor Force	5,530	71.2%
<i>Employed</i>	5,383	69.3%
<i>Unemployed</i>	147	1.9%
Armed Forces	0	0.0%
Not in Labor Force	2,233	28.8%

Source: American Community Survey, 2019-2023 (Table DP03 Selected Economic Characteristics)

Table 15, Employment by Occupation, Waldwick, 2023, identifies the occupations of employed persons. While Waldwick residents work in a variety of industries, 57 percent of employed residents work in Management, Business, Science, and Arts occupations; 25 percent are employed in Sales and Office occupations; and a relatively small number, 13 percent, work in Service-related occupations.

Table 15. Employment by Occupation, Waldwick, 2023

Sector Jobs	Number	Percent
Management, Business, Science, and Arts Occupations	3,062	56.9%
Service	695	12.9%
Sales and Office	1,362	25.3%
Natural Resources, Construction, and Maintenance	71	1.3%
Production, Transportation, and Moving	193	3.6%
Total	5,383	100.0%

Source: American Community Survey, 2019-2023 (Table DP03 Selected Economic Characteristics)

Table 16, Distribution of Employment by Industry, Borough Residents, 2023, shows the distribution of employment by industry for employed Waldwick residents. The four industries to capture the largest segments of the population were the Educational, Health and Social Services sector at 27 percent; Financing, Insurance, Real Estate, Renting, and Leasing sector at 15 percent, the Professional, Scientific, Management, Administrative, and Waste Management Services sector at 12 percent; and the Retail Trade sector at 11 percent.

Table 16. Distribution of Employment by Industry, Borough Residents, 2023

Sector Jobs	Number	Percent
Agriculture, Forestry, Fishing and Hunting, and Mining	0	0.0%
Construction	200	3.7%
Manufacturing	335	6.2%
Wholesale Trade	157	2.9%
Retail Trade	588	10.9%
Transportation and Warehousing, and Utilities	232	4.3%
Information	108	2.0%
Financing, Insurance, Real Estate, Renting, and Leasing	795	14.8%
Professional, Scientific, Management, Administrative, and Waste Management Services	623	11.6%
Educational, Health and Social Services	1,428	26.5%
Arts, Entertainment, Recreation, Accommodation and Food Services	501	9.3%
Public Administration	243	4.5%
Other	173	3.2%
Total	5,383	100.0%

Source: American Community Survey, 2019-2023 (Table DP03 Selected Economic Characteristics)

Of employed Borough residents, approximately 73 percent are private wage and salary workers; 20 percent are government workers; and 7 percent are self-employed. See Table 17, Distribution by Class of Worker, 2023, for additional details.

Table 17. Distribution by Class of Worker, 2023

	Number in Waldwick	Percent in Waldwick
Private Wage and Salary Workers	3,905	72.5%
Government Workers	1,096	20.4%
Self-employed in own not incorporated business workers	382	7.1%
Unpaid family workers	0	0.0%
Total	5,383	100.0%

Source: American Community Survey, 2019-2023 (Table DP03 Selected Economic Characteristics)

The New Jersey Department of Labor and Statistics tracks covered employment throughout the State. See Table 18, Employment in Waldwick by Industry Sector, 2012, 2017, 2022, for additional details. According to the New Jersey Department of Labor and Statistics, there were 3,323 private sector jobs in Waldwick in 2022. Construction, Educational Services, and Health Care and Social Assistance were the largest sectors of in-town employment, with 499, 499 and 495 jobs, respectively. Table 18 also shows the number of employees by sector in Waldwick in 2012 and 2017. The sector which saw the largest increase in local employment between 2012 and 2022 was the Construction sector, with an

increase of 251 jobs (or 6 percent). The Educational Services sector saw the largest decrease in local employment during the same time period, with a loss of 61 jobs (or 5 percent).

Table 18. Employment in Waldwick by Industry Sector, 2012, 2017, 2022

	2012		2017		2022	
PRIVATE SECTOR JOBS	COUNT	SHARE	COUNT	SHARE	COUNT	SHARE
Agriculture, Forestry, Fishing and Hunting, and Mining	0	0.0%	0	0.0%	0	0.0%
Mining, Quarrying, and Oil and Gas Extraction	0	0.0%	0	0.0%	0	0.0%
Utilities	52	1.9%	58	1.9%	56	1.7%
Construction	248	9.1%	290	9.7%	499	15.0%
Manufacturing	104	3.8%	71	2.4%	155	4.7%
Wholesale Trade	130	4.7%	157	5.3%	97	2.9%
Retail Trade	177	6.5%	182	6.1%	201	6.0%
Transportation and Warehousing	9	0.3%	15	0.5%	50	1.5%
Information	39	1.4%	25	0.8%	23	0.7%
Finance and Insurance	100	3.6%	34	1.1%	41	1.2%
Real Estate and Rental and Leasing	43	1.6%	28	0.9%	10	0.3%
Professional, Scientific and Technical Services	72	2.6%	108	3.6%	183	5.5%
Management of Companies and Enterprises	7	0.3%	2	0.1%	0	0.0%
Administration & Support, Waste Management and Remediation	310	11.3%	349	11.7%	382	11.5%
Educational Services	560	20.4%	567	19.0%	499	15.0%
Health Care and Social Assistance	359	13.1%	436	14.6%	495	14.9%
Arts, Entertainment, and Recreation	96	3.5%	126	4.2%	69	2.1%
Accommodation and Food Services	205	7.5%	262	8.8%	267	8.0%
Other Services (Excluding Public Administration)	148	5.4%	190	6.4%	205	6.2%
Public Administration	81	3.0%	80	2.7%	91	2.7%
TOTAL PRIVATE SECTOR	2,740	100.0%	2,980	100.0%	3,323	100.0%

Source: State of New Jersey Department of Labor and Workforce Development Local Employment Dynamics; <http://onthemap.ces.census.gov/>

Growth Trends and Projections

Residential Trends and Projections

According to the New Jersey Construction Reporter, between 2013 and 2023, Waldwick issued 265 residential certificates of occupancy. See Table 19, Residential Certificates of Occupancy, 2013-2023, for additional details.

Table 19. Residential Certificates of Occupancy, 2013-2023

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
1 & 2 Family	10	29	8	0	1	1	1	4	1	1	1	57
Multifamily	0	0	0	0	110	0	0	6	0	1	10	127
Mixed Use	0	0	1	0	0	0	80	0	0	0	0	81
Total	10	29	9	0	111	1	81	10	1	2	11	265

Source: New Jersey Construction Reporter

Waldwick is essentially a fully developed community, with environmental constraints on the remaining undeveloped tracts zoned for residential use. There has been some residential development in the past decade as remaining vacant or redevelopable tracts were developed with residential uses. As shown on Table 19, the Borough has had an average of 24 dwelling units constructed each year between 2013 and 2023. Given the lack of vacant, developable land in the municipality, new housing development in coming years will be through redevelopment of existing properties. The Borough has designated a portion of its downtown as an “area in need of redevelopment” and has adopted a redevelopment plan for a portion of this area.

Nonresidential Trends and Projections

According to the New Jersey Construction Reporter, between 2013 and 2023, Waldwick issued certificates of occupancy for a total of ±274,376 square feet of non-residential building space. See Table 20, Non-Residential Certificates of Occupancy, 2013-2023, for additional details. The majority of the non-residential growth can be attributed to:

- 127,070 square feet of multifamily/dormitories space, for which certificates of occupancy were issued in 2017 through 2023,
- 88,549 square feet of institutional space, for which only one certificate of occupancy was issued in 2019,
- 25,355 square feet of educational, for which certificates of occupancy were issued in 2013, 2014, 2016, and 2018.

Table 20. Non-Residential Certificates of Occupancy, 2013-2023

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
Office	0	0	6,352	130	220	0	0	0	0	0	2,771	9,473
Retail	0	0	0	0	0	0	0	0	0	0	0	0
A-1	0	0	0	0	0	0	0	0	0	0	0	0
A-2	0	0	0	0	0	0	0	0	0	0	0	0
A-3	0	0	0	0	0	0	0	0	0	0	0	0
A-4	0	0	0	0	0	0	0	0	0	0	0	0
A-5	0	0	0	0	0	0	0	0	0	0	0	0
Multifamily/ Dormitories	0	0	0	0	90,736	4,984	2,151	7,997	3,640	1,700	15,862	127,070
Hotel/ Motel	0	0	0	0	0	7,773	11,812	0	0	0	2,135	21,720
Education	1,310	9,337	0	2,804	0	11,904	0	0	0	0	0	25,355
Industrial	0	0	0	0	0	0	88,549	0	0	0	0	88,549
Hazardous	0	0	0	0	0	0	0	0	0	0	0	0
Institutional	0	0	0	0	0	0	0	0	0	0	0	0
Storage	0	0	0	0	0	0	0	0	0	0	0	0
Signs, Fences, Utility and Misc.	0	0	0	0	1,584	0	0	0	625	0	0	2,209
TOTAL	1,310	9,337	6,352	2,934	92,540	24,661	102,512	7,997	4,265	1,700	20,768	274,376

Source: New Jersey Construction Reporter

Capacity for Growth

Waldwick is essentially fully developed, which has been previously been recognized by COAH in granting the Borough a vacant land adjustment. The Vacant Land Analysis in the following chapter addresses this issue in detail, and demonstrates the lack of available developable land within the Borough. The most realistic development opportunities involved the redevelopment of existing developed properties for residential use or mixed-use development.

V. Fair Share Plan

Affordable Housing Obligations

Introduction

The New Jersey Department of Community Affairs (DCA) has calculated statewide and regional affordable housing needs, including municipal obligations. These non-binding determination of each municipality's Fourth Round (2025 to 2035) affordable housing obligations were released on October 18, 2024. A deadline of January 31, 2025 was set for municipalities to adopt a binding resolution setting forth either their acceptance of the DCA determination of their obligations or the municipal determination of their Fourth Round obligations. Waldwick's Mayor and Council adopted a resolution on January 28, 2025 setting forth its determination of the Borough's Fourth Round obligations. This resolution was filed with the State's Affordable Housing Dispute Resolution Program within 48 hours of adoption and was published on the Borough's website as required. Each of these obligations is discussed below.

Present Need

Present need, also known as the rehabilitation obligation, is defined as the number of substandard existing deficient housing units in the municipality currently occupied by low- and moderate-income (LMI) households. DCA proposed a non-binding Present Need obligation for Waldwick of 19. The Borough of Waldwick has accepted this obligation.

Prospective Need

Municipal Prospective Need obligations are calculated as a share of the region in which the municipality is located (Waldwick's region includes Bergen, Hudson, Passaic and Sussex Counties). The total Prospective Need for this region is 27,743, with this need allocated to municipalities throughout the region. However, "Qualified Urban Aid Municipalities" are exempt from addressing Prospective Need, which increases the remaining municipalities' obligations. Regional Prospective Need is then allocated across the non-qualified urban aid municipalities in the region by applying three factors.

Equalized Nonresidential Valuation

This factor is the change in nonresidential property valuations in the municipality from 1999 to 2023 divided by the regional total change in nonresidential valuations. This factor for Waldwick is 0.38%.

Income Capacity

This factor measures the extent to which a municipality's income level differs from that of the lowest-income municipality in its housing region. This factor for Waldwick is 1.10%.

Land Capacity

This factor determines the total acreage that is developable in a municipality utilizing the most recent land use / land cover (LULC) data from the New Jersey Department of Environmental Protection (DEP),

the most recently available MOD-IV Property Tax List data from the Division of Taxation in the Department of the Treasury, and construction permit data from DCA. The calculation is supposed to exclude lands subject to development limitations. “Weighting factors” as specified in the Affordable Housing Law were applied to developable lands based on the planning area type in which such land was located. For municipalities such as Waldwick located in Planning Area 1, the weight is 1, meaning there is no reduction, unlike in various other planning areas. This factor for Waldwick is 0.44%.

However, Waldwick’s Prospective Need obligation should be lower than the DCA’s non-binding obligation due to issues with the DCA’s calculations as detailed below. In particular, the Land Capacity factor classifies a number of areas in the Borough as “developable” when in reality they are not.

The DCA issued the data that was the basis for the Land Capacity factor on November 27, 2024. The link to the DCA GIS data¹, and the description section, includes the following language:

The land areas identified in this dataset are based on an (sic) 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.

The areas identified as developable in the DCA’s calculation of the Land Capacity factor is indeed overinclusive. The amount of developable land should be adjusted from 8.774 to 2.041 acres, which would result in the Land Capacity factor dropping from 0.44% to 0.10%.

Final Prospective Need Calculation

The Equalized Nonresidential Valuation Factor, Land Capacity Factor and Income Capacity Factor for each municipality were averaged to determine an Average Allocation Factor, which is the basis for municipal Prospective Need. Waldwick’s Average Allocation Factor is 0.64%, which resulted in the DCA’s proposed non-binding Prospective Need obligation for Waldwick of 178. However, the Average Allocation factor should be reduced from 0.64% to 0.53%. When this correction is made, Waldwick’s Round 4 Prospective Need number is 147.²

The Borough filed a declaratory judgment complaint in the Superior Court of New Jersey on January 29, 2025, which included a Prospective Need number of 147. The New Jersey Builders’ Association (NJBA) filed an objection to Waldwick’s filing on February 26, 2025, which challenged the proposed reduction in the Borough’s Prospective Need number. During the settlement conference on this matter on March 28, 2025, NJBA offered a settlement which resulted in an adjustment to the DCA’s

¹ <https://njdca.maps.arcgis.com/home/item.html?id=12acdf0a5104f8f8a2f604e96063e74>

² This calculation is based on the factors including in DCA’s Fourth Round municipal obligations spreadsheets, as it impossible to determine how these numbers would change based on numerous municipalities potentially submitting changes such as those being considered based on this document.

Prospective Need for Waldwick from 178 to 164. After considering the settlement offer by the NJBA and the comments of the Affordable Housing Alternative Dispute Resolution Program member and a Special Adjudicator, Waldwick accepted this settlement, subject to approval by the Mayor and Council and certain reservations. Based on this settlement, the Borough's modified Fourth Round Prospective Need is 164 units.

The Prospective Need obligation is cumulative. The new construction number consists of the Prior Round obligations for Rounds 1 and 2, the Prospective Need obligation for Round 3 and the Prospective Need obligation for Round 4.

In accordance with an agreement reached in 2018 between the Borough of Waldwick and Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in affordable housing proceedings statewide (the "2018 FSHC settlement agreement"), Waldwick's affordable housing obligations are as follows:

Prior Round Obligation (1987 to 1999, pursuant to N.J.A.C. 5:93): 81

Third Round (1999 to 2025) Prospective Need: 228

The Present Need and Prospective Need are based upon a report entitled "New Jersey Low and Moderate Income Housing Obligations for 1999-2025 Calculated Using the NJ COAH Prior Round (1987-1999) Methodology," May 2016, prepared by David N. Kinsey, PhD, PP, FAICP (the "Kinsey Report"). The Prospective Need was adjusted as part of the 2018 FSHC settlement agreement. It was determined based on a Prior Round vacant land adjustment (VLA) that Waldwick's Prior Round Realistic Development Potential (RDP) was 32. The Borough also completed a VLA for the Third Round, which resulted in an RDP of 49. When this RDP was subtracted from the Third Round Prospective Need, Waldwick's Third Round "Unmet Need" was 179.

Therefore the combined Prior Round and Third Round RDP is 81.

Vacant Land Analysis

There remains limited land in Waldwick that is vacant or otherwise developable for affordable and/or inclusionary housing, meaning the Borough is entitled to a new VLA to determine its Fourth Round RDP.

The tables and figures in Appendix 2: Vacant Land Adjustment show a vacant land inventory (VLI) based on the most recent and accurate quantitative and qualitative data and information available to the Borough. The Vacant Land Adjustment analysis performed followed the criteria outlined in N.J.A.C. 5:93-4. Subsection (c) allows for small properties to be excluded from the VLI if their size would not accommodate five dwelling units, based on presumptive density requirements. Subsection (e) permits a municipality to eliminate inland wetlands, flood hazard areas, and sites with slopes exceeding 15%. Additionally, municipalities may exclude historic and architecturally important sites, active recreational lands up to 3 percent of total developed/developable acreage, conservation, parklands, and open

space up to 3 percent of total developed/developable acreage, and individual sites that are unsuitable for low- and moderate- income development.

The analysis reviewed farmland (Property Class 3B), public property (Property Class 15C), and other potentially developable sites. Our analysis yielded four (4) developable sites for Property Class 1, and no developable sites for Property Classes 3B, 15C, and other potentially developable sites, as indicated in the appended tables. This inventory lists the amount of acreage that is suitable for development and the amount that is constrained for one or more of the above permitted reasons in N.J.A.C. 5-93-4.2. The VLA also includes a map depicting environmental constraints affecting properties within the Borough, consisting of wetlands and water bodies derived from the 2020 State Land Use/Land Cover dataset; steep slope areas exceeding 15 percent greater than 5,000 square feet as per 10 foot digital elevation model LiDAR data; and flood hazard areas within the 100-year floodplain as indicated by FEMA. The map also depicts properties which were initially evaluated for development as affordable housing, which consists of vacant land and Borough-owned parcels.

The VLA analysis has determined that Waldwick's RDP is five units. After subtracting this number from the Fourth Round Prospective Need of 164 units, Waldwick has a Fourth Round Unmet Need of 159 units.

Proposed Compliance Mechanisms

Present Need

As noted, the Borough's present need is 19 units. Waldwick has been a participant in the Bergen County Home Improvement Program and in 2023 created its own municipal Home Improvement Program, which is funded through Waldwick's Affordable Housing Trust Fund. The municipal program provides funding for both owner-occupied and renter-occupied housing units. The Borough will continue to promote rehabilitation of existing units through these programs and the Community Development Block Grant program, as well as through its affordable housing trust fund and other sources.

Prior Round and Prospective Need

The mechanisms provided in the Borough's 2018 Housing Plan to address its obligations are listed below along with their current status and summarized in Table 21:

1. **West Bergen Mental Healthcare – Block 11, Lot 43:** This four-bedroom low-income group home is located on Franklin Turnpike and opened in 1992. N.J.A.C. 5:93-1.3 defines a group home for the developmentally disabled as licensed and/or regulated by the New Jersey Department of Human Services as an "alternative living arrangement." Per N.J.A.C. 5:93-5.8 alternative living arrangements may be used to address a municipal housing obligation. The unit of credit is the bedroom and each unit may be used to address a municipality's rental obligation. Per N.J.A.C. 5:97-3.5, units created and occupied after December 15, 1986 may receive rental bonuses for the Prior Round Obligation. Thus, the above home is eligible for four rental bonus credits.

2. **Eastern Christian Children’s Retreat – Block 134, Lot 7.03:** This six-bedroom group home recently opened on a property located on Wyckoff Avenue. N.J.A.C. 5:93-1.3 defines a group home for the developmentally disabled as licensed and/or regulated by the New Jersey Department of Human Services as an “alternative living arrangement.” Per N.J.A.C. 5:93-5.8 alternative living arrangements may be used to address a municipal housing obligation. The unit of credit is the bedroom and each unit may be used to address a municipality’s rental obligation. Four credits are being applied to the Prior Round Obligation. It is also eligible for rental bonus credits.
3. **Riverside Condominium – Block 128, Lot 34.01:** This development is located on Vernon Court. It includes seven affordable ownership dwelling units that were constructed in 1994. Six credits are being applied to the Prior Round Obligation.
4. **Regional Contribution Agreements:** Waldwick is entitled to credit for 10 units transferred through Regional Contribution Agreements from properties in an affordable housing zone. The first of these was funded by the White Pond Landing development (Block 154, Lots 14, 15, 16, and 33), which transferred four units to the City of Bayonne. The second was funded by the owner of Block 154, Lot 35.01, a former industrial site that has been redeveloped. It transferred six units to the City of Bayonne.

Table 21. First and Second Rounds Affordable Housing Credits

<u>Project</u>	<u>Type</u>	<u>Rental or Sale</u>	<u>Units</u>	<u>Bonus Credits</u>	<u>Total Credits</u>
West Bergen Mental Healthcare Group Home	Alternative Living Arrangements	Rental	4 bedrooms	Yes	4
Eastern Christian Children’s Retreat	Alternative Living Arrangements	Rental	5 bedrooms	Yes (rental)	4 (of 5)
Riverside Condominium	New Affordable Family Units	Sale	7 units	No	6 (of 7)
Regional Contribution Agreements	Regional Contribution Agreement	Rental	10 units	No	10
Bonus Credits	Rental Bonuses		--	--	8
TOTAL					32

As noted, the Borough has a Third Round RDP of 32 units, which has been addressed through the projects detailed below and summarized in Table 22.

1. **DeMartini Lumber Site (Waldwick Station) – Block 129, Lot 17:** A multifamily residential development was approved for this property in 2015, was recently constructed and is now occupied after receiving its certificate of occupancy in late 2017. The development, known as Waldwick Station, includes 111 rental units and has a setaside of 11 low- and moderate-income units. The development is located adjacent to Waldwick’s New Jersey Transit railroad station and is therefore a “transit-oriented development,” making it eligible for a bonus of 0.33 credits per unit for an affordable housing unit in a transit-oriented development in Planning

Area 1 as designated by the New Jersey State Development and Redevelopment Plan. This development is also eligible for rental bonus credits.

2. **Bristol Assisted Living Residence – Block 163, Lot 13.01 (formerly Lots 11, 12, 12.01, 13):** An assisted living residence (formerly known as the Solana) was approved for this property in 2016, was constructed and opened in 2019. The development includes 79 units and 85 beds, of which ten percent must be occupied by Medicaid-eligible residents per State requirements. These Medicaid units qualify as affordable units per COAH's regulations, meaning this project receives credit for eight affordable units. They are also eligible for rental bonuses, within certain limitations.
3. **Habitat for Humanity – Block 128, Lot 54:** This development at 101 Wyckoff Avenue includes four affordable ownership dwelling units. It was constructed in 2011.
4. **DePippo Farm – Block 163.08, Lot 15:** This townhouse development is located on DePippo Court, King Street, Masterson Court and Pineview Drive. It includes seven affordable ownership dwelling units that were constructed in 2009.
5. **106 and 112 Franklin Turnpike – Block 105, Lots 42 and 48.01:** This mixed-use development includes two affordable rental dwelling units. One was included in the first phase of the project, which was constructed in 2008. The Zoning Board of Adjustment approved the second phase of this development in 2018, which involved the construction of an addition containing six multi-family units, including the second affordable unit. The project is eligible for two rental bonus credits.

Table 22. Third Round Affordable Housing Credits

<u>Project</u>	<u>Type</u>	<u>Rental or Sale</u>	<u>Units</u>	<u>Bonus Credits</u>	<u>Total Credits</u>
Eastern Christian Children's Retreat	Alternative Living Arrangements	Rental	5 bedrooms	Yes	1 (of 6)
Habitat for Humanity	New Affordable Family Units	Sale	4 units	No	4
Riverside Condominium	New Affordable Family Units	Sale	7 units	No	1 (of 7)
DePippo Farm	New Affordable Family Units	Sale	7 units	No	7
Solana Assisted Living Residence	Assisted Living	Rental	8 units	Yes	8
DeMartini Lumber Site	New Affordable Family Units	Rental	11 units	Yes	11
106 and 112 Franklin Turnpike	New Affordable Family Units	Rental	2 units	Yes	2
Riverside Condominium	Extension of Controls	Sale	2 units	No	2
Bonus Credits	Rental Bonuses		--	--	13
TOTAL					49

The credits in Tables 21 and 22 address the combined Prior Round and Third Round RDP of 81.

Furthermore, since the adoption of the 2018 Housing Plan, the following projects were approved or are in process.

1. **1 Franklin Turnpike – Block 18.01, Lot 17.** The Zoning Board of Adjustment approved this development in 2021 and its construction was completed in 2022. The project consists of a building containing 11 multi-family residential units, including two affordable units.
2. **BCUW/Madeline Housing Partners – Block 163.16, Lot 18.01.** This project involves the construction of a two-story group home occupied by persons with intellectual and developmental disabilities. A total of eight bedrooms are included in the development. It was approved by the Planning Board in 2022 and is currently under construction.
3. **Life Opportunities Unlimited – Block 134.01, Lot 9.** This property is a group home occupied by persons with intellectual and developmental disabilities which opened in 2023. A total of four resident bedrooms are included in the development.
4. **Harrison Avenue Redevelopment – Block 107, Lots 1, 3, 5, 7, 8, 9, 10 and 11.** In March 2024, the Mayor and Council of the Borough of Waldwick directed the Planning Board to undertake a condemnation area in need of redevelopment study for Block 107. The Planning Board recommended that the study area be designated as a condemnation area in need of redevelopment, and the Mayor and Council concurred with the Planning Board's recommendation. A redevelopment plan was subsequently prepared and adopted for a portion of the study area with an area of 1.278 acres. The redevelopment plan includes a maximum density of 33 units per acre and requires a minimum of 15 percent of all rental units or 20 percent of all ownership units within the redevelopment plan area to be set aside for low- and moderate-income households. A site plan application has been filed with the Planning Board for an inclusionary mixed-use development with 42 dwelling units, including six affordable units. The application is in the process of being reviewed by the Planning Board.

Table 23. Post-2018 Affordable Housing Credits

<i>Project</i>	<i>Type</i>	<i>Rental or Sale</i>	<i>Unit/Credits</i>	<i>Bonus Credits</i>	<i>Total Credits</i>
1 Franklin Turnpike	New Affordable Family Units	Rental	2 units	Transit (0.5/unit)	3
BCUW/Madeline Housing Partners	Supportive/ Special Needs	Rental	8 bedrooms	Supportive/ Special Needs (1.0/unit)	16
Life Opportunities Unlimited	Supportive/ Special Needs	Rental	4 bedrooms	Supportive/ Special Needs (1.0/unit)	8
Harrison Avenue Redevelopment	Redevelopment/ Inclusionary	Rental	6 units	Transit (0.5/unit)	9
TOTAL			20		36

Pursuant to the FHA at N.J.S.A. 52:27D-304.1:

“If a municipality has credits in excess of its prior round obligations, and such excess credits represent housing that will continue to be deed-restricted and affordable through the current round, the municipality may include such housing, and applicable bonus credits, towards addressing the municipality’s new calculation of prospective need.”

Thus, the credits in Table 23 can help address Waldwick’s Fourth Round Prospective Need. The above credits address at least 25 percent of the Borough’s Prospective Need obligation that has been adjusted.

The post-2018 affordable housing sites listed in Table 23, with the exception of group homes, are shown on the map in Appendix 1.

Bonus Credits

The bonuses included in the amended FHA for the Fourth Round are as follows:

- Supportive/Special Needs: One unit of credit and one bonus credit for each unit of low- or moderate-income housing for individuals with special needs or permanent supportive housing, as those terms are defined in section 2 of P.L. 2004, c.70 (C.34:1B-21.24)
- Ownership Units Created with Non-Profit: One unit of credit and one-half bonus credit for each low- or moderate-income ownership unit created in partnership sponsorship with a non-profit housing developer
- Transit: One unit of credit and one-half bonus credit for each unit of low- or moderate-income housing located within a one-half mile radius (or one-mile radius for projects located in a Garden State Growth Zone), surrounding a New Jersey Transit Corporation, Port Authority Transit Corporation, or Port Authority Trans-Hudson Corporation rail, bus, or ferry station, measured from the closest point on the outer perimeter of the station, including any associated park-and-ride lot, to the closest point of the housing project property
- Age-Restricted: One unit of credit and one-half bonus credit for a unit of age-restricted housing, provided that a bonus credit for age-restricted housing shall not be applied to more than 10 percent of the units of age-restricted housing constructed in compliance with the Uniform Housing Affordability Controls promulgated by the New Jersey Housing and Mortgage Finance Agency in a municipality that count towards the municipality's affordable housing obligation for any single 10-year round of affordable housing obligations
- Additional Three-Bedroom Units: One unit of credit and one-half bonus credit for each unit of low- or moderate-income family housing with at least three bedrooms above the minimum number required by the bedroom distribution
- Former Retail, Office, Commercial: One unit of credit and one-half bonus credit for a unit of low- or moderate-income housing constructed on land that is or was previously developed and utilized for retail, office, or commercial space
- Extension of Controls: One unit of credit and one-half bonus credit for each existing low- or moderate-income rental housing unit for which affordability controls are extended for a new

term of affordability, in compliance with the Uniform Housing Affordability Controls, and the municipality contributes funding towards the costs necessary for this preservation

- Municipal Contribution to 100% Affordable: One unit of credit and one bonus credit for each unit of low- or moderate-income housing in a 100 percent affordable housing project for which the municipality either contributes property without which the project would not be feasible, or makes contributions from the municipal affordable housing trust fund that cover no less than 3 percent of the project cost
- Additional Very Low-Income Units: One unit of credit and one-half bonus credit for each unit of very low-income housing for families above the 13 percent of units required to be reserved for very low-income housing pursuant to section 7 of P.L.2008, c.46 (C.52:27D-329.1)
- Market to Affordable: One unit of credit and one bonus credit for each unit of low- or moderate-income housing created by transforming an existing rental or ownership unit from a market rate unit to an affordable housing unit

For the Fourth Round and beyond, a municipality shall not receive more than one type of bonus credit for any unit, and a municipality shall not be permitted to satisfy more than 25 percent of its Prospective Need obligation through the use of bonus credits. Waldwick is therefore eligible to utilize a maximum of 39.75 bonus credits (25% of the Prospective Need of 159 units) to address its Prospective Need.

Satisfaction of Prospective Need

Waldwick's Fourth Round RDP is five. As detailed in Table 24, Waldwick has 36 credits, inclusive of applicable bonus credits, to address its Fourth Round Prospective Need obligation. Therefore, the RDP is addressed by five non-age restricted rental units from the 1 Franklin Turnpike and the Harrison Avenue Redevelopment projects in Table 23.

As these are non-age restricted rental units, the FHA requirement at N.J.S.A. 52:27D-311 I. to address a minimum of 50 percent of Prospective Need with affordable housing units available to families with children is satisfied. The remaining 31 credits can be applied to the Fourth Round Unmet Need.

Unmet Need

Waldwick's Fourth Round Unmet Need obligation of 159 units will be addressed through the following compliance mechanisms:

New Construction: The 31 credits discussed above can be applied to Unmet Need.

Affordable Housing Overlay Zones: Two inclusionary overlay districts were proposed to address unmet need:

- The AHO-1 Affordable Housing Overlay Zone-1 is proposed to cover the existing VC-3 zone and the portion of the VC-2 zone on the east side of the New Jersey Transit railroad tracks. This area is located proximate to the Waldwick New Jersey Transit railroad station and is partly within the Borough's central business district. This new overlay zone would permit multifamily

residential and mixed-use development with upper floor residential units. The proposed compensatory benefits for the provision of a setaside of affordable housing in this zone include an increase in permitted density and relaxation of certain bulk requirements (e.g. height, lot coverage, setbacks).

- The AHO-2 Affordable Housing Overlay Zone-2 includes two properties located a short distance from the Borough's central business district. These are the shopping center located on the north side of Wyckoff Avenue between Harrison Avenue and Walter Hammond Place and the Hamilton Square shopping center on the west side of Franklin Turnpike to the north of North Street. This new overlay zone also would permit multifamily residential as part of mixed-use development, with similar compensatory benefits to those in the AHO-1 zone. The proposed bulk regulations are somewhat different given the larger size of each of these properties compared to the smaller lots in the AHO-1 zone.

The minimum affordable housing set-aside would be 20 percent of the dwelling units for sale units and 15 percent for rental units. These zones were added to the Borough's Zoning Ordinance on October 9, 2018 by Ordinance Number 18-2018. No new development has occurred in these two zones.

The existing maximum density in each of these overlay zones is 10 dwelling units per acre. The density is proposed to be increased by 50 percent to provide a greater incentive for redevelopment that results in the construction of new affordable housing.

Inclusionary Zoning Requirements: While there are no other large vacant parcels available for redevelopment at this time, it is possible that existing developed areas may be proposed for redevelopment. The Borough added Inclusionary Housing Requirements for rezonings, variances and redevelopment or rehabilitation plans to the Affordable Housing Controls section of the Borough's General Ordinances in subsection 97-120.D(3). It requires any development that produces a net increase of five or more new multifamily residential units as a result of a rezoning, Zoning Board approval, or a new or amended redevelopment or rehabilitation plan to produce low- and moderate-income housing on-site or elsewhere in the Borough or pay a fee in lieu of providing affordable units, with required setasides of 20 percent of for sale units or 15 percent of rental units. This ordinance has resulted in the creation of three affordable units as noted above, and will remain a viable mechanism for creating additional units as individual sites redevelop.

Additional Downtown Redevelopment: There are additional properties which could potentially be redeveloped in the two designated redevelopment areas in downtown Waldwick. These include the remainder of Block 107 and portions of Blocks 114, 115 and 116. These properties are all located within a one-quarter mile radius of the Waldwick New Jersey Transit railroad station and are proximate to stores, services, employment opportunities and transportation networks. Redevelopment of one or more properties in this area with inclusionary residential and/or mixed-use development would further the Borough's planning efforts as set forth in the municipal Master Plan, as well County and State planning principles.

Consideration of Lands and Buildings for Low- and Moderate-Income Housing

As noted in Chapter III, this document must include a “consideration of the lands most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing.” Waldwick is an essentially fully developed municipality with limited vacant land. As documented by the VLA discussed above, most of the vacant land in the Borough is not developable due to environmental constraints or other factors. All development in recent years that has resulted in the construction of new affordable housing units has been through the redevelopment of previously developed properties. This trend is expected to continue in coming years.

As of the date of this plan, the only developer who has expressed a commitment to provide low- and moderate-income housing in recent years is the potential redeveloper of a property in the Block 107 Redevelopment Area discussed above.

Other potential sites include lands in the two designated redevelopment areas in downtown Waldwick (the remainder of Block 107 and portions of Blocks 114, 115 and 116) discussed above.

Spending Plan

The Borough of Waldwick has a development fee ordinance which provides a dedicated revenue source for affordable housing. 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 for the purposes of affordable housing. These funds shall be spent for purposes including a housing rehabilitation program, costs associated with affordable housing construction, providing affordability assistance to low-income households and professional services related to the planning for affordable housing. An updated Spending Plan is included in Appendix 3.

VI. Relationship to Multigenerational Family Housing Continuity

Multigenerational housing is becoming a desired housing option in the State due to rising housing costs and an aging population. Housing for multigenerational families is necessary to offer a diverse housing stock and to account for population trends. Multigenerational housing can provide an opportunity for residents to age in place, save on costs associated with housing, and provide in-house care for an older adult or persons with disabilities. Additionally, multigenerational housing is a more sustainable approach to meeting housing obligations as there is no need for the construction of new homes in order to provide housing for additional individuals.

One possible approach to providing multigenerational housing is the construction of accessory dwelling units (ADUs). A frequent concern when choosing to live in multigeneration housing layout is lack of privacy. ADUs offer sufficient privacy within a home, providing all the benefits of multigenerational housing without individuals sacrificing their personal space. ADUs make use of existing infrastructure, and therefore are more environmentally friendly, and can easily maintain the character of the neighborhood and/or municipality. ADUs are also a positive economic option. There are five types of ADUs: detached, attached, interior, above garages, and garage conversions.

In addition to ADUs, another form of multigenerational housing that Waldwick could integrate into its housing stock is multifamily residential that offers resources and amenities for elderly, young adults, middle-aged parents, and young children alike to support all ages and all generations potentially living together. Providing amenities such as ADA compliant parking spaces, ramps, and public spaces, as well as on-site playgrounds and daycares, public office space, and meeting rooms facilities cohesive living for all ages.

Waldwick presently does not allow second residential structures or uses in any zone. Per Zoning Ordinance §97-121.2H – Dwellings prohibited: “No accessory building, structure, or use shall be used as a dwelling.” In order to allow for secondary residential structures and specifically allow for ADUs in their residential zones, this section would have to be amended. Additional potential recommendations for the Borough to address multigenerational housing needs are as follows:

- Create design standards for multifamily residential development to guarantee diverse amenities and resources for persons of all ages;
- Encourage multigenerational housing in transit-oriented areas where public transit can be easily accessible to limit the need for extra parking spaces on the property and ensure the increased density has no negative effects on the community.

VII. Consistency with the State Development and Redevelopment Plan

The New Jersey State Development and Redevelopment Plan (SDRP) was originally adopted in 1992. The purpose of the SDRP according to the State Planning Act at N.J.S.A. 52:18A-200(f) 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.

The State Plan is not a regulation, but a policy guide, and is meant to coordinate planning activities and development throughout the state. At the municipal level, master plans are required to be evaluated and, if necessary, modified to reflect policies of the State Plan. The State Plan is also important when the State makes infrastructural and other investment decisions, i.e., in determining where available State funds should be expended.

A revised version of the plan was adopted by the State Planning Commission in 2001. While required by the State Planning Act to be revised and re-adopted every three years, the SDRP has only been readopted once during the 32 years since its original adoption. A new State Strategic Plan (SSP) was proposed in 2011 as the revision to the 2001 SDRP, but it has not been advanced in recent years. The State Office of Planning Advocacy started the process of preparing a new State Plan in 2023 and the State Planning Commission has been engaging with stakeholders. As part of the update process, the State Planning Commission approved the Preliminary State Development and Redevelopment Plan on December 4, 2024, and is now undertaking the Cross-Acceptance process (i.e. review of the plan at the county level).

Spatially, the last adopted State Plan utilizes planning areas, centers, and environs as a framework for implementing Statewide goals and policies. The State Plan Map indicates that the Borough of Waldwick is located within the Metropolitan Planning Area (PA1). For the Metropolitan Planning Area, the State Plan has four major aims, as follows: (1) to provide for much of the state's future redevelopment; (2) to revitalize cities and towns and promote growth in compact forms; (3) to stabilize older suburbs and redesign areas of sprawl; and (4) to protect the character of existing stable communities.

The land use policy objectives of the Metropolitan Planning Area are to:

1. Promote redevelopment and development in cores and neighborhoods through cooperative regional planning efforts;
2. Promote diversification of land uses, including housing where appropriate, in single-use developments and enhance their linkages to the rest of the community; and
3. Ensure efficient and beneficial utilization of scarce land resources throughout the Planning Area to strengthen its existing diversified and compact nature.

The Waldwick Master Plan recognizes the need to encourage development and redevelopment on the limited developable land in the Borough. This Housing Plan promotes higher density compact forms of housing and mixed-use development in appropriate locations served by existing infrastructure and proximate to transit, stores and services, and is therefore consistent with the State Plan.

Appendices

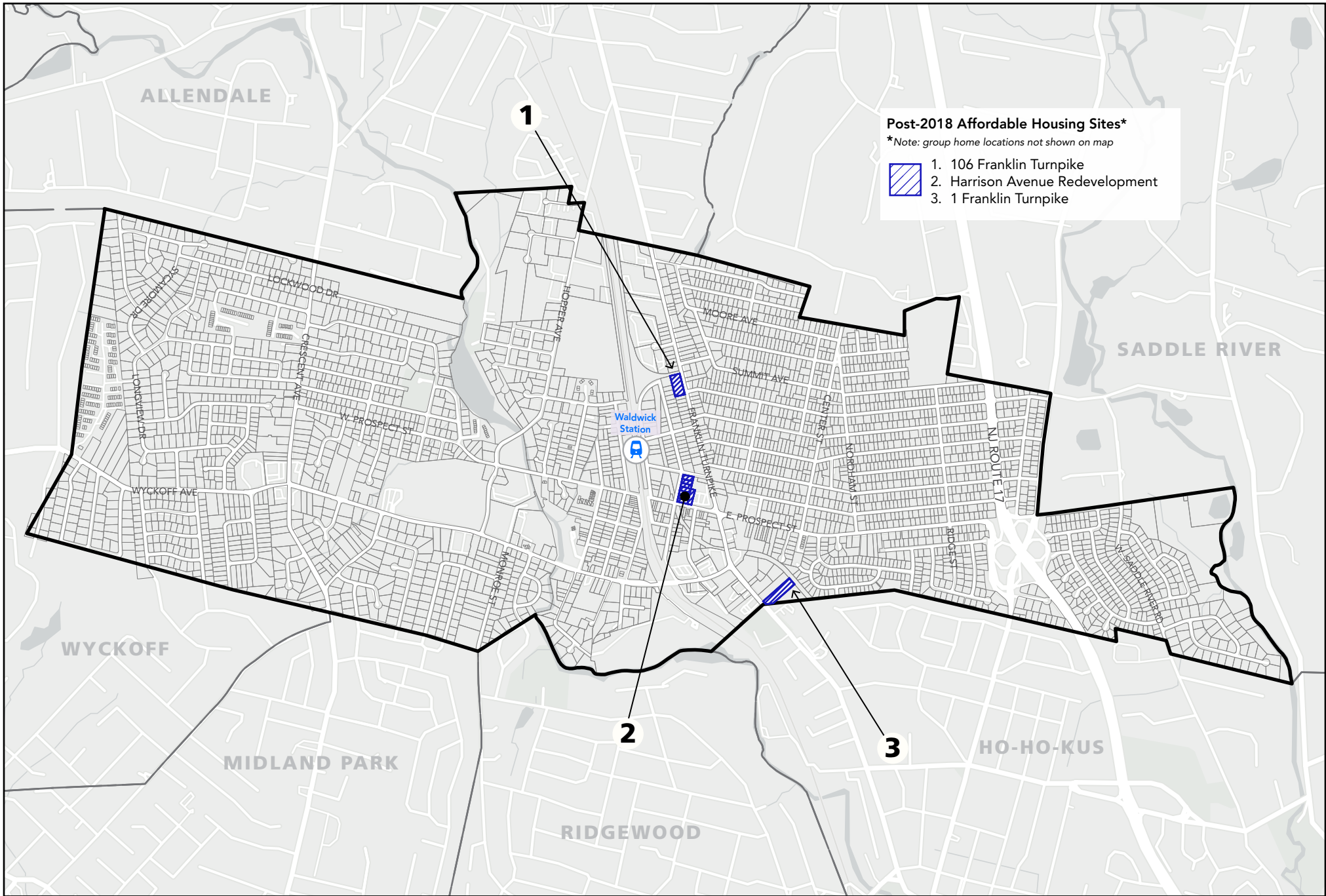
Appendix 1: Post-2018 Affordable Housing Sites Map

Appendix 2: Vacant Land Adjustment Data and Map

Appendix 3: Spending Plan

Appendix 4: Draft Ordinances and Amendments

Appendix 5: Projects and Programs Documentation



Appendix 1: Affordable Housing Sites

Waldwick Borough VLA															
Block	Lot	Property Location	SDRP Plan Area	Sewer Service Area	Property Class	Owner's Name	Zone	Listed Acreage	Constrained Acreage	Remaining Acreage	Greater than 0.83?	Developable Acreage	Affordable Units	Constraint Description	Additional Notes
3	1	SUMMIT AVENUE	1	Y	15C	WALDWICK BORO	R-2	0.103	0.103	0	N	0	0	Robert H. Post Park	Lot too small
6	70.01	MOORE AVE,REAR	1	Y	15C	BOROUGH OF WALDWICK	R100	0.03	0.03	0	N	0	0	Lot too small: Under 0.83 Ac	Lot too small
17	60.02	63 FRANKLIN TURNPIKE	1	Y	15C	BOROUGH OF WALDWICK	C-1	1.033	1.033	0	N	0	0	Borough Hall parking lot	Waldwick Aministration Building & parking
17	62.02	DORA AVENUE	1	Y	15C	BOROUGH OF WALDWICK	C-1	0.358	0.358	0	N	0	0	Waldwick Borough Hall	Waldwick Aministration Building & parking
17	63	15 EAST PROSPECT STREET	1	Y	15C	BOROUGH OF WALDWICK	C-1	0.81	0.81	0	N	0	0	Waldwick Fire Dept. and Parking lot	Waldwick Fire Dept. Building & parking
18.04	20	PLAY AREA EMMET PL	1	Y	15C	BORO OF WALDWICK	R-2	1.12	1.12	0	N	0	0	Emmet Place Playground; on ROSI	Emmet Park
19	44	LIBRARY PROSPECT STREET	1	Y	15C	BORO OF WALDWICK	C-1	0.499	0.499	0	N	0	0	Waldwick Public Library	Lot too small
22	1	27 CENTRE STREET	1	Y	15C	BOROUGH OF WALDWICK	R-2	0.111	0.111	0	N	0	0	Lot too small: Under 0.83 Ac	Lot too small
27	1	NORDHAM ST	1	Y	15C	BOROUGH OF WALDWICK	R-2	0.06	0.06	0	N	0	0	Ted Bell Park; Lot too small: Under 0.83 Ac.	Lot too small; Ted Bell Park
29	17	ASTOR PLACE	1	Y	15C	WALDWICK BORO	R-2	0.263	0.263	0	N	0	0	Utility Structure; too small	Lot too small
32	1.01	101 HIGHWOOD AVENUE	1	Y	1	HIGHWOOD PROPERTY LLC	R100	0.2069	0.2069	0	N	0	0	Lot too small: Under 0.83 Ac	Lot too small
32	1.02	103 HIGHWOOD AVE	1	Y	1	KABEZIAN,GEORGE	R100	0.2651	0.2651	0	N	0	0	Lot too small: Under 0.83 Ac	Lot too small
42	43	EAST PROSPECT STREET	1	Y	15C	BORO OF WALDWICK	R-2	0.046	0.046	0	N	0	0	Lot too small: Under 0.83 Ac	Lot too small
44	39	DONALD PLACE	1	Y	1	DAVIS, THOMAS & EILEEN	R100	0.025	0.025	0	N	0	0	Lot too small: Under 0.83 Ac	Lots 39-41 are contiguous. Combined acreage = 0.108, which is less than 0.83 Ac.
44	40	DONALD PLACE	1	Y	1	STIEGLER, JONATHAN & JEANETTE	R100	0.044	0.044	0	N	0	0	Lot too small: Under 0.83 Ac	
44	41	DONALD PLACE	1	Y	1	RACKIEWICZ, NATHANIEL V & MARIE L	R100	0.039	0.039	0	N	0	0	Lot too small: Under 0.83 Ac	
44	43	DONALD PLACE	1	Y	1	RICHARDS, DAVID B & CAROLINE W	R100	0.037	0.037	0	N	0	0	Lot too small: Under 0.83 Ac	
44	44	DONALD PLACE	1	Y	1	EARL, ROBERT P.C.&MERYL L.	R100	0.037	0.037	0	N	0	0	Lot too small: Under 0.83 Ac	Lots 43-47 contiguous. Combined acreage = 0.181, which is less than 0.83 Ac.
44	45	DONALD PLACE	1	Y	1	MCNERNEY, DENNIS & CATHERINE	R100	0.044	0.044	0	N	0	0	Lot too small: Under 0.83 Ac	
44	46	DONALD PLACE	1	Y	1	PAQUIN, WILLIAM A & WENDY D	R100	0.063	0.063	0	N	0	0	Lot too small: Under 0.83 Ac	
44	47	ASSESSED IN HOKHUS	1	Y	1	VAN VLIET, JACQUELYNN C	-	0.017	0.017	0	N	0	0	Not assessed in Waldwick	Not assessed in Waldwick
64	1	BERGEN AVENUE	1	Y	15C	WALDWICK BORO MUNICIPAL BLDG	R-2	0.009	0.009	0	N	0	0	Lot too small: Under 0.83 Ac	Lots 1 & 35 are contiguous. Combined acreage = 0.018, which is less than 0.83 Ac.
64	35	LINCOLN PLACE	1	Y	15C	WALDWICK BORO	R-2	0.009	0.009	0	N	0	0	Lot too small: Under 0.83 Ac	
65	1	LINCOLN PLACE	1	Y	15C	WALDWICK BORO MUNICIPAL BUILDING	R-2	0.009	0.009	0	N	0	0	Lot too small: Under 0.83 Ac	Lot too small
66	25	MANHATTAN AVENUE	1	Y	15C	WALDWICK BORO	R-2	0.009	0.009	0	N	0	0	Lot too small: Under 0.83 Ac	Lot too small
71	3.02	303 ARDMORE ROAD, REAR	1	Y	1	DIBETTA, PAUL C.	R100	0.112	0.112	0	N	0	0	Lot too small: under 0.83 Ac	Lots 3.02-7.03 are contiguous. Combined acreage: 1.764. Rear yards of residential lots in Ho-Ho-Kus
71	3.03	311 ARDMORE ROAD, REAR	1	Y	1	GABARINI, PAUL & KATHRYN	R100	0.105	0.105	0	N	0	0	Lot too small: under 0.83 Ac	
71	4.01	SHERIDAN AVENUE REAR	1	Y	1	EINHORN, SHELLEY TRSTE	R100	0.22	0.22	0	N	0	0	Lot too small: under 0.83 Ac	
71	4.02	SHERIDAN AVENUE REAR	1	Y	1	PENG,TOM &WONG,SHUI YUNG	R100	0.22	0.22	0	N	0	0	Lot too small: under 0.83 Ac	
71	5	407 ARDMORE ROAD, REAR	1	Y	1	BUTLER, CHRISTOPHER & MERIS	R100	0.273	0.273	0	N	0	0	Lot too small: under 0.83 Ac	
71	6	SHERIDAN AVENUE	1	Y	1	BASCIO, RAYMOND & KERRY ANN	R100	0.201	0.201	0	N	0	0	Lot too small: under 0.83 Ac	
71	7.01	419 ARDMORE ROAD	1	Y	1	FINAN, THOMAS M & MARGARET A	R100	0.201	0.201	0	N	0	0	Lot too small: under 0.83 Ac	
71	7.02	425 ARDMORE ROAD	1	Y	1	MORLEY, DENIS P. & KATHLEEN	R100	0.287	0.287	0	N	0	0	Lot too small: under 0.83 Ac	
71	7.03	505 ARDMORE ROAD	1	Y	1	CLYNE, BARBARA ANN	R100	0.192	0.0469	0.1451	N	0	0	Lot too small: under 0.83 Ac	
72.04	56.02	MACLAREN COURT REAR	1	Y	15C	WALDWICK BORO	R-2	0.064	0.064	0	N	0	0	Lot too small: under 0.83 Ac	Lot too small
73	1	WEST SADDLE RIVER ROAD	1 & 5	Y	1	HIGHLANDS COMM ASSN INC % O'NEILL	R100	2.85	2.52	0.33	N	0	0	Lot too small: under 0.83 Ac; Lot within SFHA and wetlands present	Lot too small; part of Brooklynview Park
73	3.03	37-39 MALCOLM STREET	1 & 5	Y	15C	BOROUGH OF WALDWICK	R100	12.01	12.01	0	N	0	0	Brooklynview Park; on ROSI	Lots 3.03-3.04, 4-7, 8.01 & 10.02 are contiguous; environmental constraints and rear yards of lots are in saddle river
73	3.04	WEST SADDLE RIVER ROAD	5	Y	15C	BORO OF WALDWICK	R100	0.057	0.057	0	N	0	0	Lot within SFHA; Deciduous Wooded Wetland	
73	4	21 WEST SADDLE RIVER ROAD	1 & 5	Y	1	ASLANIAN, ARDEM & CYNTHIA	R100	1.387	1.387	0	N	0	0	Lot too small: Under 0.83 Ac	
73	5	WEST SADDLE RIVER ROAD	1 & 5	Y	1	PATEL, VINIT V ETAL	R100	0.531	0.520	0.011	N	0	0	Lot too small: Under 0.83 Ac	
73	6	WEST SADDLE RIVER ROAD	1 & 5	Y	1	HARDESTY, BRUCE J & DEBORAH R	R100	0.885	0.644	0.241	N	0	0	Lot too small: Under 0.83 Ac	
73	7	9 EAST SADDLE RIVER ROAD	1 & 5	Y	1	MALTESE, ANTHONY J. JR. & CYNTHIA	R100	2.254	1.558	0.696	N	0	0	Lot too small: Under 0.83 Ac	
73	8.01	ACKERMAN STREET REAR	1	Y	1	TOMCZAK, MARK & LINDA	R100	0.904	0.838	0.066	N	0	0	Lot too small: Under 0.83 Ac	
73	10.02	MALCOLM ST. WATER DEPT.	1 & 5	Y	15C	BORO OF WALDWICK	R100	1.61	1.61	0	N	0	0	Waldwick Well #4; water treatment station	
109.01	1	17 WALTER HAMMOND PLACE	1	Y	1	17 WH PLACE ASSOC., L.L.C.	C-1	0.218	0.218	0	N	0	0	Lot too small: under 0.83 Ac	Lots 1, 5 & 5.02 are contiguous. Combined acreage = 0.748, which is under 0.83 Ac.
109.01	5	FRANKLIN TURNPIKE	1	Y	1	PUBLIC SERVICE ELECTRIC & GAS CO	C-1	0.467	0.467	0	N	0	0	Partially developed with parking lot and accessory structures on adjacent lot; Electric Transmission ROW; Lot too small: Under 0.83 Ac.	
109.01	5.02	FRANKLIN TURNPIKE REAR	1	Y	1	17 WH PLACE ASSOC., L.L.C.	C-1	0.063	0.063	0	N	0	0	Lot too small: under 0.83 Ac	
110	2.02	12-14 FRANKLIN TURNPIKE	1	Y	1	GALASSO, AMATO A./STEVE/ROSE/PAT	C-1	0.426	0.426	0	N	0	0	Partially developed with parking lot for adjacent lot; Lot too small: 0.83 Ac.	Lot too small

110	4	ROSENCRANTZ LANE	1	Y	15C	BOROUGH OF WALDWICK	C-1	2.324	2.324	0	N	0	0	No environmental constraints present; 25' wide sanitary easement on western boarder	Borough Compost facility; 25' wide sanitary easement on western boarder; not feasible for redevelopment due to access, location, and topography issues
111	27.01	LAND PROSPECT ST	1	Y	15C	BORO OF WALDWICK		0.02	0.02	0	N	0	0	Lot too small: Under 0.83 Ac	Lot too small
113	1	38-38A WEST PROSPECT ST	1	Y	1	GENERATION III PROPERTIES MGMT LLC	R100	0.071	0.071	0	N		0	Lot too small: Under 0.83 Ac	Lot too small
115	26	HARRISON AVENUE	1	Y	1	PUBLIC SERVICE ELEC & GAS CO	R100	0.43	0.43	0	N	0	0	Lot too small: Under 0.83 Ac	Electric Transmission ROW
116	16	29 HEWSON AVENUE	1	Y	1	J.R.W. ASSOCIATES LLC	R100	0.191	0.191	0	N	0	0	Lot too small: Under 0.83 Ac	Lot too small
116	29	HARRISON AVENUE	1	Y	15C	BORO OF WALDWICK	VC-2	0.25	0.25	0	N	0	0	Lot too small: Under 0.83 Ac	Lot too small
116	36	64 HARRISON AVENUE	1	Y	1	PUBLIC SERVICE ELEC & GAS CO	VC-2	0.946	0.946	0	N	0	0	No environmental constraints	Electric Transmission ROW
117	1.01	HEWSON AVENUE	1	Y	1	NJ DEPT OF TRANS C/O CM& SON TRUCK	I & VC-2 & R-3	2	2	0	N	0	0	No environmental constraints	Developed- Active commercial business- CM & Son
117	2	HARRISON AVENUE	1	Y	15C	DIR COMMUTER SERV NJ DEPT OF TRANSP	VC-2	0.25	0.25	0	N	0	0	Lot too small: Under 0.83 Ac	Lot too small
119	1.05	WYCKOFF AVE	1	Y	15C	BORO OF WALDWICK FIREHOUSE NO.2	R100	0.84	0.84	0	N	0	0	No environmental constraints	Waldwick Fire Dept/volunteer EMS Bldg and Parking lot
120.01	27	BARNES DRIVE REAR	1	Y	1	KEELEY,DONALD & ROBERTA	R100	0.198	0.198	0	N	0	0	Developed with residential house in adjacent town; Lot too small: Under 0.83 Ac	Lot too small
127	5	46 WEST PROSPECT STREET	1	Y	1	LOPES, MANUEL & CATHERINE	R100	0.245	0.245	0	N	0	0	Lot too small: Under 0.83 Ac	Lot too small
130	1	10 CLINTON PLACE	1	Y	1	CANNIZZARO,LINDA C.	R100	0.215	0.215	0	N	0	0	Lot too small: Under 0.83 Ac	Lots 1, 4 & 6 are contiguous combined acreage = 0.501, which is under 0.83 Ac.
130	4	6 CLINTON PLACE	1	Y	1	MY HOUSE DEVELOPERS LLC	R100	0.143	0.143	0	N	0	0	Lot too small: Under 0.83 Ac	
130	6	34 ZAZZETTI ST.	1	Y	1	MY HOUSE DEVELOPERS LLC	R100	0.143	0.143	0	N	0	0	Lot too small: Under 0.83 Ac	
132	16	POOL&BLDG HOPPER AV	1	Y	15C	BORO OF WALDWICK	R100	3	3	0	N	0	0	Lot listed on NJDEP ROSI; lot within SFHA; Ho-Ho-Kus Brook along eastern edge	Waldwick Municipal Pool
133	6	5 BOHNERT PLACE	1	Y	1	PUBLIC SERVICE ELECTRIC & GAS CO	VC-2	0.134	0.134	0	N	0	0	Lot too small: Under 0.83 Ac; Developed with active commercial business	Lot too small and developed; Electric Transmission ROW
134	6.02	64 MONROE STREET	1	Y	1	64 MONROE ST LLC	R100	0.4302	0.4302	0	N	0	0	Lot too small: Under 0.83 Ac	Lot too small
134.01	18	69 EVERGREEN STREET	1	Y	1	COVNEY, GEORGE & MARCELLA	R100	0.113	0.113	0	N	0	0	Lot assessed in Midland Park	Lot assessed in Midland Park
134.01	19	SMITHFIELD ROAD	1	Y	1	MCCONVILLE, JAMES T & DOLORES	R100	0.034	0.034	0	N	0	0	Lot assessed in Midland Park	Lot assessed in Midland Park
134.02	14	41 HEMLOCK STREET	1	Y	1	BENEVENTI, (ETAL/TRUSTS) NORA E.	R100	0	0	0	N	0	0	Lot assessed in Midland Park	Lot assessed in Midland Park
134.03	1	60 EVERGREEN STREET	1	Y	1	MOLLIKA, VINCENT & KAHWATY, PAULA	R100	0.09	0.09	0	N	0	0	Lot assessed in Midland Park	Lot assessed in Midland Park
134.03	20	40 HEMLOCK STREET	1	Y	1	WOLFE, MATTHEW T. & MONICA	R100	0.094	0.094	0	N	0	0	Lot assessed in Midland Park	Lot assessed in Midland Park
134.04	15.01	27 FLORAL LANE	1	Y	1	RUBERTO,ALFRED	R100	0.065	0.065	0	N	0	0	Lot assessed in Midland Park	Lot assessed in Midland Park
134.04	16	FLORAL LANE	1	Y	1	HUFNAGEL, GERARD J. & CAROL A.	R100	0.02	0.02	0	N	0	0	Lot assessed in Midland Park	Lot assessed in Midland Park
134.04	17	FLORAL LANE	1	Y	1	FELLS, AMY & JAMES	R100	0.069	0.069	0	N	0	0	Lot assessed in Midland Park	Lot assessed in Midland Park
134.04	18	CECELIA DRIVE	1	Y	1	PISACANE, JOSEPH & ROSE	R100	0.161	0.161	0	N	0	0	Lot assessed in Midland Park	Lot assessed in Midland Park
134.05	9	CECELIA DRIVE	1	Y	1	ALEXANDER, ILEANA	R100	0.059	0.059	0	N	0	0	Lot assessed in Midland Park	Lot assessed in Midland Park
134.05	12	CRESCENT AVENUE	1	Y	1	RICKERT, BRIANNA LYNN	R100	0.071	0.071	0	N	0	0	Lot assessed in Midland Park	Lot assessed in Midland Park
135	2.01	216 WYCKOFF AVENUE	1	Y	1	DURANTE INVESTMENT GROUP	R100	0.482	0	0.482	N	0.482	0.5784	Lot too small: Under 0.83 Ac	Lots 2.01, 2.02, 16.01 & 18 are contiguous. Combined acreage = 1.702 Ac.
135	2.02	214 WYCKOFF AVENUE	1	Y	1	DURANTE SARATOGA HOLDINGS LP	R100	0.474	0	0.474	N	0.474	0.5688	Lot too small: Under 0.83 Ac	
135	16.01	53 CRESCENT AVENUE	1	Y	1	DURANTE, RON	R100	0.344	0	0.344	N	0.344	0.4128	Lot too small: Under 0.83 Ac	
135	18	18 LEE COURT	1	Y	1	ROCKET VENTURES	R100	0.402	0	0.402	N	0.402	0.4824	Lot too small: Under 0.83 Ac	
135	22	14 LEE COURT	1	Y	1	DURANTE SARATOGA HOLDINS LP	R100	0.387	0.387	0	N	0	0	Lot too small: Under 0.83 Ac	Lots 22 & 24 are contiguous. Combined acreage = 0.729, which is less than 0.83 Ac.
135	24	12 LEE COURT	1	Y	1	ROCKET VENTURES	R100	0.342	0.342	0	N	0	0	Lot too small: Under 0.83 Ac	
135	31	2 LEE COURT	1	Y	1	DURANTE INVESTMT GROUP LP	R100	0.458	0.458	0	N	0	0	Lot too small: Under 0.83 Ac	
136	6.01	205 WYCKOFF AVENUE	1	Y	4A	PETTERUIT, MICHAEL & EVELYN	R100	2.4	0	2.4	Y	2.4	2.88	No environmental constraints	n/a
143	27	103 CRESCENT AVENUE	1	Y	1	BALDI,CEASAR D	R100	0.582	0.582	0	N	0	0	Lot too small: Under 0.83 Ac	Lot too small
148	1	VET PARK LINDBGH PKY	1	Y	15C	BORO OF WALDWICK	R100	3.704	3.704	0	N	0	0	Devoted to community purposes; on ROSI	Veterans Park; on ROSI
153	15	GATEWAY COURT REAR	1	0.89 acres (36.7%) ONLY	15C	BOROUGH OF WALDWICK	R100	2.59	2.59	0	N	0	0	Lot within SFHA; Deciduous Wooded Wetland	Ho-Ho-Kus Brook; 15' wide drainage easement; land locked
153.04	21.01	LAND DRAINAGE DITCH	1	Y	15C	BORO OF WALDWICK	R100	0.117	0.117	0	N	0	0	Ho-Ho-Kus Brook tributary; Lot too small; Whites Pond	Ho-Ho-Kus Brook tributary; Lot too small; covered by Whites Pond
154	33.01	LAND DRAINAGE DITCH	1	Y	15C	BORO OF WALDWICK	R100	0.184	0.184	0	N	0	0	Part of pond; too small	Part of pond; too small
154	34	217 PINE STREET	1	Y	15C	BORO OF WALDWICK	R100	38.05	38.05	0	N		0	Borough Park; on ROSI; Whites Pond; Allendale Brook; Waldwick Pistol and Rifle Club	Borough Park; on ROSI; Whites Pond; Allendale Brook; Waldwick Pistol and Rifle Club
154	37	HOPPER AVENUE	1	N	1	ALLENDALE WHITNEY LLC	R100	0.541	0.432917	0.108083	N	0	0	Wetlands and steep slopes on portion of parcel; parcel is also within a SFHA; Allendale Brook	Too small, given environmental constraints

154	38	HOPPER AVENUE	1	N	1	SILVERBERG,MARC & SARAH	R100	1.67	1.67	0	N	0	0	Wetlands and steep slopes on portion of parcel; parcel is also within a SFHA; Ho-Ho-Kus Brook	Ho-Ho-Kus Brook and Floodway in western portion of property. Wetlands in eastern portion. Land locked, no road access, irregularly shaped.
154	42	INDUSTRIAL PARK	1	Y	15C	BOROUGH OF WALDWICK	I	1.25	1.25	0	N	0	0	Waldwick Recycling Center & parking	Waldwick Recycling Center & parking
154	46	12 INDUSTRIAL PARK	1	Y	1	WALDWICK SPORTS COMPLEX LLC	I	1.673	1.673	0	N	0	0	Lot developed	Waldwick Sports Complex
157	13.04	24 SHERMAN AVENUE	1	Y	1	DE MARTINI,PAUL III	R100	0.52	0.52	0	N	0	0	Lot too small: Under 0.83 Ac	Lot too small
162.01	6.05	ASSESSED IN WYCKOFF	1	Y	1	REGEN, CLAIRE	R100	0	0	0	N	0	0	ASSESSED IN WYCKOFF	ASSESSED IN WYCKOFF
162.01	7.01	ASSESSED IN WYCKOFF	1	Y	1	NUNEZ, IA M & HIROMI	R100	0	0	0	N	0	0	ASSESSED IN WYCKOFF	ASSESSED IN WYCKOFF
162.01	7.02	ASSESSED IN WYCKOFF	1	Y	1	BYRNES,THOMAS J. & DONNA G.	R100	0	0	0	N	0	0	ASSESSED IN WYCKOFF	ASSESSED IN WYCKOFF
162.01	7.03	ASSESSED IN WYCKOFF	1	Y	1	FERRO,ALBERT P & JOAN M	R100	0	0	0	N	0	0	ASSESSED IN WYCKOFF	ASSESSED IN WYCKOFF
162.01	7.04	ASSESSED IN WYCKOFF	1	Y	1	MICELLI,WILLIAM J.& GEMMA H.	R100	0	0	0	N	0	0	ASSESSED IN WYCKOFF	ASSESSED IN WYCKOFF
162.01	28.01	46 CYLI PLACE	1	Y	1	MC GUIRE, JOSEPH R. & MARYBETH	R100	0.057	0.027	0.03	N	0	0	Steep slopes	Lots 28.01, 28.02 & 28.03 are contiguous. Combined acreage = 0.122 Ac., which is less than 0.83 Ac.
162.01	28.02	CYLI PLACE	1	Y	1	ILARDI, GREGG A. & LAURA	R100	0.56	0.468	0.092	N	0	0	Deciduous Wooded Wetland; Ho-Ho-Kus Brook	
162.01	28.03	SCOTT STREET-REAR	1	Y	1	BUCHMANN, GARY & CLAIRE B. T/E	R100	0.231	0.231	0	N	0	0	Deciduous Wooded Wetland; Ho-Ho-Kus Brook	Lot too small
162.03	32.01	45 KENNEDY DRIVE	1	Y	1	MUSCO, RALPH S. & ELISA	R100	0.005	0.005	0	N	0	0	Lot too small: Under 0.83 Ac	
162.07	9.03	45 LEONARD DRIVE	1	Y	1	ROZOVSKIY, ALEKSANDR & YULIA	R100	0.046	0.046	0	N	0	0	Lot too small: Under 0.83 Ac.; Lot developed with driveway for residential lot in adjacent town	Lots 9.03-9.05 are contiguous. Combined acreage = 0.59, which is under 0.83 Ac.; environmental constraints are present on all lots
162.07	9.04	CATHY LANE	1	Y	1	MERLETTO, CHRISTINE ETAL	R100	0.306	0.306	0	N	0	0	Lot too small: Under 0.83 Ac.; Lot partially developed with portion of residential dwelling and accessory structures on adjacent lot; Wetlands present	
162.07	9.05	CATHY LANE REAR	1	Y	1	SALLEROLI, NICHOLAS M.	R100	0.238	0.238	0	N	0	0	Lot too small: Under 0.83 Ac; wetlands present	
162.08	13	ASSESSED IN WYCKOFF	1	Y	1	WHITNEY, CYRUS B & EILEEN A	R100	0.004	0.004	0	N	0	0	ASSESSED IN WYCKOFF	ASSESSED IN WYCKOFF
162.11	11	ASSESSED IN WYCKOFF	1	Y	1	WERNER, WILFRIED & JOEL L.	R100	0	0	0	N	0	0	ASSESSED IN WYCKOFF	ASSESSED IN WYCKOFF
162.11	14	ASSESSED IN WYCKOFF	1	Y	1	ZAKAI, JASON & ANDREA	R100	0	0	0	N	0	0	ASSESSED IN WYCKOFF	ASSESSED IN WYCKOFF
162.11	22	ASSESSED IN WYCKOFF	1	Y	1	PFEIFER,KARL & CANDACE M.	R100	0	0	0	N	0	0	ASSESSED IN WYCKOFF	ASSESSED IN WYCKOFF
163.03	60.01	CRESCENT AVENUE REAR	1	Y	1	RAKSHAN, MARYAM	R100	2.14	2.14	0	N	0	0	No environmental constraints; lot is land locked by residential development	Lot is too narrow to develop and land locked by residential development
163.16	18.03	6 BIRCH LANE	1	Y	1	GARCIA, REANA & HALWAGY, JUSTIN	R100	0.497	0.497	0	N	0	0	Lot too small: Under 0.83 Ac	Lot too small
163.16	18.04	10 BIRCH LANE	1	Y	1	MCELRONE, BRIAN J & NANCY A	R100	0.481	0.481	0	N	0	0	Lot too small: Under 0.83 Ac	Lot too small
163.17	23	94 VAN BLARCOM LANE,REAR	1	Y	1	PETRETTI, GREGORY V. & MAYRA V.	R100	0.503	0.503	0	N	0	0	Lot too small: Under 0.83 Ac	Lot too small
163.17	26	78 VAN BLARCOM LANE,REAR	1	Y	1	KWATRA,LALL G & PROMILA H.	R100	0.816	0.816	0	N	0	0	Lot too small: Under 0.83 Ac	Lot too small
166	6	MARY LANE	1	Y	15C	BOROUGH OF WALDWICK	R100	0.129	0.129	0	N	0	0	Lot too small: Under 0.83 Ac	Lot too small

	Listed Acreage	Constrained Acreage	Remaining Acreage		Developable Acreage	Affordable Units
Totals:	105.573	99.752	5.822	n/a	4.102	4.92

Affordable Housing Trust Fund Spending Plan
Borough of Waldwick
June 2025

INTRODUCTION

The Borough of Waldwick, 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.) and the Fair Housing Act (N.J.S.A. 52:27D-301). A development fee ordinance creating a dedicated revenue source for affordable housing was approved by COAH and the Superior Court and adopted by the municipality. The ordinance establishes the Waldwick affordable housing trust fund for which this spending plan is prepared.

As of December 31, 2024, the Waldwick affordable housing trust fund had a total income of \$1,550,870, and total expenditures of \$1,133,186, resulting in a balance of \$417,684 as of that date. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in Columbia Bank for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

The Borough reserves the right and authority to further amend or modify the within spending plan to address or take into account changes which may be warranted due to new rules or rule amendments or judicial determinations, which may change standards or establish new criteria for the Borough to address its affordable housing obligation.

1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the Fourth Round, Waldwick considered the following:

(a) Development fees:

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

(b) Payment in lieu (PIL):

Actual and committed payments in lieu (PIL) of construction from developers as follows: none.

(c) Other funding sources:

Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income and proceeds from the sale of affordable units. No other funds have been or are anticipated to be collected.

(d) Projected interest:

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate. According to the Borough Administrator, annual interest income in the past six years has been as low as \$154 per year and as high as \$9,645 per year. Therefore, an estimated annual interest amount of \$5,000 has been assumed for future years.

It is noted the amount of development fee revenues from 2019 to 2024 was \$424,709, for an annual average of \$70,785. However, over 45 percent of the total amount was due to a single large project, the Bristol assisted living residence (\$192,181 in 2019). When this development is excluded, the average annual amount is \$38,755. An estimated annual amount of \$45,000 has been assumed for future years, as no large development projects subject to development fees are anticipated in the next ten years.

SOURCE OF FUNDS		PROJECTED REVENUE SCHEDULE JANUARY 1, 2025-JUNE 30, 2035				
		2026	2027	2028	2029	2030
(a) Development fees:						
1. Approved Development		\$0	\$0	\$0	\$0	\$0
2. Development Pending Approval		\$0	\$0	\$0	\$0	\$0
3. Projected Development		\$45,000	\$45,000	\$45,000	\$45,000	\$45,000
(b) Payments in Lieu of Construction		\$0	\$0	\$0	\$0	\$0
(c) Other Funds (Specify source(s))		\$0	\$0	\$0	\$0	\$0
(d) Interest		\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
Total		\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
	2031	2032	2033	2034	2035	Total
(a) Dev. fees:						
1. Appr.	\$0	\$0	\$0	\$0	\$0	\$0
2. Pending	\$0	\$0	\$0	\$0	\$0	\$0
3. Projected	\$45,000	\$45,000	\$45,000	\$45,000	\$45,000	\$450,000
(b) In Lieu	\$0	\$0	\$0	\$0	\$0	\$0
(c) Other	\$0	\$0	\$0	\$0	\$0	\$0
(d) Interest	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000	\$50,000
Total	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$500,000

Waldwick projects a total of \$500,000 in revenue to be collected between January 1, 2025 and June 30, 2035. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

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

(a) Collection of development fee revenues:

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

(b) Distribution of development fee revenues:

The disbursement of monies in Waldwick's affordable housing trust fund will be coordinated by its Municipal Housing Liaison. In some instances, funds will be provided to other entities, such as an entity responsible for administering a rehabilitation program, for eventual disbursement.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) **Rehabilitation program (N.J.A.C. 5:97-8.7)**

Waldwick will dedicate \$492,379 to its rehabilitation program.

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

Projected minimum affordability assistance requirement:

Actual development fees and other income through 12/31/2024		\$417,684
Development fees projected 2025-2035	+	\$450,000
Interest projected 2025-2035	+	\$50,000
Total	=	\$917,684
30 percent requirement	x 0.30 =	\$275,305
Less Affordability assistance expenditures through 12/31/2024	-	\$0
PROJECTED MINIMUM Affordability Assistance Requirement 1/1/2025 through 6/30/2035	=	\$275,305
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 1/1/2025 through 6/30/2035	÷ 3 =	\$91,768

Waldwick will dedicate \$275,305 from the affordable housing trust fund to render units more affordable, including \$91,768 to render units more affordable to households earning 30 percent or less of median income by region, as follows:

Waldwick will address this requirement through subsidizing the provision of very low-income housing and through other means such as 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.

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

Waldwick projects that \$120,000 will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

- Administering a housing rehabilitation program
- Managing the provision of affordability assistance to low-income households
- Provision of professional planning and legal services related to the planning for affordable housing

4. EXPENDITURE SCHEDULE

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

Program		PROJECTED EXPENDITURE SCHEDULE				
		JANUARY 1, 2025-JUNE 30, 2035				
		2026	2027	2028	2029	2030
Rehabilitation		\$ 52,238	\$ 52,238	\$ 52,238	\$ 52,238	\$ 52,238
Affordability Assistance		\$ 27,531	\$ 27,531	\$ 27,531	\$ 27,531	\$ 27,531
Administration		\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000
Total		\$ 91,768	\$ 91,768	\$ 91,768	\$ 91,768	\$ 91,768
	2031	2032	2033	2034	2035	Total
Rehab.	\$ 52,238	\$ 52,238	\$ 52,238	\$ 52,238	\$ 52,238	\$ 522,379
Aff. Asst.	\$ 27,531	\$ 27,531	\$ 27,531	\$ 27,531	\$ 27,531	\$ 275,305
Admin.	\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000	\$ 12,000	\$ 120,000
Total	\$ 91,768	\$ 91,768	\$ 91,768	\$ 91,768	\$ 91,768	\$ 917,684

5. EXCESS OR SHORTFALL OF FUNDS

Pursuant to the Housing Element and Fair Share Plan, the governing body of Waldwick will adopt a resolution agreeing to fund any shortfall of funds required for implementing the rehabilitation program, providing affordability assistance and helping with the creation of new affordable housing. In the event that a shortfall of anticipated revenues occurs, Waldwick will utilize a capital ordinance to provide the necessary funds. A copy of the adopted resolution of intent to adopt such an ordinance if necessary is attached.

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used to provide affordability assistance and/or aid with the rehabilitation of units.

SUMMARY

Waldwick intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in its housing element and fair share plan.

Waldwick had a balance of \$418,336 as of December 31, 2024 and anticipates an additional \$450,000 in revenues from 2025 to 2035. The municipality will dedicate \$522,379 towards rehabilitation, \$275,305 to render units more affordable, and \$120,000 to administrative costs. Any shortfall of funds will be offset by funds appropriated from general revenue. The municipality will dedicate any excess funds toward providing affordability assistance, aiding with the rehabilitation of units and/or encouraging provision of affordable accessory apartments.

SPENDING PLAN SUMMARY		
Balance as of December 31, 2024		\$417,684
PROJECTED REVENUE 2025-2035		
Development fees	+	\$450,000
Payments in lieu of construction	+	\$0
Other funds	+	0
Interest	+	\$50,000
TOTAL REVENUE	=	\$917,684
EXPENDITURES		
Funds used for Rehabilitation	-	\$522,379
Affordability Assistance	-	\$275,305
Administration	-	\$120,000
TOTAL PROJECTED EXPENDITURES	=	\$917,684
REMAINING BALANCE	=	\$0

Proposed Affordable Housing Zoning Amendments Borough of Waldwick

Note: additions shown in underline, deletions in ~~striketrough~~

97-119.15. AHO-1 Affordable Housing Overlay Zone-1

The AHO-1 Zone shall encompass the entire VC-3 Zone and a portion of the VC-2 Zone on the east side of the New Jersey Transit railroad tracks. Within the AHO-1 Zone, the following standards shall apply:

- A. Permitted uses in the AHO-1 Zone. In addition to any use permitted in the underlying zone district, the following uses shall be permitted:
 - 1. Multifamily residential.
 - 2. Mixed-use development. Permitted uses on the ground floor of a mixed-use development shall include the following permitted uses in the C-1 District as listed in Section 97-119.9A1, 2, 3, 4 and 13: retail trade stores, service uses, business and professional offices, personal services and child day care centers. Dwelling units in a mixed-use development shall only be permitted on upper floors.
- B. Required Conditions. The regulations of the underlying zone district are still applicable. However, properties within this overlay zone may also be developed with multifamily residential or mixed-use development in accordance with the following requirements:
 - 1. Minimum lot area: 10,000 square feet.
 - 2. Minimum lot frontage: 75 feet.
 - 3. Minimum front yard setback: five feet.
 - 4. Minimum side yard setback: five feet.
 - 5. Minimum rear yard setback: 20 feet.
 - 6. Maximum building coverage: 40%.
 - 7. Maximum impervious coverage: 85%.
 - 8. Maximum building height: three stories/42 feet.
 - 9. Maximum gross residential density: ~~10~~15 dwelling units/acre.
 - 10. Residential parking: per New Jersey Residential Site Improvement Standards.
 - 11. Nonresidential parking: one space per 250 square feet of floor area.
- C. Affordable housing requirements. Low- and moderate-income dwelling units shall be provided in accordance with this subsection. The minimum affordable housing set-aside shall be 20% of the dwelling units in the development, except that the minimum set-aside shall be 15% where affordable rental units are provided. Of these, at least half must be reserved for, and affordable to, low-income households. A minimum of 13% of the affordable units shall be affordable to households earning 30% or less of the area median income for the Council on Affordable Housing region. Low- and moderate-income housing units shall be governed by the standards set forth in the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., and shall comply with ~~the applicable rules of the Council on Affordable Housing and any other all~~ relevant state statutes and regulations. All development including affordable dwelling units shall also be subject to 97-120, Affordable Housing Controls of the Borough of Waldwick Land Use and Development Code.

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97-119.16. AHO-2 Affordable Housing Overlay Zone-2

The AHO-2 Zone includes two properties located a short distance from the Borough's central business district, Block 101, Lot 6.01 and Block 109.02, Lot 6.04. Within the AHO-2 zone, the following standards shall apply:

- A. **Permitted uses in the AHO-2 Zone.** In addition to any use permitted in the underlying zone district, mixed-use development shall be permitted. Permitted uses on the ground floor of a mixed-use development shall include the following permitted uses in the C-1 District as listed in Section 97-119.9A1, 2, 3, 4 and 13: retail trade stores, service uses, business and professional offices, personal services and child day care centers. Dwelling units shall only be permitted on upper floors, except that ground floor dwelling units shall be permitted on the portion of a property located more than 80 feet from any public street.
- B. **Required Conditions.** The regulations of the underlying zone district are still applicable. However, properties within this overlay zone may also be developed in accordance with the following requirements:
1. Minimum lot area: 30,000 square feet.
 2. Minimum lot frontage: 200 feet.
 3. Minimum front yard setback: 10 feet.
 4. Minimum side yard setback: 15 feet.
 5. Minimum rear yard setback: 30 feet.
 6. Maximum building coverage: 35%.
 7. Maximum impervious coverage: 85%.
 8. Maximum building height: three stories/42 feet.
 9. Maximum gross residential density: ~~10~~15 dwelling units/acre.
 10. Residential parking: per New Jersey Residential Site Improvement Standards.
 11. Nonresidential parking: one space per 250 square feet of floor area.
- C. **Affordable Housing Requirements.** Low- and moderate-income dwelling units shall be provided in accordance with this subsection. The minimum affordable housing set-aside shall be 20 percent of the dwelling units in the development, except that the minimum setaside shall be 15 percent where affordable rental units are provided. Of these, at least half must be reserved for, and affordable to, low income households. A minimum of 13 percent of the affordable units shall be affordable to households earning 30 percent or less of the area median income for the Council on Affordable Housing region. Low and moderate income housing units shall be governed by the standards set forth in the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., and shall comply with ~~the applicable rules of the Council on Affordable Housing and any other all~~ relevant state statutes and regulations. All development including affordable dwelling units shall also be subject to 97-120, Affordable Housing Controls of the Borough of Waldwick Land Use and Development Code.

§ 97-120. Affordable Housing Controls.

- A. Affordable housing obligation.

(1) BE IT ORDAINED by the governing body of the Borough of Waldwick, Bergen County, New

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Jersey, that the Code of the Borough of Waldwick is hereby replaced to include provisions addressing Waldwick's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Administrative Director of the Courts Superior Court and as stipulated by P.L. 2024, c. 2 and N.J.S.A. 52:27D-301 et seq. (the amended Fair Housing Act). These regulations supersede N.J.S.A. 5:93-1 et seq., as amended and supplemented, and N.J.A.C. 5:94-1 et seq. as amended and supplemented, where applicable, which otherwise remain valid. P.L. 2024 c.2 established the Affordable Housing Dispute Resolution Program ("Dispute Resolution Program"), which provides a new process for municipalities to come into constitutional compliance with their affordable housing obligations. consistent with N.J.A.C. 5:93-1 et seq., as amended and supplemented, N.J.A.C. 5:80-26.1 et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This section is intended to ensure compliance with the foregoing provisions and with the regulations of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26 et seq., as amended and supplemented. Additionally, the purpose of this section is to provide assurances that low- and moderate-income units are created with controls on affordability over time and that low- and moderate- income households shall occupy those units. This section shall apply except where inconsistent with applicable law.

- (2) The Borough of Waldwick Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1 et seq. The Housing Element and Fair Share Plan have been endorsed by the governing body. This section implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.S.A. 52:27D-301 et seq. N.J.A.C. 5:93-1 et seq., as amended and supplemented, N.J.A.C. 5:80-26.1 et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985.
- ~~(3) The Borough of Waldwick shall comply with the reporting requirements set forth in N.J.S.A. 52:27D-329.2 and N.J.S.A. 52:27D-329.4. provide annual reporting of its Affordable Housing 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 Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.~~
- ~~(4) The Borough of Waldwick shall provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website, with copies 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 Court appointed Special Master and Fair Share Housing Center.~~
- ~~(5) For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough of Waldwick shall post on its municipal website, with copies provided to Fair Share Housing Center, 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 copies provided to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced. Any interested party may by motion request a hearing before the Court regarding these issues.~~
- ~~(6)(3) Every three years, the Borough of Waldwick will post on its municipal website, with~~

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~~copies provided to the 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, with copies provided to the Fair Share Housing Center, on the issue of whether the municipality has complied with its very low income housing obligation.~~

- B. Definitions. The following terms when used in this section shall have the meanings given in this subsection:

ACCESSORY APARTMENT — ~~a residential dwelling unit that provides complete independent living facilities with a private entrance for one or more persons, consisting of provisions for living, sleeping, eating, sanitation, and cooking, including a stove and refrigerator, and is located within a proposed or existing primary dwelling, within an existing or proposed structure that is accessory to a dwelling on the same lot, constructed in whole or part as an extension to a proposed or existing primary dwelling, or constructed as a separate detached structure on the same lot as the existing or proposed primary dwelling. A self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.~~

ACT — The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.), as amended through P.L. 2024, c.2.

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

ADMINISTRATIVE AGENT — The entity responsible for the administration of affordable units in accordance with this section, ~~N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.~~ the amended Fair Housing Act (P.L. 1985, c. (N.J.S.A. 52:27D-301 et. seq.)), and the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26 et seq.

AFFIRMATIVE MARKETING — A regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.1~~65~~.

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

AFFORDABLE — A sales price or rent within the means of a low-or moderate-income household as defined in N.J.A.C. 5:93-7.4; 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. 5:80-26.76, 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. 5:80-26.132, as may be amended and supplemented.

AFFORDABLE DEVELOPMENT — A housing development all or a portion of which consists of restricted units.

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 development.

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

AFFORDABLE UNIT — A housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund, ~~(housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.)~~

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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 such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80% of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as "housing for older persons" as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

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 ARRANGEMENTS — 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 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 low-income household or moderate-income household.

COAH — The Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was previously established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), prior to its abolition through P.L. 2024, c.2-

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

DISPUTE RESOLUTION PROGRAM — The Affordable Housing Dispute Resolution Program, established pursuant to section 5 of P.L. 2024, c.2 (N.J.S.A. 52:27D-313.2). The Dispute Resolution Program is established within the Judiciary of the State, for the purpose of resolving disputes associated with the Fair Housing Act with respect to municipalities seeking to obtain a certification of compliance of their adopted Housing Element & Fair Share Plan.

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

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

DEVELOPMENT — 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.

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FAIR SHARE PLAN — The plan that describes the mechanisms, strategies and the funding sources, if any, by which the Borough proposes to address its affordable housing obligation as established in the Housing Element, including the draft ordinances necessary to implement that plan, and addresses the requirements of P.L.1985, c.222 (N.J.S.A. 52:27D-301 et seq.), N.J.A.C. 5:93-5.

HOUSING ELEMENT — The portion of the Borough's Master Plan, required by the Municipal Land Use Law ("MLUL"), N.J.S.A. 40:55D-28b(3) and the Act, that includes the information required by N.J.S.A. 52:27D-301 et seq., which supersedes N.J.A.C. 5:93-5.1 and establishes the Borough's fair share obligation.

INCLUSIONARY DEVELOPMENT — A development containing both affordable units and market-rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a nonresidential structure to residential 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 or load-bearing structural systems.

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

MEDIAN INCOME — The median income by household size for the applicable county, as adopted annually by ~~COAH~~the Affordable Housing Professionals of New Jersey or ~~other a successor~~ entity approved by the Court.

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.

NONEXEMPT 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 the Affordable Housing Professionals of New Jersey or other COAH or an successor entity approved by the court. calculated pursuant to § 97-120G(4)(a)[1].

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

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

UHAC — The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1-4 et seq., as amended and supplemented.

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

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 rehabilitation.

- C. Applicability. The provisions of this section 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 Waldwick pursuant to the Borough's most recently adopted Housing Element and Fair Share Plan.
- D. Affordable housing programs. The Borough of Waldwick has determined that it will use the following mechanisms to satisfy its affordable housing obligations:
 - (1) A rehabilitation program.
 - (a) County of Bergen CDBG rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
 - (b) Both owner-occupied and renter-occupied units shall be eligible for rehabilitation funds.
 - (c) All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 20 years (the control period). For owner-occupied units the control period will be enforced with a lien and for renter-occupied units the control period will be enforced with a deed restriction.
 - (d) The Borough of Waldwick shall dedicate a minimum of \$10,000 for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
 - (e) The Borough of Waldwick shall designate, subject to the approval of the Dispute Resolution Program.GOAH, one or more administrative agents to administer the rehabilitation program in accordance with N.J.A.C. 5:96 and N.J.A.C. 5:97, as amended and supplemented, where applicable, which otherwise remain valid. The administrative agent(s) shall provide a rehabilitation manual for the owner occupancy rehabilitation program and a rehabilitation manual for the rental occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of the Dispute Resolution Program.GOAH. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the administrative agent(s).

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- (f) Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9, as amended and supplemented, where applicable, which otherwise remain valid and Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
- [1] If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate- income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:97-9, where applicable and as amended and ~~and~~ supplemented and UHAC.
 - [2] If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9, where applicable and as amended and supplemented and UHAC.
 - [3] Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9, where applicable and as amended and supplemented.
 - [4] Applicant and/or tenant households shall be certified as income- eligible in accordance with N.J.A.C. 5:97-9, where applicable and as amended and supplemented and UHAC, except that households in owner-occupied units shall be exempt from the regional asset limit.
- (2) A supportive and special needs housing unit program.
- (a) All supportive and special needs housing units shall meet the following conditions:
- [1] Supportive and special needs housing units shall be permitted in the VC-2 Village Center District, the VC-3 Village Center District and the C-1 Village Commercial District. Supportive and special needs housing includes, but is not limited to: residential health care facilities as licensed and/or regulated by DCA or the New Jersey Department of Health and Senior Services if the facility is located with, and operated by, a licensed health care facility; group homes for people with developmental disabilities and mental illness as licensed and/or regulated by the New Jersey Department of Human Services; permanent supportive housing; and supportive shared living housing. Long- term health care facilities including nursing homes, and Class A, B, C, D, and E boarding homes do not qualify as supportive and special needs housing.
 - [2] Supportive and special needs housing shall comply with all applicable statutes and regulations of the State of New Jersey in addition to all building codes.
 - [3] The following provisions shall apply to permanent supportive housing, group homes, residential health care facilities and supportive shared living housing:
 - [a] The unit of credit shall be the unit for permanent and supportive housing, but shall be the bedroom for group homes, residential health care facilities and supportive shared living housing.
 - [b] Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to N.J.A.C. 5:97-3.8, where applicable and as amended and supplemented.
 - [c] Units/occupancy shall not be restricted to youth under 18 years of age.

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- [d] All sites shall meet the site suitability criteria set forth in N.J.A.C. 5:97-3.13, where applicable and as amended and supplemented.
- [e] The municipality or developer/sponsor shall have site control or the ability to control the site(s).
- [f] The bedrooms and/or units shall comply with N.J.A.C. 5:97-9, where applicable and as amended and supplemented and UHAC with the following exceptions:
 - [i] Affirmative marketing (N.J.A.C. 5:80-26.1~~65~~); however, group homes, residential health care facilities, permanent supportive housing and supportive shared living housing shall be affirmatively marketed to individuals with special needs in accordance with a plan approved by the Council's Executive Director;
 - [ii] Affordability average and bedroom distribution (N.J.A.C. 5:80-26.~~43~~); and
 - [iii] 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, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with N.J.A.C. 5:97-9, where applicable and as amended and supplemented.
- [4] The following documentation shall be submitted prior to marketing the completed units or facility:
 - [a] An affirmative marketing plan in accordance with Subsection D(2)(a)[3] above; and
 - [b] If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another state agency in accordance with the requirements of this section, which includes validation of the number of bedrooms or units in which low- or moderate-income occupants reside.
 - [c] Municipal building permit fees shall be waived in all cases involving permanent supportive housing, group homes, residential health care facilities and supportive shared living housing development under this section.
- (3) Inclusionary housing requirements for rezonings, variances and redevelopment or rehabilitation plans. Any development that produces a net increase of five or more new multifamily residential units as a result of a rezoning, Zoning Board approval, or a new or amended redevelopment or rehabilitation plan shall produce low- and moderate- income housing on-site or elsewhere in the Borough or pay a fee in lieu of providing affordable units. The number of affordable units to be provided or in lieu payment shall be equal to 20 percent of the residential units in the development, or 15 percent for affordable rental units. The amount of the payment in lieu of providing housing shall be as determined by the appropriate rules of the Affordable Housing Professionals of New Jersey or other entity approved by the Dispute Resolution Program the New Jersey Council on Affordable Housing and any other relevant state regulations. This requirement does not give any applicant the right to any such

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rezoning or similar relief. Any affordable units created in accordance with this section shall be administered in accordance with UHAC and have deed restrictions of at least 30 years.

E. Alternative living arrangements.

- (1) The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8, where applicable and as amended and supplemented¹⁰ and UHAC, with the following exceptions:
 - (a) Affirmative marketing (N.J.A.C. 5:80-26.1~~65~~); provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court.
 - (b) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.~~43~~).
- (2) 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.
 - (a) 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.

~~F.~~—Phasing schedule for inclusionary zoning. Inclusionary developments shall adhere to the following project phasing schedule requirements as set forth in UHAC, N.J.A.C. 5:80-26.1 et seq. as amended and supplemented~~In inclusionary developments the following schedule shall be followed:~~

~~Maximum Percentage of Market Rate Units Completed~~

~~Minimum Percentage of Low and Moderate Income Units Completed~~

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25 — 0
25 + 1 unit — 10
50 — 50
75 — 75
90 — 100

G.F. New construction.

- (1) The following general guidelines apply to all newly constructed developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units. The required income and bedroom distributions of affordable housing units shall be as set forth in UHAC, N.J.A.C. 5:80-26.1 et seq, as amended and supplemented.

- (a) Low-/moderate-income 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 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, and shall be within each bedroom distribution.
- [2] At least 25% of the obligation shall be met through rental units, including at least half in rental units available to families.
- [3] A maximum of 25% of the Borough's obligation may be met with age- restricted units. At least half of all affordable units in the Borough's Plan shall be available to families.
- [4] In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be low-income units.
- [5] 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 low- and moderate-income units;
 - [b] At least 30% of all low- and moderate-income units shall be two- bedroom units;
 - [c] At least 20% of all low- and moderate-income 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.
- [6] Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

- (2) Accessibility requirements:

- (a) The first floor of all restricted townhouse dwelling units and all restricted units in all

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other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 (and N.J.A.C. 5:97-3.14, as amended and supplemented).

- (b) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - [1] An adaptable toilet and bathing facility on the first floor;
 - [2] An adaptable kitchen on the first floor;
 - [3] An interior accessible route of travel on the first floor;
 - [4] An interior accessible route of travel shall not be required between stories within an individual unit;
 - [5] 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
 - [6] If not all of the foregoing requirements in Subsection G(2)(b)[1] through [4] can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of Subsection G(2)(b)[1] through [4] above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
 - [7] An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq., as amended and supplemented) and the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14 (both as amended and supplemented), or evidence that the Borough of Waldwick has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
 - [a] Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - [b] To this end, the builder of restricted units shall deposit funds within the Borough of Waldwick's affordable housing trust fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
 - [c] The funds deposited under Subsection G(2)(b)[7][b] above shall be used by the Borough of Waldwick for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - [d] The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Borough of Waldwick.
 - [e] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7 (and N.J.A.C. 5:97-3.14, as amended and supplemented), and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough of Waldwick's affordable housing trust fund in care of the Municipal Treasurer (Chief

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Financial Officer) who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.

- [f] Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7 (and N.J.A.C. 5:97-3.14, as amended and supplemented).

(3) Design.

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

(4) Maximum rents and sales prices.

- (a) In establishing rents and sales prices of affordable housing units 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, as amended and supplemented, the administrative agent shall follow the procedures set forth in UHAC utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and by the Superior Court.~~utilize the regional income limits calculated by the Borough of Waldwick, which shall be updated by the Borough annually within 30 days of the publication of determinations of median income by HUD and by the Dispute Resolution Program as follows:~~

~~[1] 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 and by the Dispute Resolution Program. 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.~~

~~[2] The income limits attached hereto as Exhibit C are the result of applying the percentages set forth in Subsection G(4)(a) above to HUD's determination of median income for FY 2017, 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.~~

~~[3] The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.176(b)3 shall be calculated by~~

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~~the Borough annually by taking the percentage increase of the income limits calculated pursuant to Subsection G(4)(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.~~

- (b) 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 low- and moderate-income units shall be affordable to households earning no more than 52% of median income.
- (c) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units provided that at least 13% of all low- and moderate-income rental units shall be affordable to very-low-income households earning no more than 30% of median income.
- (d) 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.
- (e) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
 - [1] A studio shall be affordable to a one-person household;
 - [2] A one-bedroom unit shall be affordable to a one-and-one-half-person household;
 - [3] A two-bedroom unit shall be affordable to a three-person household;
 - [4] A three-bedroom unit shall be affordable to a four-and-one-half-person household; and
 - [5] A four-bedroom unit shall be affordable to a six-person household.
- (f) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
 - [1] A studio shall be affordable to a one-person household;
 - [2] A one-bedroom unit shall be affordable to a one-and-one-half-person household; and
 - [3] A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- (g) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-

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26.54, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.43, as may be amended and supplemented.

- (h) 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 household size including an allowance for tenant-paid utilities, as determined under N.J.A.C. 5:80-26.54, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.43, as may be amended and supplemented.
- (i) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
- (j) The rent of low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed 9% in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.
- (k) For any affordable housing unit that is part of a condominium association and/or homeowner's association, the master deed shall reflect that the association fee assessed for each affordable housing unit shall be established at 100% of the market-rate fee.

H.G. Utilities.

- (1) Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
- (2) Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

H.H. Affirmative marketing requirements.

- (1) The Borough of Waldwick shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court that is compliant with N.J.A.C. 5:80-26.165, as may be amended and supplemented.
- (2) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 1 and covers the period of deed restriction.
- (3) 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.
- (4) The municipality 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 Waldwick shall implement the Affirmative Marketing Plan to assure the

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affirmative marketing of all affordable units.

- (5) In implementing the affirmative marketing plan, the administrative agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (6) 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.
- (7) The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
- (8) All units being affirmatively marketed shall be listed on the State Housing Resource Center website in accordance with applicable law. The list of organizations to be the organizations set forth in Paragraph 10 of the Settlement Agreement. The following community and regional organizations shall be notified when affordable units are available: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Bergen County Chapter of the NAACP, and Bergen County Urban League. Any other entities, including developers or persons or companies retained to do affirmative marketing, shall comply with this subsection.
- (9) 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 municipality in which the units are located; and the developer's rental office. Pre-applications shall be emailed or mailed to prospective applicants upon request.
- (10) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by Borough of Waldwick.

~~J.I.~~ Occupancy standards.

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

~~K.J.~~ Control periods for restricted ownership units and enforcement mechanisms.

- (1) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.65, as may be amended and supplemented. Each restricted ownership unit shall remain subject to the requirements of this section for a period of at least 30 years until the Borough of Waldwick elects 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, except that, for any units approved after October

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13, 2016, such controls shall be for at least 50 years, or until such time after the initial fifty-year period as the Borough of Waldwick elects to release the unit from such requirements.

- (2) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- (3) 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.
- (4) At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the administrative agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first nonexempt sale after the unit's release from the requirements of this section, 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.
- (5) 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.
- (6) 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. 5:80-26.65(a), as may be amended and supplemented.

L.K. Price restrictions for restricted ownership units, homeowner association fees and resale prices.

- (1) Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:
 - (a) The initial purchase price for a restricted ownership unit shall be approved by the administrative agent.
 - (b) The administrative agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
 - (c) The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
 - (d) The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

M.L. Buyer income eligibility.

- (1) 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.
- (2) Notwithstanding the foregoing, however, the administrative agent may, upon approval by the Borough Council, and subject to the Court's approval, permit moderate-income

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

- (3) 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.
- (4) The administrative agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33% of the household's certified monthly income.

~~N.M.~~ Limitations on indebtedness secured by ownership unit; subordination.

- (1) 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.
- (2) With the exception of original (first) purchase money mortgages, during a control period 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 that unit, as such price is determined by the administrative agent in accordance with N.J.A.C. 5:80-26.76(c).

~~O.N.~~ Capital improvements to ownership units.

- (1) 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.
- (2) 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.

~~P.O.~~ Control periods for restricted rental units.

- (1) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-

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26.1~~24~~, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this section for a period of at least 30 years, until Waldwick takes action to release the unit from such requirements. Prior to such action, a restricted rental unit shall remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, except that, for any units approved after October 13, 2016, such controls shall be for at least 50 years, or until such time after the initial fifty-year period as the Borough of Waldwick elects to release the unit from such requirements. For new projects receiving nine-percent low-income housing tax credits, a control period of not less than a thirty-year compliance period plus a fifteen-year extended use period shall be required.

- (2) 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.
- (3) A restricted rental unit shall remain subject to the affordability controls of this section, despite the occurrence of any of the following events:
 - (a) Sublease or assignment of the lease of the unit;
 - (b) Sale or other voluntary transfer of the ownership of the unit; or
 - (c) The entry and enforcement of any judgment of foreclosure.

Q.P. Price restrictions for rental units; leases.

- (1) A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the administrative agent.
- (2) 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.
- (3) 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 administrative agent to be applied to the costs of administering the controls applicable to the unit as set forth in this section.
- (4) 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 section.

R.Q. Tenant income eligibility.

- (1) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.1~~43~~, as may be amended and supplemented, and shall be determined as follows:
 - (a) Very-low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of median income.

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- (b) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of median income.
- (c) Moderate-income rental units shall be reserved for households with a gross household income less than 80% of median income.
- (2) The administrative agent shall certify a household as eligible for a restricted rental unit when the household is a very-low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.17~~6~~, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - (a) The household currently pays more than 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;
 - (b) 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;
 - (c) The household is currently in substandard or overcrowded living conditions;
 - (d) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - (e) The household documents proposed third-party assistance from an outside sources such as a family member in a form acceptable to the administrative agent and the owner of the unit.
- (3) The applicant shall file documentation sufficient to establish the existence of the circumstances in Subsection R(2)(a) through (e) above with the administrative agent, who shall counsel the household on budgeting.

S.R. Municipal Housing Liaison.

- (1) The Borough of Waldwick hereby appoints a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted administrative agent. Waldwick shall adopt a resolution appointing a Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full- or part-time municipal employee. The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.
- (2) The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Waldwick, including the following responsibilities which may not be contracted out to the administrative agent:
 - (a) Serving as Waldwick's primary point of contact for all inquiries from the state, affordable housing providers, administrative agents and interested households;
 - (b) Monitoring the status of all restricted units in Waldwick's Fair Share Plan;
 - (c) Compiling, verifying and submitting annual monitoring reports as may be required by the Court;

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- (d) Coordinating meetings with affordable housing providers and administrative agents, as needed; and
- (e) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.
- (3) Subject to the approval of the Court, the Borough of Waldwick shall designate one or more administrative agent(s) to administer newly constructed affordable units in accordance with UHAC. An operating manual for each affordable housing program shall be provided by the administrative agent(s) to be adopted by resolution of the governing body and subject to approval of the Court. The operating manual(s) shall be available for public inspection in the office of the Borough Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the administrative agent(s). The Municipal Housing Liaison shall supervise the contracting administrative agent(s).

T.S. Administrative agent.

- (1) The administrative agent shall be an independent entity serving under contract to and reporting to the municipality. 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 N.J.A.C. §§ 5:80-26.154, 176 and 198 thereof, which include:
 - (a) Affirmative marketing:
 - (b) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Borough of Waldwick and the provisions of N.J.A.C. 5:80-26.165; and
 - (c) Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (2) Household certification:
 - (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
 - (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - (c) Providing written notification to each applicant as to the determination of eligibility or noneligibility;
 - (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
 - (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
 - (f) Employing a random selection process as provided in the Affirmative Marketing Plan

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of the Borough of Waldwick when referring households for certification to affordable units.

(3) Affordability controls:

- (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
- (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
- (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Bergen County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit;
- (d) Communicating with lenders regarding foreclosures; and
- (e) Ensuring the issuance of continuing certificates of occupancy or certifications pursuant to N.J.A.C. 5:80-26.11~~0~~.

(4) Resales and re-rentals:

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

(5) Processing requests from unit owners:

- (a) 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;
- (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air-conditioning systems;
- (c) Notifying the municipality of an owner's intent to sell a restricted unit; and
- (d) Making determinations on requests by owners of restricted units for hardship waivers.

(6) Enforcement:

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

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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;

- (a) 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- 26.1~~98~~(d)4;
 - (b) Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and
 - (c) Creating and publishing a written operating manual for each affordable housing program administered by the administrative agent, to be approved by the Borough Committee and the Court, setting forth procedures for administering the affordability controls.
- (7) Additional responsibilities:
- (a) The administrative agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
 - (b) 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.
 - (c) The administrative agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

U.T. Enforcement of affordable housing regulations.

- (1) Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- (2) After providing written notice of a violation to an owner, developer or tenant of a low- or moderate-income unit and advising the owner, developer or tenant of the penalties for such violations, the municipality may take the following action against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 - (a) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the owner, developer or tenant is found by the court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the court:
 - [1] A fine of not more than \$500 per day or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
 - [2] In the case of an owner who has rented his/her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Waldwick Affordable Housing Trust Fund of the gross amount of rent illegally collected;

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- [3] In the case of an owner who has rented his/her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
- (b) The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- and moderate-income unit.
- (3) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- (4) The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.
- (5) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- (6) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- (7) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any

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qualified purchaser which may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.

- (8) 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.

V.U. Appeals.

- (1) Appeals from all decisions of an administrative agent designated pursuant to this section shall be filed in writing with the Court.

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**Proposed Development Fee Ordinance Amendments
Borough of Waldwick**

Note: additions shown in underline, deletions in ~~striketrough~~

**Chapter 97. Zoning
Article VII. Development Fees**

§ 97-51. Purpose.

- a) In Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the then functioning Council on Affordable Housing's adoption of rules.
- b) Pursuant to P.L. 2008, c. 46 section 8 (~~N.J.S.A.C. 52:27D-329.2~~) and the Statewide Non-Residential Development Fee Act (~~N.J.S.A.C. 40:55D-8.1 through 8.7~~), COAH ~~was 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 were~~ under the jurisdiction of the Council or court of competent jurisdiction and ~~had have~~ a COAH-approved spending plan ~~may were able to~~ retain fees collected from non-residential development.
- c) 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 (2015), also known as the Mount Laurel IV decision, the Supreme Court remanded COAH's duties to the Superior Court. As a result, affordable housing development fee collections and expenditures from the municipal affordable housing trust funds to implement municipal Third Round Fair Share Plans through July 1, 2025 are were under the Court's jurisdiction and are were subject to approval by the Court.
- b)d) Pursuant to P.L.2024, c. 2, the authority relating to rulemaking on the collection of residential and non-residential development fees is appropriately delegated to the Department of Community Affairs, following the abolition of COAH. As such, municipalities which have obtained or are in the process of seeking compliance certification may retain and expend these development fees.
- e)e) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to ~~COAH's regulations and~~ P.L. 2024, c.2, which amend those regulations originally established in accordance with P.L. 2008, c. 46, Sections 8 and 32-38, and supersede COAH's regulations where in conflict, which remain otherwise valid. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

3. Basic requirements.

- a) This ordinance shall not be effective until approved by ~~COAH the Dispute Resolution Program-~~ pursuant to P.L. 2024, c.2 and N.J.A.C. 5:96-5.193-8, as applicable.
- b) The Borough of Waldwick shall not spend development fees until ~~COAH the Dispute Resolution Program~~ has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3, as applicable.

§ 97-52. Definitions.

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

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AFFORDABLE HOUSING DEVELOPMENT

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

COAH or THE COUNCIL

Means the New Jersey Council on Affordable Housing, as previously established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), prior to its abolition through P.L.2024, c.2, under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.

DEVELOPMENT FEE

Means money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.

DEVELOPER

Means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DISPUTE RESOLUTION PROGRAM

Means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 of P.L. 2024, c.2 (N.J.S.A. 52:27D-313.2). The Dispute Resolution Program is established within the Judiciary of the State, for the purpose of resolving disputes associated with the Fair Housing Act with respect to municipalities seeking to obtain a certification of compliance of their adopted Housing Element & Fair Share Plan.

EQUALIZED ASSESSED VALUE

Means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L. 1973, c. 123 (C. 54:1-35a through C. 54:1-35c).

GREEN BUILDING STRATEGIES

Means 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.

§ 97-53. Residential development fees.

a) Imposed fees.

- i. Within all zoning districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and a half percent of the equalized assessed value for residential development provided no increased density is permitted.
- ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of six percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned

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

b) Eligible exactions, ineligible exactions and exemptions for residential development

- i. Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
- ii. Development of low- and moderate-income units shall be exempt from paying development fees.
- iii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
- iv. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, 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 improved structure.
- v. Developers of all residential housing demolished and replaced as a result of a natural disaster or fire, shall be exempt from paying a development fee.

§ 97-54. Non-residential development fees.

a) Imposed fees.

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

b) Eligible exactions, ineligible exactions and exemptions for non-residential development

- i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5%).

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- ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- iii. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as amended and supplemented, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption Form". Any exemption claimed by a developer shall be substantiated by that developer.
- iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L. 2008, c. 46, as amended and supplemented, shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
- v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Borough of Walldwick as a lien against the real property of the owner.

§ 97-55. Collection procedures.

- 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 construction official responsible for the issuance of a building permit.
- b) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- c) The construction official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
- d) Within 90 days of receipt of that notice, the municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development, calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g) Should the Borough of Walldwick 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

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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)~~, as amended and supplemented.

- h) Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

§ 97-56. Appeal of development fees.

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

§ 97-57. Affordable Housing Trust Fund.

- a) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - 1. Payments in lieu of on-site construction of affordable units;
 - 2. Developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - 3. Rental income from municipally operated units;
 - 4. From affordable housing program loans;
 - 5. Recapture funds;
 - 6. Proceeds from the sale of affordable units; and
 - 7. Any other funds collected in connection with the Borough of Waldwick's affordable housing program.

~~c) Within seven days from the opening of the trust fund account, the Borough of Waldwick shall provide COAH with written authorization, in the form of a three party escrow agreement between the municipality, in the official bank of the Borough, and COAH to permit COAH to~~

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~~direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).~~

§ 97-58. Use of funds.

- a) The expenditure of all funds shall conform to a spending plan approved by ~~COAH~~the court. Funds deposited in the housing trust fund may be used for any activity approved by ~~COAH~~the court to address the Borough of Waldwick's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:97-8.7 through 8.9, as applicable and specified in the approved spending plan.
- b) Funds shall not be expended to reimburse Borough of Waldwick for past housing activities.
- c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low and moderate income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
 - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
 - ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income. The use of development fees in this manner shall entitle the Borough of Waldwick to bonus credits pursuant to N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:94-4.22, as applicable ~~N.J.A.C. 5:97-3.7.~~
 - iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d) The Borough of Waldwick may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:94-7, as applicable ~~N.J.A.C. 5:96-18.~~
- e) No more than 20 percent of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and

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compliance with ~~DCA or other court approved entity's~~COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

§ 97-59. Monitoring.

- a) The Borough of Waldwick ~~shall comply with the reporting requirements set forth in N.J.S.A. 52:27D-329.2.~~shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential 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 Waldwick's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

§ 97-60. Ongoing collection of fees.

- a) The ability for the Borough of Waldwick to impose, collect and expend development fees shall expire with its substantive certification unless the Borough of Waldwick has filed an adopted Housing Element and Fair Share Plan with ~~COAH~~the Dispute Resolution Program or other appropriate jurisdiction, has ~~petitioned for substantive certification~~filed a Declaratory Judgement action, and has received the Dispute Resolution Program COAH's approval of its development fee ordinance. If the Borough of Waldwick fails to renew its ability to impose and collect development fees prior to the 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.C. 52:27D-320), ~~as amended and supplemented~~. The Borough of Waldwick 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, nor shall the Borough of Waldwick retroactively impose a development fee on such a development. The Borough of Waldwick shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

§ 97-61. When effective.

This ordinance shall take effect upon passage and publication as required by law and upon receiving approval of the ~~Dispute Resolution Program or other appropriate jurisdiction~~Council on Affordable Housing.