

Master Plan Amendment Housing Element and Fair Share Plan Round 4

**Borough of Haworth
Bergen County, New Jersey**

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Borough of Haworth Planning Board

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Endorsed on _____ by the Haworth Borough Council.

The original of this document has been signed and sealed in accordance with Law.

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Housing Element

The Borough of Haworth, Bergen County, has prepared this Housing Element and Fair Share Plan as an amendment to the municipal master plan in accordance with the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and the New Jersey Fair Housing Act 2 (N.J.S.A. 52:27D-301 et seq.).

The Municipal Land Use Law requires that a municipal master plan include a housing element to enable the municipality to exercise the power to zone and regulate land use. The housing element is adopted by the municipal planning board and endorsed by the municipal governing body, and is drawn to achieve the goal of meeting the municipal obligation to provide for a fair share of the regional need for affordable housing.

This Housing Element and Fair Share Plan amends the Borough's master plan to address affordable housing planning requirements for the time period known as Round 4, which includes the decade between July 2025 and July 2035. It addresses the Borough's cumulative fair share obligation for the period from 1987 through 2035. The Borough last adopted a Round 3 Housing Element on September 18, 2019. This plan will replace the 2019 Round 3 plan.

Affordable Housing in New Jersey

The Mt. Laurel II doctrine requires that all municipalities provide a realistic opportunity for their fair share of low and moderate income housing. The Haworth Fair Share Plan is the Borough's proposal for satisfying its share of the regional affordable housing needs under applicable affordable housing regulations.

This Plan provides the Borough's fair share obligation and details its strategies for addressing its present, prior, and prospective housing needs. The New Jersey Fair Housing Act established the New Jersey Council on Affordable Housing (COAH). COAH was responsible for developing rules and regulations on affordable housing, as well as approving municipalities' submitted affordable housing plans. The COAH approval process was known as Substantive Certification.

COAH adopted its first set of rules, known as 'Round 1,' for the period of 1987 through 1993. COAH 'Round 2' covered the 1993 to 1999 time period. These rounds are now combined and collectively referred to as the 'Prior Round,' which covers the 1987 to 1999 time period.

COAH adopted its first Round 3 rules in 2005. The Round 3 rules included a new methodology for calculating affordable housing, known as Growth Share. These rules were challenged, and the Appellate Division invalidated the Round 3 rules in 2007.

COAH then adopted its second set of Round 3 rules in 2008; these rules also used the Growth Share methodology and were found invalid by the Appellate Division in 2010. COAH was directed to prepare new rules that used the Prior Round methodologies of establishing the statewide and regional affordable housing obligation and assigning municipalities their fair share of the regional affordable housing obligations.

COAH prepared new rules in 2014, but failed to adopt them. In response, a motion was filed with the New Jersey Supreme Court to enforce litigant's rights in response to COAH's lack of action. On March 10, 2015 the Supreme Court issued its decision to enforce litigant's rights and established a procedure for municipalities to transition their COAH applications to the Courts.

The Supreme Court established a new procedure that requires participating towns, such as Haworth, to submit a Declaratory Judgment action. The Borough of Haworth filed its action of Declaratory Judgment with the Court on or about July 6, 2015.

Fair Share Housing Center (FSHC), a nonprofit affordable housing advocacy group, was considered an "interested party" in all municipal Declaratory Actions. FSHC and the Borough engaged in a mediation process under the supervision of the court-appointed Special Master. In addition, one party objected to the Borough's action of Declaratory Judgment. The objector, also referred to as an intervenor, was known as Lakeshore Developers LLC. The Borough of Haworth and Lakeshore Developers reached settlement in April 2019. Haworth and FSHC also settled its affordable housing litigation. Haworth's Settlement Agreement was executed on May 14, 2019.

Round 4 Affordable Housing

On March 20, 2024 Governor Murphy signed new legislation known as P.L.2024, c.2 that amended the state's Fair Housing Act and changed the affordable housing process in New Jersey.

The Fair Housing Act (FHA) Amendment ("FHA 2" or the "Act") eliminated the Council on Affordable Housing (COAH), directed the Department of Community Affairs (DCA) to prepare nonbinding affordable housing obligations, changed certain aspects of the vacant land process, eliminated and revised available bonus credits, and imposed strict deadlines on municipalities.

Pursuant to the FHA 2, municipalities must adopt a Housing Element and Fair Share Plan by June 30, 2025. This plan conforms to the requirements established in the legislation and FHA 2 and addresses Haworth's Prior Round, Round 3 and Round 4 affordable housing obligations.

Mandatory Contents of the Housing Element

Pursuant to the New Jersey Fair Housing Act (FHA 2), “a municipality’s housing element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low-and moderate-income housing.” The essential plan components are:

- 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 for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing, as established pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1); and,
- A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing;
- 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, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52:27D-329.20);
- For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands conforming municipalities. This analysis shall include consideration of the municipality’s most recent Highlands Municipal Build Out Report, consideration of opportunities for P.L. 2024, redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for

- 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; 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.

This Housing Element and Fair Share Plan Amendment addresses the above requirements.

Analysis of Demographic, Housing, and Employment Characteristics

As required by N.J.S.A. 52:27D-310, all housing elements must contain a discussion of the municipality's demographic, housing, and economic characteristics. The following subsections fulfill this requirement by providing a profile of the Borough of Haworth information from the US Census Bureau, the New Jersey Department of Labor and Workforce Development, and the North Jersey Transportation Planning Authority.

Population Characteristics

Table 1 shows the population trends for the Borough of Haworth and Bergen County from 1930 to 2020. As shown, Haworth's population increased by 2,301 residents during this period. The three greatest increases occurred in the periods from: 1950 to 1960, when the Borough's population increased by approximately 99.4 percent; 1930 to 1940, when there was an increase of approximately 36.2 percent; and between 1960 and 1970, when population increased by approximately 17.0 percent. The only periods where there was a decrease in population were between 1970 and 1980, when the Borough's population decreased by about 6.7 percent; 1980 and 1990, when the Borough's population decreased by 3.6 percent; 2010 and 2020, when the Borough's population decreased by 1.2 percent; and 2000 and 2010, when the Borough's population decreased by about 0.2 percent.

Bergen County's population also increased over the period from 1930 to 2020. Indeed, the County's population increased by 590,755 residents over this period. As compared to the Borough, however, change in the County's population was never as great as in the Borough. Indeed, the maximum rate of change in the Borough's population was about 99.4 percent (between 1950 and 1960), but the change in the County's population never exceeded about 44.7 percent (also between 1950 and 1960) in any ten-year period.

Table 1
POPULATION CHANGE, 1930 – 2020
Borough of Haworth and Bergen County

Borough

<u>Year</u>	<u>Population</u>	<u>Number</u>	<u>Change</u>	<u>Percent</u>
1930	1,042	-----		-----
1940	1,419	377		36.2
1950	1,612	193		13.6
1960	3,215	1,603		99.4
1970	3,760	545		17.0
1980	3,509	-251		-6.7
1990	3,384	-125		-3.6
2000	3,390	6		0.2
2010	3,382	-8		-0.2
2020	3,343	-39		-1.2

County

<u>Year</u>	<u>Population</u>	<u>Number</u>	<u>Change</u>	<u>Percent</u>
1930	364,977	-----		-----
1940	409,646	44,669		12.2
1950	539,139	129,493		31.6
1960	780,255	241,116		44.7
1970	897,148	116,893		15.0
1980	845,385	-51,763		-5.8
1990	825,380	-20,005		-2.4
2000	884,118	58,738		7.1
2010	905,116	20,998		2.4
2020	955,732	50,616		5.6

Sources:

1930 - 1950: "Number of Inhabitants, New Jersey."

<https://www2.Census.Gov/library/publications/decennial/1950/population-volume-2/23024255v2p30ch1.pdf>. U.S. Census Bureau, 1950;

1940 - 2000: "New Jersey Population Trends 1790 to 2000." Division of Labor Market and Demographic Research New Jersey State Data Center, August 2001.

<https://www.nj.gov/labor/labormarketinformation/assets/PDFs/census/2kpub/njsdcp3.pdf>;

2010: 2010 U.S. Census (Table P3); and,

2020: 2020 U.S. Census (Table DP1)

Population Composition by Age

Table 2 shows population by age cohort in the Borough of Haworth during 2010 and 2020. As can be seen, the population decreased by 39 residents or 1.2 percent between 2010 and 2020. The age-cohort with the largest decreases were 5-14, which decreased by 140 residents or about 23.0 percent; 45-54, which decreased by 122 residents or about 18.8 percent; and 35-44, which decreased by 59 residents or about 14.4 percent. The age cohorts with the largest increases were: 75-84, which increased by 43 residents or 28.1 percent; 85+, which increased by 17 residents or 24.6 percent; 15-24, which increased by 93 residents or 24.2 percent; 25-34, which increased by 40 residents or 23.7 percent; or 65-74, which increased by 68 residents or 23.1 percent. The change in all other age cohorts was less than ± 10.0 percent.

Table 2

POPULATION BY AGE
Borough of Haworth

Age Group	2010 Population		2020 Population		Change 2010-2020	
	Persons	Percent	Persons	Percent	Persons	Percent
Under 5	165	4.9	158	4.7	-7	-4.2
5-14	608	18.0	468	14.0	-140	-23.0
15-24	384	11.4	477	14.3	93	24.2
25-34	169	5.0	209	6.3	40	23.7
35-44	409	12.1	350	10.5	-59	-14.4
45-54	649	19.2	527	15.8	-122	-18.8
55-64	482	14.3	510	15.3	28	5.8
65-74	294	8.7	362	10.8	68	23.1
75-84	153	4.5	196	5.9	43	28.1
85+	69	2.0	86	2.6	17	24.6
TOTALS	3,382	100	3,343	100	-39	-1.2

Sources:

2010: 2010 U.S. Census (Table PCT12); and,
2020: U.S. Census (Table DP1)

Table 2 shows considerable growth in the 85+, 75-84, 65-74, 25-34, 15-24 age cohorts. The effects of the change in the distribution of Haworth's population among age cohorts can be summarized in the change in the median age of the Borough's population, which increased by one (1) year, from 44.2 years to 45.2 years, in the period from 2010 to 2020. This represents an increase of about 2.3 percent. By comparison, the median age of Bergen County's population increased by approximately 0.9 years, from 41.1 years to 42.0 years, which equates to an increase of about 2.2 percent. Table 3 summarizes the distribution of the Borough's and County's populations among age cohorts and the change in the median age of said populations.

Table 3

PERCENTAGE POPULATION DISTRIBUTION, 2010 & 2020
Borough of Haworth and Bergen County

<u>Age Group</u>	2010 Percentage of Population		2020 Percentage of Population	
	<u>Borough</u>	<u>County</u>	<u>Borough</u>	<u>County</u>
Under 5	4.9	5.6	4.7	5.0
5-14	18.0	12.9	14.0	12.0
15-24	11.4	11.6	14.3	12.0
25-34	5.0	11.6	6.3	11.8
35-44	12.1	14.3	10.5	13.2
45-54	19.2	16.3	15.8	14.0
55-64	14.3	12.7	15.3	14.3
65+	15.3	15.1	19.3	17.7
TOTALS	100	100	100	100
Median Age	44.2	41.1	45.2	42.0

Sources:

2010: 2010 U.S. Census (Tables PCT12, P13)

2020: 2020 U.S. Census (Tables DP1, P13)

Existing Housing Characteristics

Type of Household

A household is a group of people who occupy a housing unit as their usual place of residence. As shown in Table 4, there were 1,104 households in the Borough of Haworth in 2020. The majority, or approximately 87.9 percent, of households consisted of two or more persons. The remaining 12.1 percent of households consisted of one person. Table 4 provides additional details on the types of households in Haworth Borough during 2020.

Table 4
TYPES OF HOUSEHOLDS, 2020

Borough of Haworth

<u>Type of Households</u>	<u>Total</u>	<u>Number in Subgroup</u>	<u>Percent of Total</u>
TOTAL HOUSEHOLDS	1,104		
One Person		134	12.1
Male Householder	39		3.5
65 years or older	21		1.9
Female Householder	95		8.6
65 years or older	66		6.0
Two or More Persons		970	87.9
<i>Married Couple Families</i>	822		74.5
With Own Children Under 18	371		33.6
<i>Cohabiting Couple</i>	28		2.5
With Own Children Under 18	14		1.3
<i>Male Householder Not living alone</i>	41		3.7
With Own Children Under 18	13		1.2
<i>Female Householder Not living alone</i>	79		7.2
With Own Children Under 18	29		2.6

Sources:

2020 U.S. Census (Table DP1)

Household Size

Table 5 provides further details on household size in the Borough of Haworth during 2020. As shown, the most frequent household size was two persons, which accounted for 26.3 percent of all households in Haworth and 29.1 percent of all households in Bergen County. The average household size in Haworth was 3.02, which is 0.32 persons more than the average household size of 2.70 in Bergen County during 2020.

Table 5
HOUSEHOLD SIZE, 2020
Borough of Haworth & Bergen County

Household Size	<u>Borough of Haworth</u>		<u>Bergen County</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
1 Person	134	12.1	84,254	24.0
2 Persons	290	26.3	102,218	29.1
3 Persons	216	19.6	63,130	18.0
4 Persons	304	27.5	61,107	17.4
5 Persons	113	10.2	26,098	7.4
6+ Persons	47	4.3	13,857	4.0
TOTALS	1,104	100.0	350,664	100.0
Average Household Size	3.02		2.70	

Source: 2020 U.S. Census (Tables H12, DP1)

Per Capita and Household Income

Table 6 displays the per capita income, median household income, and population poverty status of Haworth, Bergen County and the State of New Jersey. This data is derived from the 2023 American Community Survey Five-Year Estimates and represents estimated average conditions over the five-year period ending in 2023.

As shown in Table 6, Haworth had a higher per capita income at \$84,397 than in Bergen County and New Jersey, where the per capita incomes were \$62,968 and \$53,118, respectively. Haworth also had a higher median household income at \$227,841 than Bergen County and New Jersey, where the median household incomes were \$123,715 and \$101,050, respectively. Additionally, the Borough had just 3.7 percent of its population living below poverty status, which is lower than the 6.7 percent and 9.8 percent exhibited by Bergen County and New Jersey, respectively.

Table 6

PER CAPITA AND HOUSEHOLD INCOME; POVERTY STATUS 2023
Borough of Haworth, Bergen County & New Jersey

	<u>Per Capita Income</u>	<u>Median Household Income</u>	<u>Percentage of Population Below Poverty Status</u>
Borough of Haworth	\$84,397	\$227,841	3.7
Bergen County	\$62,968	\$123,715	6.7
New Jersey	\$53,118	\$101,050	9.8

Source: 2023 American Community Survey 5-Year Estimates (Tables BP19301, S1901 and S1701)

Family Income Distribution

Table 7 details family income for the Borough and County as represented by 2023 American Community Survey Five-Year Estimates. Approximately 93.1 percent of Haworth's families earned \$75,000 or more. By comparison, just 77.6 percent of Bergen County's families earned \$75,000 or more.

Table 7
FAMILY INCOME DISTRIBUTION, 2023
Borough of Haworth & Bergen County

<u>Income Levels</u>	<u>Borough</u>		<u>County</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Less than \$10,000	0	0.0	4,882	1.9
\$10,000 - \$14,999	18	1.9	2,555	1.0
\$15,000 - \$24,999	0	0.0	6,022	2.4
\$25,000 - \$34,999	30	3.2	7,350	2.9
\$35,000 - \$49,999	12	1.3	12,602	5.0
\$50,000 - \$74,999	5	0.5	23,286	9.2
\$75,000 - \$99,999	26	2.7	23,706	9.4
\$100,000 - \$149,999	89	9.4	45,647	18.1
\$150,000 - \$199,999	184	19.4	36,887	14.6
\$200,000 or more	583	61.6	89,702	35.5
TOTALS	947	100.0	252,639	100.0

Source: 2023 American Community Survey 5-Year Estimates (Table DP03)

Housing Affordability

Table 8 identifies the maximum income limits for low, very low- and moderate-income households in Housing Region 1. All of Bergen, Hudson, Passaic and Sussex counties are in Housing Region 1.

Haworth is in Housing Region 1. As of 2025, the median household income for a three-person household in Housing Region 1 was \$114,500. A three-person moderate income household, defined as a household with an income in excess of 50 percent but less than 80 percent of the median income, would have an income that does not exceed \$91,600. A four-person low-income household, defined as a household with income equal to or less than 50 percent but more than 30 percent of the median income, would have an income that does not exceed \$63,600. A two-person very low-income household, defined as a household with an income equal to 30 percent or less of the median income, would have an income that does not exceed \$30,540. Finally, the 1.5 person, three-person and 4.5-person columns are used for calculating the pricing for one-, two- and three-bedroom affordable units.

Table 8
2025 REGIONAL INCOME LIMITS
HOUSING REGION 1

<u>Household Size</u>	<u>Median Income</u>	<u>Moderate Income</u>	<u>Low Income</u>	<u>Very Low Income</u>
1 Person	\$89,100	\$71,280	\$44,550	\$26,730
1.5 Person	\$95,450	\$76,360	\$47,725	\$28,635
2 Person	\$101,800	\$81,440	\$50,900	\$30,540
2.5 Person	\$108,150	\$86,520	\$54,075	\$32,445
3 Person	\$114,500	\$91,600	\$57,250	\$34,350
4 Person	\$127,200	\$101,760	\$63,600	\$38,160
4.5 Person	\$132,300	\$105,840	\$66,150	\$39,690
5 Person	\$137,400	\$109,920	\$68,700	\$41,220
6 Person	\$147,600	\$118,080	\$73,800	\$44,280
7 Person	\$157,800	\$126,240	\$78,900	\$47,340
8 Person	\$168,000	\$134,400	\$84,000	\$50,400

Source: 2025 Affordable Housing Regional Income Limits by Household Size, Prepared by Affordable Housing Professionals of New Jersey (AHPNJ) – May 16, 2025

Housing Unit Data

In 2020, there were 1,148 housing units in Haworth, of which 1,104 or 96.2 percent were occupied. By comparison, the County had 367,383 housing units, of which 350,664 or 95.4 percent were occupied.

As shown in Table 9, owner-occupied housing stock comprised a greater percentage of the Borough's housing stock than in the County's housing stock. In 2020, approximately 93.4 percent of the Borough's housing stock, versus 63.1 percent of the County's housing stock, was owner-occupied.

Table 9

HOUSING UNIT DATA, 2020
Borough of Haworth & Bergen County

	<u>Borough</u>		<u>County</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Unit Type				
Occupied	1,104	96.2	350,664	95.4
Vacant, Seasonal & Migratory	44	3.8	16,719	4.6
TOTALS	1,148	100.0	367,383	100.0
Owner vs Renter Occupied Units				
Owner Occupied	1,031	93.4	221,274	63.1
Renter Occupied	73	6.6	129,390	36.9
TOTALS	1,104	100.0	350,664	100.0

Source: 2020 U.S. Census (Table DP1)

Year Householder Moved into Unit

Table 10 provides the year the current householders moved into the Haworth and Bergen County homes. As shown, 67.0 percent of the Borough's households moved into their current residences after 2000, compared to 74.2 percent countywide. Approximately 33.0 percent of the Borough's households and 25.8 percent of the County's households moved into their residences before 2000.

Table 10

YEAR HOUSEHOLDER MOVED INTO UNIT, 2023
Borough of Haworth & Bergen County

<u>Year Householder Moved into Unit</u>	<u>Borough</u>		<u>County</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
2021 or later	55	5.2	27,042	7.7
2010 - 2020	442	42.0	165,730	46.9
2000 - 2009	209	19.8	69,267	19.6
1990 - 1999	153	14.5	42,548	12.0
1989 or earlier	194	18.4	48,720	13.8
TOTALS	1,053	100.0	353,307	100.0

Source: 2023 American Community Survey 5-Year Estimates (Table DP04)

Housing Unit Information

Table 11 includes a variety of information from the American Community Survey on the Borough of Haworth and Bergen County housing stocks, including when the housing unit was built, the number of units per structure, and the number of rooms and bedrooms per unit.

As shown, approximately 98.6 percent of the Borough's housing stock consists of single-family detached structures. In contrast, single-family detached homes comprise approximately 53.2 percent of the County's housing stock.

As shown in Table 11, the Borough's housing stock contains more rooms than the County's housing stock. In 2023, about 93.2 percent of Haworth's housing units contained six (6) or more rooms, while approximately 54.7 percent of the County's housing stock recorded the same number of rooms. On the other hand, about 57.5 percent of the Borough's housing units contain four or more bedrooms, compared with approximately 27.2 percent of the County's housing stock.

Finally, approximately 83.3 percent of the Borough's housing stock was built before 1980. Similarly, about 74.6 percent of the County's housing stock was built before 1980.

Table 11

HOUSING UNIT INFORMATION, 2023
Borough of Haworth & Bergen County

	<u>Borough</u>		<u>County</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Total Units	1,186	100.0	368,535	100.0
<u>Units in Structure</u>				
One (Single Family Detached)	1,169	98.6	196,102	53.2
One (Single Family Attached)	2	0.2	22,284	6.0
Two+ Units	15	1.3	148,595	40.3
Mobile Home, Trailer, Other	0	0.0	1,554	0.4
<u>Number of Rooms</u>				
1 Room	0	0.0	10,090	2.7
2 or 3 Rooms	0	0.0	54,929	14.9
4 or 5 Rooms	80	6.7	101,934	27.7
6 or 7 Rooms	343	28.9	103,786	28.2
8+ Rooms	763	64.3	97,796	26.5
<u>Number of Bedrooms</u>				
No Bedroom	0	0.0	11,192	3.0
1 Bedroom	0	0.0	58,568	15.9
2 or 3 Bedrooms	504	42.5	198,472	53.9
4+ Bedrooms	682	57.5	100,303	27.2
<u>Year Structure Built</u>				
2020 - later	14	1.2	2,486	0.7
2010 - 2019	66	5.6	18,587	5.0
2000 - 2009	42	3.5	21,455	5.8
1990 - 1999	21	1.8	20,951	5.7
1980 - 1989	55	4.6	30,051	8.2
1960 - 1979	194	16.4	86,461	23.5
1940 - 1959	394	33.2	116,865	31.7
1939 or earlier	400	33.7	71,679	19.4

Source: 2023 American Community Survey 5-Year Estimates (Table DP04)

Housing Conditions

Housing conditions in Haworth are excellent. As shown in Table 12, none of the Borough's housing units lack complete plumbing facilities, kitchen facilities, or phone service, compared to 0.3, 0.7 and 0.8 percent, respectively, in the county overall.

In addition to the above, only about 1.4 percent of the Borough's housing stock has more than one person per room, compared to about 3.4 percent of the County's housing stock. Having more than one person per room in an indicator of overcrowding.

Table 12
INDICATORS OF HOUSING CONDITIONS, 2023
Borough of Haworth & Bergen County

	<u>Borough</u>		<u>County</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
<u>Total Occupied Units</u>	1,053		353,307	
Units Lacking Complete Plumbing	0	0.0	899	0.3
Units Lacking Kitchen Facilities	0	0.0	2,541	0.7
No telephone service	0	0.0	2,797	0.8
<u>Persons per Room, Occupied Units</u>				
1.00 or less	1,038	98.6	341,275	96.6
1.01 to 1.50	15	1.4	7,036	2.0
1.51 or more	0	0.0	4,996	1.4
TOTALS	1,053	100.0	353,307	100.0

Source: 2023 American Community Survey 5-Year Estimates (Table DP04)

Housing Values

Table 13 shows 2023 housing values for the Borough of Haworth and Bergen County. As indicated, approximately 98.3 percent of the Borough's owner-occupied housing units are valued at over \$300,000. This is higher than in the County, where only about 89.9 percent of the owner-occupied housing units are valued at over \$300,000. This higher percentage of units is reflected in the fact that the median value of owner-occupied units in Bergen County is lower than in the Borough. Indeed, the median value of owner-occupied units is \$593,200 in Bergen County, but \$815,300 in Haworth Borough.

Table 13
OWNER-OCCUPIED HOUSING VALUES, 2023
Borough of Haworth & Bergen County

<u>Housing Value</u>	<u>Borough</u>		<u>County</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Less than \$50,000	3	0.3	4,241	1.8
\$50,000 - \$99,999	12	1.2	2,583	1.1
\$100,000 - \$149,999	0	0.0	2,366	1.0
\$150,000 - \$199,999	0	0.0	2,680	1.2
\$200,000 - \$299,999	2	0.2	11,285	4.9
\$300,000 - \$499,999	32	3.2	62,212	26.9
\$500,000 - \$999,999	685	68.4	115,000	49.8
\$1,000,000 or more	267	26.7	30,556	13.2
TOTALS	1,001	100.0	230,923	100.0
Median Value	\$ 815,300		\$ 593,200	

Source: 2023 American Community Survey 5-Year Estimates (Table DP04)

Contract Rents

Table 14 details the gross rents for renter-occupied units in Haworth and Bergen County. As shown, the median monthly rent in Haworth was not reported, which is likely the result of the small sample size of just 30 units with a contract rent. In Bergen County overall, however, the median rent was \$1,863. In Haworth, about 50.0 percent of all cash rents were at least \$3,000, whereas in Bergen County only about 13.2 percent of all cash rents were \$3,000 or more.

Table 14

GROSS RENTS, 2023
OCCUPIED UNITS PAYING RENT
Borough of Haworth & Bergen County

<u>Contract Rents</u>	<u>Borough</u>		<u>County</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Less than \$500	0	0.0	3,870	3.3
\$500 - \$999	0	0.0	5,086	4.3
\$1,000 - \$1,499	15	50.0	21,678	18.3
\$1,500 - \$1,999	0	0.0	39,395	33.3
\$2,000 - \$2,499	0	0.0	21,731	18.3
\$2,500 - \$2,999	0	0.0	11,103	9.4
\$3,000 or more	15	50.0	15,614	13.2
TOTALS	30	100.0	118,477	100.0
Median Rent	Not Reported by US Census		\$ 1,863	

Source: 2023 American Community Survey 5-Year Estimates (Table DP04)

Employment Data

Table 15 details the occupational characteristics of Haworth residents as indicated by 2023 American Community Survey Five-Year Estimates. As indicated, the largest occupational group among Haworth residents aged 16 years and over engaged in the civilian labor force is “Management, Business Science & Arts” with about 65.2 percent. This was also the largest occupational group in Bergen County with about 53.3 percent of County residents aged 16 years and over engaged in the civilian labor force. The second largest occupational group was “Sales & Office Occupations,” which accounted for 20.2 percent and 20.4 percent of the Borough and County residents aged 16 years and over engaged in the civilian labor force, respectively. The third largest occupational group was “Service Occupations,” which accounted for 10.4 percent of the Borough residents and 12.4 percent of the County residents aged 16 years and over engaged in the civilian labor force. In total, these three occupational groups accounted for about 95.7 percent of the Borough residents and 86.2 percent of the County residents aged 16 years and over engaged in the civilian labor force.

With regard to the industry of employment, it is noted that the top-three industries of employment among Borough residents aged 16 years and over and engaged in the civilian labor force were “Educational Services, Health Care/Social Assist.” with 28.8 percent; “Finance, Insurance, Real Estate” with 19.6 percent; and “Professional, Scientific, Management” with 19.5 percent. Among County residents, the top-three industries of employment were “Educational Services, Health Care/Social Assist.” with 25.1 percent; “Professional, Scientific, Management” with 15.2 percent; and “Retail Trade” with 10.2 percent.

Table 15
OCCUPATIONAL CHARACTERISTICS, 2023
Borough of Haworth & Bergen County

<u>Occupation Group</u>	<u>Borough</u>		<u>County</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Management, Business, Science & Arts	1,042	65.2	263,942	53.3
Service Occupations	166	10.4	61,574	12.4
Sales & Office Occupations	322	20.2	101,185	20.4
Nat. Resources, Construction & Maint.	38	2.4	25,740	5.2
Production, Transportation & Material	30	1.9	42,480	8.6
TOTALS	1,598	100.0	494,921	100.0

<u>Industry</u>	<u>Borough</u>		<u>County</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Agriculture, Forestry, Fishing	0	0.0	636	0.1
Construction	45	2.8	25,742	5.2
Manufacturing	41	2.6	38,180	7.7
Wholesale Trade	75	4.7	18,362	3.7
Retail Trade	127	7.9	50,517	10.2
Transportation & Warehousing	35	2.2	25,586	5.2
Information	40	2.5	14,303	2.9
Finance, Insurance, Real Estate	314	19.6	50,356	10.2
Professional, Scientific, Management	311	19.5	75,107	15.2
Edu. Services, Health Care/Social Assist.	461	28.8	124,338	25.1
Arts, Entertain., Recreation, Food Services	50	3.1	33,665	6.8
Other Services, Except Public Admin.	64	4.0	22,115	4.5
Public Administration	35	2.2	16,014	3.2
TOTALS	1,598	100.0	494,921	100.0

Source: 2023 American Community Survey 5-Year Estimates (Tables S2401, S2405)

Data from the New Jersey Department of Labor and Workforce Development indicates that there was an average total of 691 private sector jobs located in Haworth during 2023. This represents jobs located in Haworth, not the occupational characteristics of Haworth's residents.

Table 16 provides data on the sector of employment of 691 private jobs located within the Borough of Haworth. Of these jobs, 159 or 23.0 percent were classified as "Arts/Entertainment." An additional 45 jobs or 6.5 percent were classified as "Health/Social," and an additional 26 jobs or 3.8 percent were classified as "Other Services." Finally, a total of 24 jobs or 3.5 percent were classified as "Admin/Waste Remediation." All other sectors for which data was provided accounted for less than

20 jobs. These four employment sectors account for about 36.8 percent of all jobs located within the Borough of Haworth.

It should be noted, the New Jersey Department of Labor and Workforce Development has provided information on the sector of employment for less than half of the 691 private jobs located within the Borough of Haworth. It has not disclosed sector of employment for 378 or 54.7 percent of the 691 private jobs located within the Borough. Typical reasons why the New Jersey Department of Labor and Workforce Development would not provide the number of jobs in a particular sector include the presence of only one or very few employers in a particular sector, or the presence of a very limited number of jobs in a sector. In such cases, the New Jersey Department of Labor and Workforce Development withholds information so as to not release what could be perceived as confidential information.

Table 16

PRIVATE EMPLOYMENT BY SECTOR, 2023
Borough of Haworth

<u>Employee Sector</u>	<u>Borough</u>	
	<u>Number</u>	<u>Percent</u>
Mining	Undisclosed	Undisclosed
Utilities	Undisclosed	Undisclosed
Construction	18	2.6
Manufacturing	Undisclosed	Undisclosed
Wholesale Trade	14	2.0
Retail Trade	Undisclosed	Undisclosed
Transportation/Warehousing	Undisclosed	Undisclosed
Information	Undisclosed	Undisclosed
Finance/Insurance	9	1.3
Real Estate	Undisclosed	Undisclosed
Professional/Technical	18	2.6
Admin/Waste Remediation	24	3.5
Education	Undisclosed	Undisclosed
Health/Social	45	6.5
Arts/Entertainment	159	23.0
Accommodations/Food	Undisclosed	Undisclosed
Other Services	26	3.8
Unclassified	Undisclosed	Undisclosed
TOTAL	691	100.0

Source: New Jersey Department of Labor and Workforce Development

Residential Construction

Table 17 contains data on dwelling units authorized by building permit and demolished with a demolition permit from 2012 through 2023. This data has been obtained from the New Jersey Department of Community Affairs.

In the reported period, a total of 74 new units were created and 44 units were demolished, resulting in a net increase of 30 units. The average annual net change in the reported period was slightly more than 2.7 units.

Table 17

NEW DWELLING UNITS AUTHORIZED BY BUILDING PERMIT & HOUSING UNITS
DEMOLISHED: 2012 - 2023
Borough of Haworth

<u>Year</u>	<u>New Units</u>	<u>Demolitions</u>	<u>Net Increase</u>
2012	4	3	1
2013	1	0	1
2014	8	5	3
2015	4	2	2
2016	6	5	1
2017	4	6	-2
2018	4	6	-2
2019	4	1	3
2020	1	3	-2
2021	31	4	27
2022	6	7	-1
2023	1	2	-1
TOTALS	74	44	30

Source: "Development Trends Viewer." State of New Jersey Department of Community Affairs, September 16, 2024. Accessed February 4, 2025.

https://www.nj.gov/dca/codes/reporter/Development_Trend_Viewewer.xlsb.

Population and Household Projection

As has been previously mentioned, the Borough of Haworth's population was 3,343 at the time of the 2020 United States Census.

The North Jersey Transportation Planning Authority has released 2050 population and household projections for its constituent municipalities. The 2050 population projection for Haworth is 3,481, which represents an increase of 138 residents over the 2020 United States Census population of 3,343 residents. The 2050 household projection for Haworth is 1,141, which represents an increase of 37 households over the 2020 United States Census count of 1,104 households.

N.J.S.A. 52:27D-310.b require that Housing Elements and Fair Share Plans include a household projection for the next ten years. When the 2050 projections of the North Jersey Transportation Planning Authority are linearly adjusted to represent 2035 values, projections of 3,412 residents and 1,123 households result. This is summarized in Table 18.

Table 18

POPULATION AND HOUSEHOLD PROJECTION, 2015 - 2050
Borough of Haworth

<u>2020 Census Population</u>	<u>2035 Population Projection (Adjusted from 2050)</u>	<u>2050 Population Projection</u>
3,343	3,412	3,481
<u>2020 Census Households</u>	<u>2035 Household Projection (Adjusted from 2050)</u>	<u>2050 Household Projection</u>
1,104	1,123	1,141

Sources:

2020: United States Census;
2035: Calculated by T&M based on 2050 values; and,
2050: North Jersey Transportation Planning Authority.

The foregoing information has been provided for informational purposes only and in response to N.J.S.A. 52:27D-310.b.

Employment Projection

The North Jersey Transportation Planning Authority (NJTPA) has released a 2050 employment projection for the Borough of Haworth of 868, which represents an increase of 11 jobs over the Borough’s 2023 average total of 857 public and private sector jobs (includes: 691 private sector jobs; 2 federal government jobs; and 164 local government jobs).

When the NJTPA’s 2050 employment projection is linearly adjusted to represent 2035 values, an adjusted 2035 employment projection of 862 jobs results. This is summarized in Table 19.

Table 19		
EMPLOYMENT PROJECTION, 2023 - 2050		
Borough of Haworth		
<u>2023</u> <u>Public and Private</u> <u>Employment</u>	<u>2035</u> <u>Adjusted Employment</u> <u>Projection</u>	<u>2050</u> <u>Employment</u> <u>Projection</u>
857	862	868

Sources:
2023: New Jersey Department of Labor and Workforce Development;
2035: Calculated by T&M; and,
2050: North Jersey Transportation Planning Authority.

Note: 2023 average of 857 public and private sector jobs + ((2050 Employment Projection of 868 jobs – 2023 average of 857 public and private sector jobs) ÷ (2050 – 2023)) × 12 years = 861.89 jobs in 2035, rounded up to 862 jobs.

Fair Share Plan

Affordable Housing Obligation

A municipality's affordable housing obligation is made up of both a present need (rehabilitation obligation) and a prospective need obligation. Obligations are calculated in time periods known as "rounds."

Previous Round obligations have either been determined by the New Jersey Council on Affordable Housing (COAH), or by Court decisions. However, pursuant to FHA 2, for Round 4 and subsequent rounds, the Department of Community Affairs (DCA) was directed to provide a non-binding calculation of regional need and municipal present and prospective need obligations in accordance with the formula contained in the Act.

DCA calculated a Round 4 present need obligation of zero (0) units and a prospective need obligation of 221 units for the Borough of Haworth. The Borough analyzed the data that resulted in the obligation and, as permitted under the FHA 2, calculated a prospective need obligation of 142 units. The Borough adopted a binding resolution stipulating its Round 4 affordable housing obligations on January 23, 2025.

FSHC objected to the Borough's calculated prospective need obligation on February 27, 2025. The New Jersey Builders Association (NJBA) also objected to the Borough's asserted prospective need obligation. The Borough and FSHC participated in mediation and settlement hearings. A settlement was reached between the parties for a prospective need obligation of 178 units, as memorialized in a settlement agreement dated April 8, 2025. NJBA agreed to accept any settlement entered into between FSHC and a municipality.

Haworth's affordable housing obligations are as follows:

- Prior Round (Rounds 1 & 2, from 1987-1999) Obligation: 64 units
- Round 3 (from 1999-2025) Prospective Need Obligation: 223 Units
- Round 4 (from 2025-2035) Present Need (Rehabilitation Obligation): 0 units
- Round 4 (from 2025-2035) Prospective Need Obligation: 178 Units

The Borough's affordable housing obligation and the manner in which it has met and intends to meet it, is described in the following subsections.

Prior Round Obligation¹

The Borough originally petitioned COAH under Prior Round rules on April 1, 1996 for Substantive Certification of its Housing Element and Fair Share Plan. Based on COAH's formulas and methodologies, the Borough's Prior Round obligation was affirmed as 64 affordable housing units.

The Borough submitted a vacant land adjustment request as part of its petition. The Borough's Prior Round Substantive Certification is memorialized in a resolution adopted by COAH on March 3, 1999. Based on its review of the vacant land inventory, COAH determined that Haworth had a Realistic Development Potential (RDP) of zero (0) affordable units.

Haworth also received credit for the Spectrum for Living home and adopted an overlay zone on Block 1008, Lot 1, which is the White Beeches Golf Club driving range.

Round 3 Prospective Need

The Borough of Haworth's Round 3 prospective need obligation is 223 units. The Borough reached settlement with the FSHC in 2019. The settlement recognized that Haworth did not have sufficient vacant land to build or to zone for its entire obligation, and, therefore, received a Vacant Land Adjustment (VLA). The VLA resulted in the calculation of a Realistic Development Potential (RDP) of 28 units. The Borough's settlement agreement and 2019 Housing Element & Fair Share Plan provided sufficient credits to exceed the 28 unit RDP.

Vacant Land Adjustment

The Borough reached settlement with the FSHC as memorialized in a settlement agreement dated May 14, 2019. The Borough then adopted a Housing Element and Fair Share Plan and related ordinances in 2019. The Borough continues to rely on the analysis contained in, and conclusions reached, in connection with the Court approved VLA and Round 3 plan.

Following is an excerpt from the 2019 Housing Element & Fair Share Plan on the VLA:

The Borough received a Vacant Land Adjustment from COAH as part of its Prior Round Substantive Certification. The Borough's 1995 Round 2 Housing Element & Fair Share Plan stated that there were no vacant properties that could be used for inclusionary housing in the Borough. COAH agreed with the assessment and determined that the Borough had a Realistic Development Potential (RDP) of zero (0).

¹ Borough of Haworth 2019 Housing Element & Fair Share Plan.

The 1995 Plan recognized that many of the properties were small, irregularly shaped and located in established single family neighborhoods that are inappropriate for inclusionary housing. The Plan also recognizes that the vacant properties are characterized by environmental constraints, such as wetlands, flood plains, and steep slopes. The COAH Compliance Report, which is part of the COAH Resolution approving Round 2 Substantive Certification, also addressed local golf courses. COAH determined that the Haworth Country Club is not developable due to the environmental constraints and the fact that approximately 50% of the property is inaccessible. In addition, over 66 acres of the Haworth Country Club (a private facility) is deed restricted permanently to golf and country club uses.

The Round 2 COAH Compliance report also explained that White Beeches is a private golf and country club owned by its members. Because it is owned by its members, it is not counted toward the RDP calculation. However, it is eligible for overlay zoning. As a condition of Round 2 Substantive Certification, on April 13, 1999, the Borough adopted the A/OZ overlay zone on the 10-acre White Beeches driving range, known as Block 1008, Lot 1. The A/OZ zone permits townhouse development at a density of 6 units/acre, with a 20 percent affordable housing requirement. The western area of the Borough is characterized by Suez Water reservoir buffer properties, and its reservoir system which purveys potable water throughout the region. The two local golf courses are also located in the area. COAH had already determined that these properties are not developable or suitable for affordable housing. Other vacant properties in the Borough are also not suitable for affordable housing due to environmental constraints.

The Borough satisfied, and actually exceeded, the Round 3 RDP of 28 units via a variety of affordable housing mechanisms, including supportive housing, affordable housing in partnership with the Bergen County United Way, adoption of an accessory apartment ordinance, inclusionary development, modifying an existing overlay zone and implementing a new overlay zone.

Status of Round 3 Affordable Housing Mechanisms

Haworth is committed to addressing its affordable housing obligation. The Borough adopted the necessary ordinances to implement its Round 3 plan and settlement agreement; all necessary Planning Board approvals have also been granted to implement the plan.

Table 20 provides a summary of the Borough's satisfaction of the Round 3 affordable housing obligations.

Table 20

Round 3 Affordable Housing Mechanisms
Borough of Haworth, Bergen County

<u>Project</u>	<u>Block</u>	<u>Lot</u>	<u>Status</u>	<u>Affordable Units</u>	<u>Bonus Credits</u>	<u>Total</u>
<u>RDP Mechanisms</u>						
Lakeshore Developers	1100	12	Constructed	9	0	9
Mass. Ave./BCUW	1800	1	Approved	14	1	15
Accessory Apartment Ordinance	Various	Various	Ordinance Adopted	10	0	10
Spectrum for Living	1806	2	Constructed	6	6	12
TOTALS				39	7	46
<u>Unmet Need Mechanisms</u>						
White Beeches Driving Range	1008	1	Ordinance Adopted (Density Increased)	N/A	N/A	N/A
Zone "D" Overlay Zone	Various	Various	Ordinance Adopted	N/A	N/A	N/A
Mandatory Set-Aside	Various	Various	Ordinance Adopted	N/A	N/A	N/A

As shown in Table 20, the Borough actually exceeded its 28 unit Round 3 RDP. Further, all of the Round 3 mechanisms remain realistic for the provision of affordable housing and inclusion in the current plan; the Borough adopted all necessary ordinances and approved the necessary land use board applications.

It is important to note that the Business Zone "D" overlay has been successful in the provision of affordable housing. The Borough Planning Board approved an application for a property known as 160 Terrace Street (Block 1307, Lot 3), that included eight residential units, of which two(2) are affordable. This development is constructed and received a Certificate of Occupancy on May 21, 2025.

Round 4 Present Need

The present need is a measure of overcrowded and deficient housing that is occupied by low- and moderate-income households. The present need has previously been called “rehabilitation share.” Haworth’s present need obligation is zero (0) units.

While Haworth does not have a Round 4 present need obligation, Borough residents are eligible to participate in the Bergen County Home Improvement Program. One Haworth property was rehabilitated in 2024 via funding from the county program.

Round 4 Prospective Need

Haworth’s Round 4 prospective need obligation is 178 units. The Borough does not have sufficient vacant land to zone for or build for its full Round 4 obligation.

Round 4 Vacant Land Adjustment

Because the Borough does not have sufficient vacant land to zone for or build for its full Round 4 obligation, it is entitled to a Vacant Land Adjustment (VLA) for Round 4. The Round 4 VLA table and associated mapping is included in Appendix A. The VLA was prepared pursuant to COAH Round 2 rules contained in N.J.A.C. 5:93-4.2 and the FHA 2.

As previously indicated, the Borough is relying on all analyses and conclusions from its court approved Round 3 VLA in the preparation of the Round 4 VLA. The Round 4 VLA analyzed vacant lots with a tax assessment classification of 1, vacant land or 15C, public property. Full lots, or portions thereof, that contain environmental constraints, were excluded from the analysis. Properties that are listed on the Borough’s Recreation and Open Space Inventory (ROSI) were excluded, in addition to properties that are a Round 3 compliance mechanism or were identified as not buildable in Round 3. A six-unit per acre density was applied to the remaining lots or portions thereof.

For Round 4, there will be RDP resulting from the property located at 173 Schraalenburgh Rd, also known as Block 1700, Lot 8. This lot is primarily vacant but contains some minimal improvements, and does not appear in a list of the Borough’s vacant properties. This site results in the Borough having a two (2) unit RDP.

The Borough will address the two-unit RDP via inclusionary zoning on the properties known as 320 Haworth Avenue and 139 Terrace Street, as follows.

320 Haworth Avenue (Block 1307, Lot 2). Lot 2 is an approximately 0.45 acre property with frontage on Haworth Ave., Houston Place and Terrace Street. The Borough will adopt a zoning ordinance to permit the development of 15 total residential units, of which three (3) would be affordable units. The site also is eligible

for 0.5 unit of bonus credit because the affordable housing units would be constructed on land that is or was previously developed and utilized for retail, office or commercial space

139 Terrace Street (Block 1308, Lot 1). Lot 1 is an approximately 0.27 acre property with frontage on Terrace Street, St. Nicholas Ave., and Stevens Place. The Borough will adopt a zoning ordinance to permit the development of 10 total units, of which two (2) would be affordable units.

Draft zoning ordinances and concept plans for both sites are included in Appendix E.

Both of the above properties are currently located in the Business “D” Zone District, where multi-family development at 12 units per acre is permitted via the overlay zoning enacted in Round 3 to satisfy a portion of the Borough’s unmet need. The current overlay zoning would permit development resulting in five (5) total units, of which one (1) would be affordable on 320 Haworth Avenue. Therefore, the rezoning of 320 Haworth Ave. at a greater density than currently permitted, would result in an additional two (2) affordable units attributable to Round 4 rezoning, which would be used to address the Borough’s Round 4 RDP of two (2) units.

Regarding 139 Terrace Street, three (3) total units would be permitted under the current overlay zoning. Therefore, the rezoning of 139 Terrace Street at a greater density than currently permitted would result in one (1) additional affordable unit attributable to Round 4 rezoning, which would be used to address a new redevelopment affordable housing obligations in FHA 2:

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

The Borough’s affordable housing attorney’s interpretation of the above phrase in bold typeface is that 25% of the Borough’s RDP must be addressed through realistic zoning. With an RDP of two (2) units, an additional one unit needs to be addressed with realistic zoning. This additional unit is provided via the rezoning of 139 Terrace Street. It is noted that the Borough is increasing the density for the 320 Haworth Avenue and the 139 Terrace Street sites solely to address its Round 4 obligation, and that the credit of the three (3) additional units resulting from the proposed rezoning (two additional affordable units at 320 Haworth Ave. and one additional affordable unit at 139 Terrace Street) are to apply toward the Round 4 obligation.

Availability of Existing and Planned Infrastructure

Both of the above sites anticipated to address the RDP are located in State Planning Area 1; Haworth offers a developed infrastructure.

Consideration of Lands Appropriate for Affordable Housing

Haworth is a developed community with no vacant land. The Borough anticipates that future development and growth will predominantly be limited to the Business Zone “D” area. This is the location of the overlay zone mechanism from Round 3. This area was determined to be available, approvable, suitable and developable in Round 3.

Four properties have come forward to express a commitment to provide affordable housing, as follows:

- 173 Schraalenburgh Road
- 139 Terrace Street
- 320 Haworth Avenue
- 287 Lake Shore Drive

Two of the above sites, 139 Terrace Street and 320 Haworth Avenue, are included as RDP and unmet need mechanisms in this plan.

The Borough has determined that although 173 Schraalenburgh Road (Block 1700, Lot 8) is the source of the Borough’s two (2) unit Round 4 RDP, the property is not a suitable location for inclusionary development due to the established surrounding single family developed character of area. This site is not located near services or commercial uses; proximity to these uses provides a more appropriate and desirable location for inclusionary development.

The owner of 287 Lake Shore Drive (Block 1100, Lot 11) contacted a municipal official via electronic mail regarding potential rezoning. The Borough notes that this property is located in an area that already absorbs a large component of Haworth’s affordable housing obligation. In an effort to further the Borough’s planning goals and objectives, Haworth seeks to guide its future development toward the Business District. Therefore, the Borough has not included this property in the plan.

Consistency with the State Development and Redevelopment Plan

The 2001 New Jersey State Development and Redevelopment Plan (SDRP) contains a series of smart growth goals and policies, and mapping that reflects desired growth patterns within a series of state planning areas.

As provided in the SDRP, 139 Terrace Street and 320 Haworth Avenue are both located within Planning Area 1, which is also known as the Metropolitan Planning Area. In the Metropolitan Planning Area, the SDRP's intention is to:

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

Additionally, it is noted that the 2001 SDRP outlines several policy objectives for the Metropolitan Planning Area, including:

- Land Use: Promote redevelopment and development in cores and neighborhoods of centers and in nodes that have been identified through cooperative regional planning efforts. Promote diversification of land uses, including housing where appropriate, in single-use developments and enhance their linkages to the rest of the community. Ensure efficient and beneficial utilization of scarce land resources throughout the Planning Area to strengthen its existing diversified and compact nature.
- Housing: Provide a full range of housing choices through redevelopment, new construction, rehabilitation, adaptive reuse of nonresidential buildings, and the introduction of new housing into appropriate nonresidential settings. Preserve the existing housing stock through maintenance, rehabilitation and flexible regulation.

Execution of this Housing Element and Fair Share Plan and, therewith, promotion of affordable housing development in the Metropolitan Planning Area would be consistent with the intent and aforementioned policy objectives of said planning area.

SDRP Update

It is noted that as of the preparation of this Housing Element and Fair Share Plan, the State of New Jersey was in the process of updating the SDRP. While a draft of an updated SDRP was released for public review and comment in December 2024, its finalization and adoption are not anticipated to occur before late 2025 or early 2026. Thus, the 2001 SDRP remained in effect as of the preparation and adoption of this Housing Element and Fair Share Plan.

Notwithstanding the above, it is noted that the draft SDRP incorporates the same planning areas as the 2001 SDRP and associated mapping indicates that the Borough would remain in the Metropolitan Planning Area.

In addition to the above, it is noted that the draft SDRP includes several "State Planning Goals." One of these goals relates to housing and includes the following core objectives:

- Increase the Construction of Diverse Housing Types and the Amount of Affordable Housing: Promote varied housing options for all income levels, including rentals, starter homes, senior housing, and market-rate units in transit-rich and mixed-income communities.
- Focus on Retaining Residents and Increasing Sustainability: Support inclusionary zoning, green building standards, and Transit-Oriented Development, while reinforcing fair housing practices and preventing the displacement of residents.
- Address Housing Needs of Diverse Demographics: Facilitate multi-generational households, senior housing, and adaptable options to ensure all residents can age in place and access affordable housing.
- Promote Regional Housing Balance: Encourage diverse housing development in areas with strong job markets, educational opportunities, and other amenities which support socio-economic mobility and integrate communities.

Based on its continuation of the same planning areas as outlined in the 2001 SDRP and its promotion of affordable housing, it is concluded that this Housing Element and Fair Share Plan is generally consistent the draft SDRP.

Minimums & Maximums

The FHA2 stipulates certain requirements within C.52:27D-311.k(10)1 which the Haworth plan meets, as follows:

- A maximum of 30% of a municipality's Round 4 prospective need obligation may be met with age restricted housing: the Borough's plan conforms. No Round 4 units are age-restricted housing.
- A minimum of 50% of a municipality's Round 4 prospective need obligation must be satisfied with the creation of housing available to families with children. All units proposed for Round 4 are available to families with children.
- A minimum of 25% of a municipality's Round 4 prospective need obligation must be satisfied through rental housing. The units proposed on Terrace Street and Haworth Ave. would be rental units.

Multigenerational Housing Continuity

In 2021, the New Jersey Senate and General Assembly of the State of New Jersey enacted C.52:27D-329.20, which established the Multigenerational Family Housing Continuity Commission.

The commission's responsibilities include preparing and adopting recommendations on how to best advance the goal of "enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity, through the modification of State and local laws and policies in the areas of housing, land use planning, parking and streetscape planning, and other relevant areas." The commission members and associated staff shall conduct research, obtaining public input, and adopt recommendations on how to most effectively advance the goal of enhancing multigenerational family housing continuity.

We note that the Borough of Haworth's Round 4 Housing Element encourages inclusionary development in the Borough's Business District. This location is also proximate to the Borough's library, where the Borough hosts senior citizen events. Finally, the Borough's plan includes a variety of housing options, including some age restricted units at the Massachusetts Avenue site. Therefore, the Borough's ordinances advance the goals of preserving multifamily generational continuity.

Conclusion

Haworth will provide for its fair share of affordable housing despite having a vacant land deficiency. As shown, the Borough exceeded its Round 3 RDP and meets its Round 4 RDP. The overlay zone location is proximate to Borough library and municipal building, as well as commercial uses. This area is located within Planning Area 1 of the State Plan, which is the location where such growth is encouraged.

All affordable units will conform to necessary rules, legislation and regulations, including but not limited to bedroom distribution and income distribution. At least 13% of all affordable housing units will be available to very low income households. This plan addresses Haworth's affordable housing obligation within the confines of sound planning, and while respecting its built environment and development characteristics.

Appendices

This report contains the following appendices.

Appendix A: Vacant Land Adjustment Documentation

Appendix B: Affordable Housing Ordinance & Affirmative Marketing Plan. The Borough's existing ordinance is included. Modifications will be made as needed to comply with any future Round 4 requirements. The Mandatory Set-Aside Ordinance is also contained herein.

Appendix C: Development Fee Ordinance. The Borough's existing ordinance is included. Modifications will be made as needed to comply with any future Round 4 requirements.

Appendix D: Resolutions Appointing the Municipal Housing Liaison and Administrative Agent.

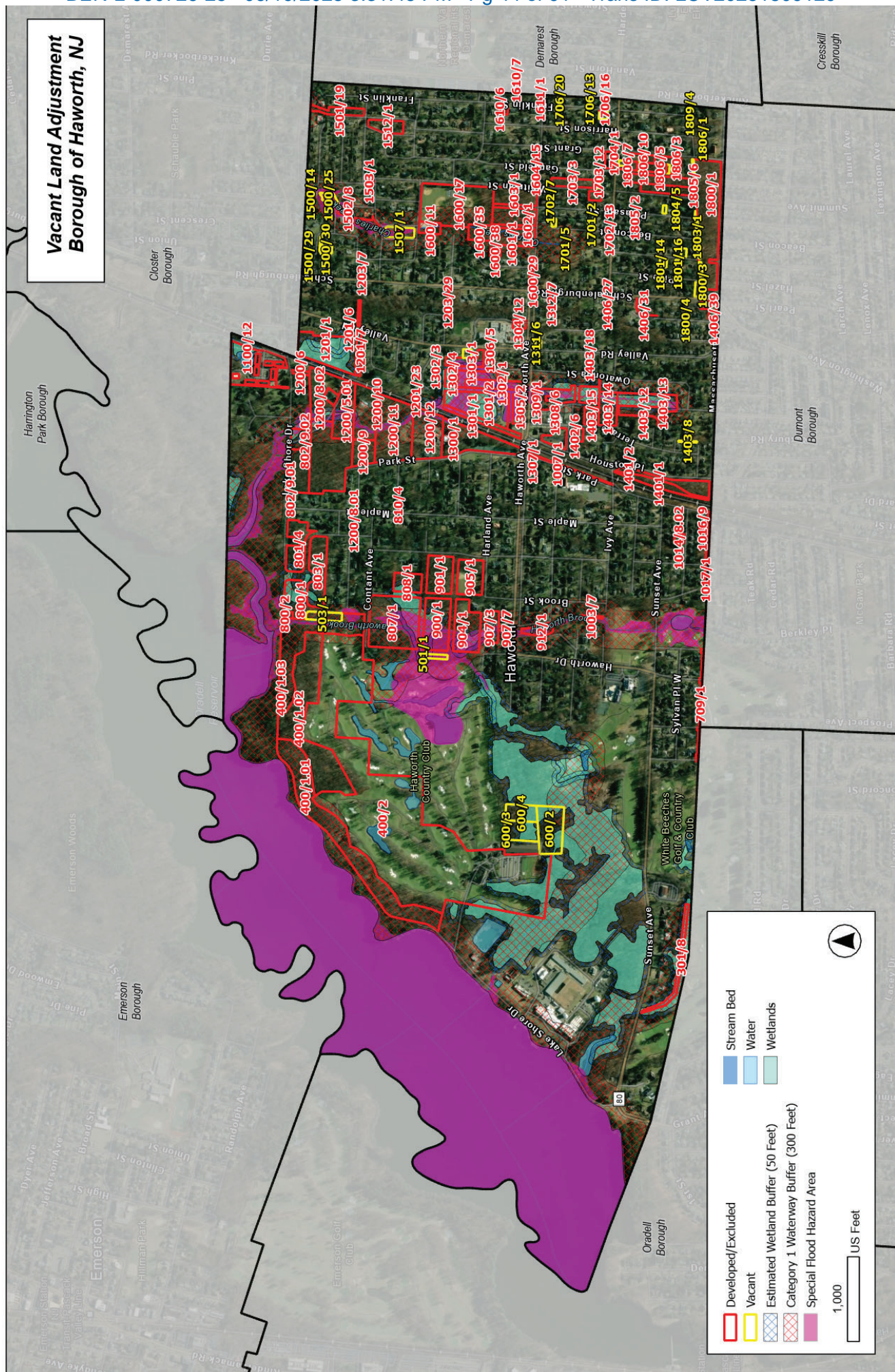
Appendix E: Draft Ordinances and Concept Plans for 320 Haworth Ave. and 139 Terrace Street.

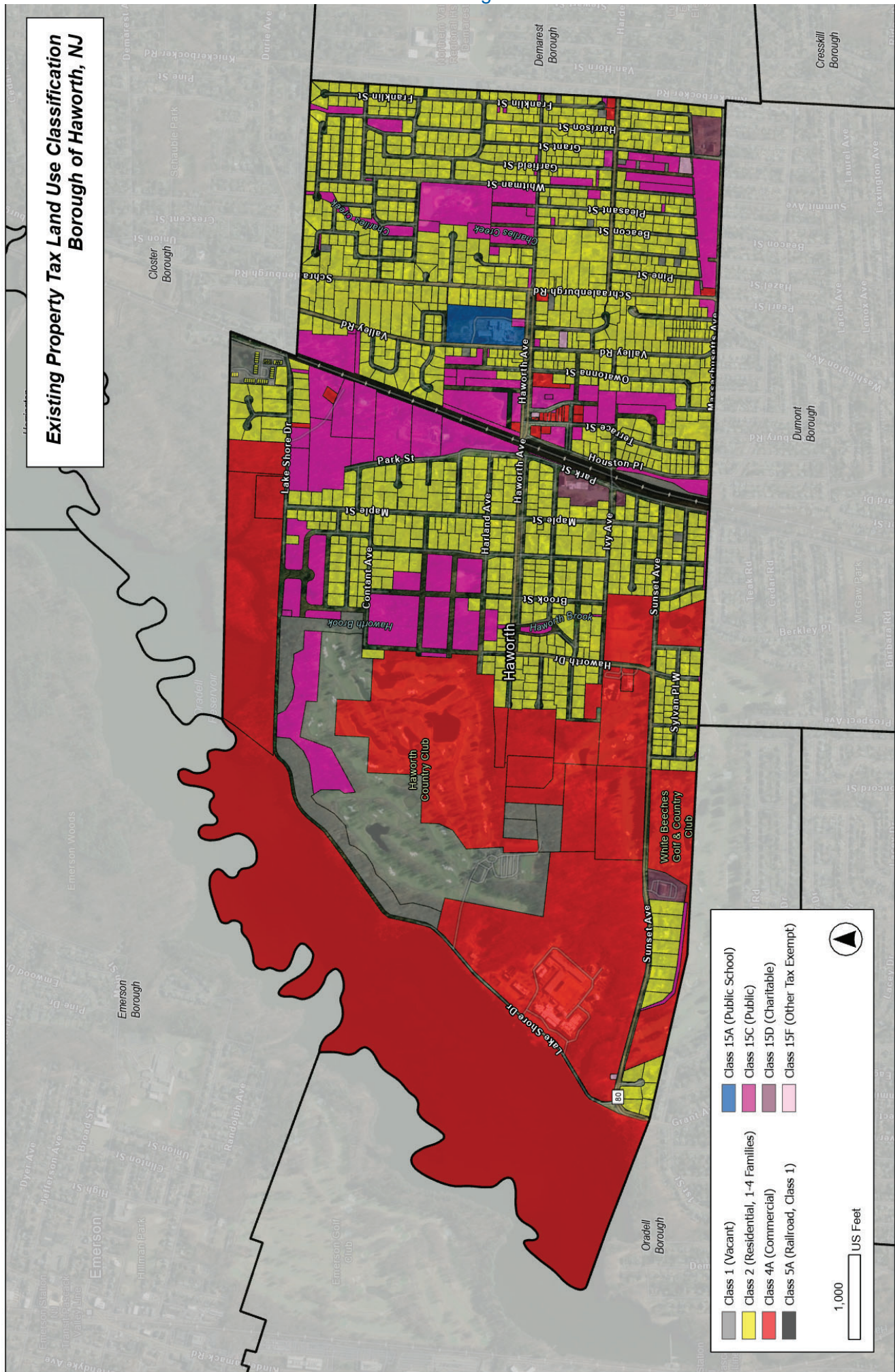
Appendix F: Development Fee Ordinance

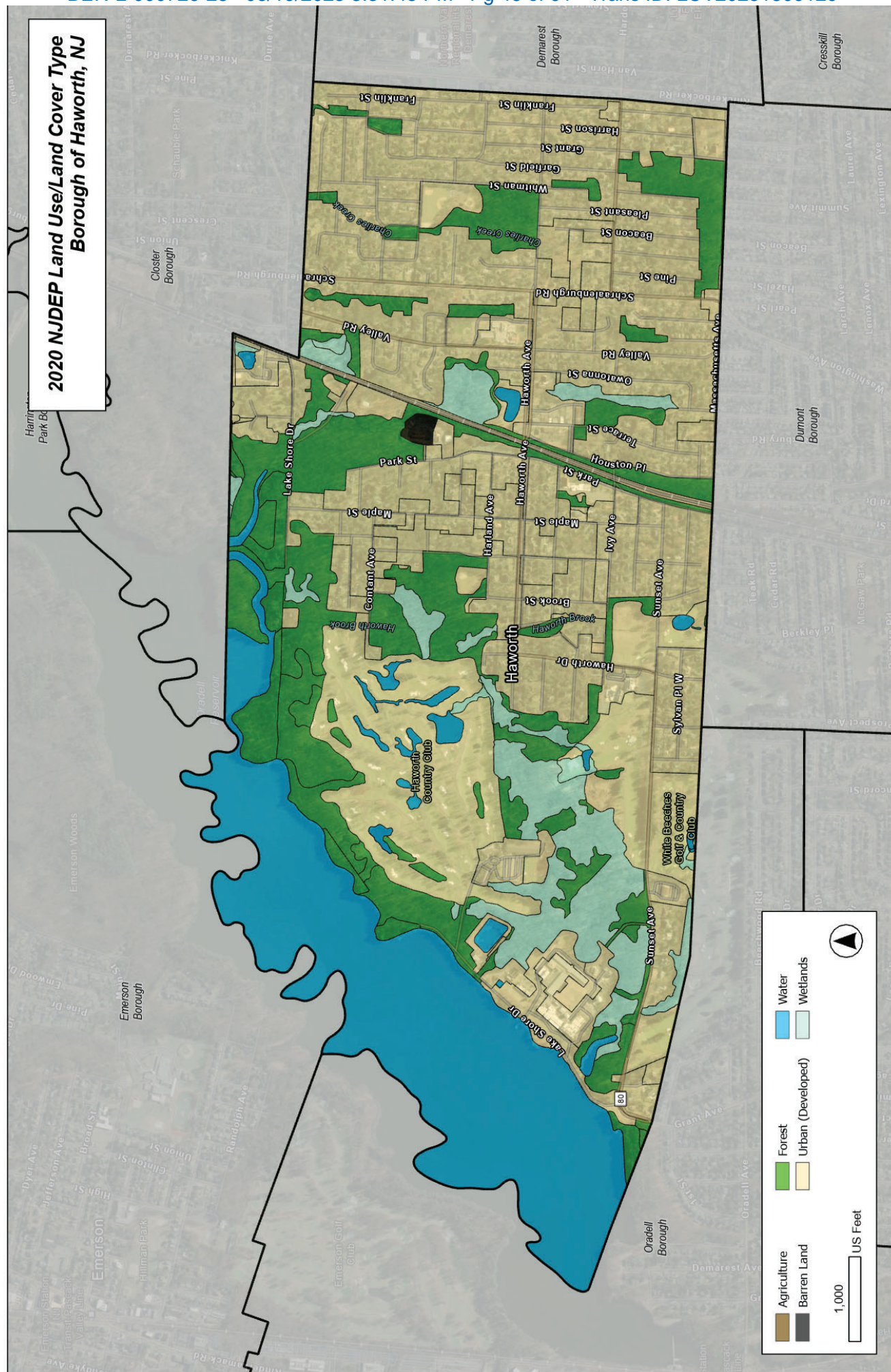
Appendix G: Spending Plan

Appendix A: Vacant Land Adjustment Documentation

[illegible]







Appendix B: Affordable Housing Ordinance and Affirmative Marketing Plan

BOROUGH OF HAWORTH

ORDINANCE NO. 19-12

AN ORDINANCE REPLACING THE ENTIRE CONTENTS OF CHAPTER XXX, AFFORDABLE HOUSING, 30-1 (AFFORDABLE HOUSING), 30-3 (MUNICIPAL HOUSING LIAISON), & 30-4 (COMPLIANCE WITH PRIOR ROUND AND THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS), TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (U.H.A.C.) REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE HOUSING OBLIGATION.

WHEREAS, The Haworth Borough Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Housing Element and Fair Share Plan has been endorsed by the Council. This Ordinance implements and incorporates the adopted and endorsed Housing Element and Fair Share Plan and addresses the requirements of N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C.5:80-26.1, et seq. as amended and supplemented, and the New Jersey Fair Housing Act of 1985.

WHEREAS, The Code of the Borough of Haworth is hereby amended to include provisions addressing Haworth's constitutional obligation to provide for its fair share of low- and moderate- income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This Ordinance is intended to provide assurances that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy those units. This Ordinance shall apply except where inconsistent with applicable law.

ARTICLE XXX: AFFORDABLE HOUSING & AFFIRMATIVE MARKETING

30-1.1 Title: This article shall be known and may be cited as the "Affordable Housing Ordinance of the Borough of Haworth."

30-1.2: Purpose

The purpose of this article is to establish a mechanism for assuring that housing units designed for occupancy by low-and-moderate income households remain affordable to and occupied by low-and moderate-income households.

30-1.3: Definitions

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

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

"Adaptable" means constructed in compliance with the technical design standards of the

Barrier Free Subcode, N.J.A.C. 5:23-7.

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

"**Affirmative marketing**" means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to NJ.AC. 5:80-26.15.

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

"**Affordable**" means, a sales price or rent level that is within the means of a low- or moderate• income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

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

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

"**Affordable unit**" means a housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

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

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

"**Alternative living arrangement**" means a structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New

Jersey Department of Community Affairs; residential health care facilities as regulated by the New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and congregate living arrangements.

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

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

"COAH" means the Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.).

"DCA" means the State of New Jersey Department of Community Affairs.

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

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

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

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

"Low-income household" means a household with a total gross annual household income equal to 50 percent or less of the regional median household income by household size.

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

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

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

"Median income" means the median income by household size for the applicable housing region as adopted annually by COAH or a successor entity approved by the Court.

"Moderate-income household" means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the regional median household income by household size.

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

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

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

"Regional asset limit" means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by duly adopted Regional Income Limits published annually by COAR or a successor entity.

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

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

"Restricted unit" means a dwelling unit, whether a rental unit or an ownership unit, that is

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

"UHAC" means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, et seq.

"**Very low-income household**" means a household with a total gross annual household income equal to 30 percent or less of the regional median household income by household size.

"**Very low-income unit**" means a restricted unit that is affordable to a very low-income household.

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

330-1.4: Applicability

- A. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Borough of HAWORTH pursuant to the Borough's most recently adopted Housing Element and Fair Share Plan.
- B. Moreover, this Ordinance shall apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.
- C. Any property in the Borough of Haworth that is currently zoned for nonresidential use and subsequently receives a zoning change, use variance or approval of a redevelopment plan to permit multi-family residential or single-family attached development; or any property in the Borough of Haworth that is currently zoned for residential use and receives a zoning change, density variance or approval of a redevelopment plan to permit multi-family residential development or single-family attached development, which multi-family or single-family detached residential development results in five (5) or more residential units shall provide a minimum affordable housing set-aside. The affordable set-aside for rental developments shall be 15 percent, and the affordable set-aside for for-sale developments shall be of 20 percent. The provisions of this ordinance shall not apply to residential expansions, additions, renovations, replacement or any other type of residential development that does not result in a net increase in the number of dwellings of five or more. This provision does not affect residential development on sites that are zoned for inclusionary residential development as part of the Borough's Housing Element and Fair Share Plan, which are subject to the affordable housing set-aside requirements set forth in the applicable zoning. This requirement does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation of the part of the Borough of Haworth to grant such rezoning, variance or other relief. A property shall not be

permitted to be subdivided so as to avoid compliance with this requirement. All affordable units created pursuant to this paragraph shall be governed by the provisions of this Ordinance.

30-1.5: Monitoring Requirements

- A. On the first anniversary of the execution of the Settlement Agreement, and every anniversary thereafter through July 1, 2025, the Borough agrees to 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 (FSHC) and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs (NJDC), Council on Affordable Housing (COAH), or Local Government Services (NJLGS). 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.
- B. On the first anniversary of the execution of the Settlement Agreement, and on every anniversary of that date through July 1, 2025, the Borough agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by COAH or any other forms endorsed by the Special Master and FSHC.
- C. By July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough will post on its municipal website, with a copy provided to FSHC, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the Court regarding these issues.
- D. For the review of the very-low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the Settlement Agreement, executed June 21, 2018, and every third year thereafter, the Borough will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very low income requirements, including its family very low income requirements. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very low income and family very low income housing obligations.

30-1.6: Alternative Living Arrangements

- A. The administration of an alternative living arrangement shall be in compliance with 5:93-5.8 and UHAC, with the following exceptions:
- (1) Affirmative marketing (N.J.A.C. 5:80-26.15), provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;
 - (2) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3).
- B. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least 30 year controls on affordability in accordance with UHAC, unless an alternative commitment is approved by the Court.
- C. The service provider for the alternative living arrangement shall act as the Administrative Agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

30-1.7: Phasing Schedule for Inclusionary Zoning

In inclusionary developments the following schedule shall be followed:

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

30-1.8: New Construction

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

- (1) The fair share obligation shall be divided equally between low- and moderate- income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit. At least 13 percent of all restricted rental units shall be very low income units (affordable to a household earning 30 percent or less of regional median income by household size). The very low income units shall be counted as part of the required number of low income units within the development.
- (2) In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be very low or low-income units.
- (3) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - (b) At least 30 percent of all low- and moderate-income units shall be two bedroom units;
 - (c) At least 20 percent 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.
- (4) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

B. Accessibility Requirements:

- (1) The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free SubCode, N.J.A.C. 5:23-7 and the following:
- (2) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:

- (a) An adaptable kitchen on the first floor; and
- (b) An adaptable toilet and bathing facility on the first floor; and
- (c) An interior accessible route of travel on the first floor; and
- (d) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
- (e) If all of the foregoing requirements in 2(a) through 2(d) cannot be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs 2(a) through 2(d) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
- (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-31 l a, et seq.) and the Barrier Free SubCode, N.J.A.C. 5:23-7, or evidence that HAWORTH has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
 - a. Where a unit has been constructed with an adaptable entrance, upon the request of a disabled individual who is either 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 HAWORTH's Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent (10%) of the affordable units that have been constructed with adaptable entrances.
 - c. The funds deposited under paragraph f(b) above shall be used by the Borough of HAWORTH for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.

- d. The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Borough of HAWORTH for the conversion of adaptable to accessible entrances.
- e. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free SubCode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's Affordable Housing Trust Fund in care of the Borough Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
- a. 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.

C. Design:

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

D. Maximum Rents and Sales Prices:

- (1) In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the regional income levels established by COAH or a successor entity.
- (2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.
- (3) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, earning 30% or less of the regional median household income, with such very low-income units shall be part of the low-income requirement.

- (4) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.
- (5) In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
 - (a) A studio shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one and one-half person household;
 - (c) A two-bedroom unit shall be affordable to a three-person household;
 - (d) A three-bedroom unit shall be affordable to a four and one-half person household; and
 - (e) A four-bedroom unit shall be affordable to a six-person household.
- (6) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
 - (a) A studio shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one and one-half person household; and
 - (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.

- (7) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (8) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (9) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.
- (10) The rents of very low-, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rent increases for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

30-1.9: Utilities

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

30-1.10: Occupancy Standards

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

- A. Provide an occupant for each bedroom;
- B. Provide children of different sexes with separate bedrooms;
- C. Provide separate bedrooms for parents and children; and
- D. Prevent more than two persons from occupying a single bedroom.

300-1.11: Control Periods for Restricted Ownership Units and Enforcement Mechanisms

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until HAWORTH takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- B. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- C. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
- D. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- E. The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- F. A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

300-1.12: Price Restrictions for Restricted Ownership Units, Homeowners Associates Fees and Resale Prices

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

- A. The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- B. The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- C. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
- D. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See Section 200-54.21.

300-1.13: Buyer Income Eligibility

- A. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
- B. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the Borough Council, and subject to the Court's approval, permit a moderate-income purchaser to buy a low-income unit if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit.
- C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a

restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.

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

30-1.14: Limitations on Indebtedness Secured by Ownership Unit; Subordination

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

30-1.15: Capital Improvements to Ownership Units

- A. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that add an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
- B. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to 10-year, straight-line depreciation, has been approved by the Administrative Agent. Unless otherwise approved by the

Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

30-1.16: Control Periods for Restricted Rental Units

- A. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 30 years, until HAWORTH takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- B. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Bergen. The deed shall identify each affordable unit by apartment number or address, and identify whether that unit is designated as a moderate, low or very low income unit. The affordability designation shall not change during the term of the deed restriction. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- C. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
 - (1) Sublease or assignment of the lease of the unit;
 - (2) Sale or other voluntary transfer of the ownership of the unit; or
 - (3) The entry and enforcement of any judgment of foreclosure on the property containing the unit.

30-1.17: Rent Restrictions for Rental Units: Leases

- A. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.

- C. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
- D. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15% of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

30-1.18: Tenant Income Eligibility

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

- (5) The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- C. The applicant shall file documentation sufficient to establish the existence of the circumstances in A(1) through B(5) above with the Administrative Agent, who shall counsel the household on budgeting.

30-3: MUNICIPAL HOUSING LIAISON

30-3.1: PURPOSE: The purpose of this section is to create the administrative mechanism needed for the execution of the Borough of Haworth's responsibility to assist in the provision of affordable housing.

- A. The Borough of Haworth shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for overseeing the Borough's affordable housing program, including affordability controls; the Affirmative Marketing Plan; monitoring and reporting requirements; and supervising the Administrative Agent(s). Haworth shall adopt an Ordinance creating the position of Municipal Housing Liaison and a Resolution appointing the person to fulfill the position of Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full or part time municipal employee.
- B. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Haworth, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - (1) Serving as Haworth's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - (2) Monitoring the status of all restricted units in Haworth's Fair Share Plan;
 - (3) Compiling, verifying, submitting and posting all monitoring reports as required by the Court and by this Ordinance;
 - (4) Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
 - (5) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.
- C. Subject to the approval of the Court, the Borough of Haworth shall designate one or more Administrative Agent(s) to administer and to affirmatively market the affordable units constructed in the Borough in accordance with UHAC and this Ordinance. 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 work of the Administrative Agent(s).

- D. Compensation shall be fixed by the governing body at the time of the appointment of the Municipal Housing Liaison.

30-4: Administrative Agent

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

A. Affirmative Marketing:

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

B. Household Certification:

- (1) Soliciting, scheduling, conducting and following up on interviews with interested households;
- (2) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a very low, low or moderate income unit;
- (3) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
- (4) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
- (5) Creating and maintaining a referral list of eligible applicant households living in

the housing region and eligible applicant households with members working in the housing region where the units are located;

- (6) Employing a random selection process as provided in the Affirmative Marketing Plan of the Borough of Haworth when referring households for certification to affordable units; and
- (7) Notifying the following entities of the availability of affordable housing units in the Borough of Haworth: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, Bergen County NAACP, Urban League of Bergen County, Bergen County Housing Coalition, and Supportive Housing Association.

C. Affordability Controls:

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

D. Resales and Re-rentals:

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

E. Processing Requests from Unit Owners:

- (1) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of

their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;

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

F. Enforcement:

- (1) Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
- (2) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
- (3) Posting annually, in all rental properties (including two-family homes), a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;
- (4) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
- (5) Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and
- (6) Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Borough Council and the Court, setting forth procedures for administering the affordability controls.

G. Additional Responsibilities:

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

- (2) The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet the Court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this Ordinance and the Settlement Agreement.
- (3) The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

30-4.2: Administrative Marketing Requirements

- A. The Borough of Haworth shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, that is compliant with N.J.A.C. 5:80- 26.15, as may be amended and supplemented.
- B. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region, and due to the Borough's Settlement Agreement, must include notice to the Fair Share Housing Center, the NJ State Conference of the NAACP, the Latino Action Network, Bergen County NAACP, Urban League of Bergen County, Bergen County Housing Coalition, and Supportive Housing Association. It is a continuing program that directs marketing activities toward Housing Region 1 and is required to be followed throughout the period of restriction.
- C. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 1, comprised of Bergen, Hudson, Passaic and Sussex Counties.
- D. The 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 HAWORTH shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
- E. In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

- F. The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
- G. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
- H. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.
- I. In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in HAWORTH, and copies of the application forms, to the following entities: the FAIR Share Housing Center, the NJ State Conference of the NAACP, the Latino Action Network, Bergen County NAACP, Urban League of Bergen County, Bergen County Housing Coalition, and Supportive Housing Association.
- J. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

30-4.3: Enforcement of Affordable Housing Regulations

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

the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:

- (a) A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense; in the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Haworth Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - (b) In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
- (2) The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit.
- (a) The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.
 - (b) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the

two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.

(c) 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 Sheriffs 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 Sheriffs sale shall not be entitled to any right of redemption.

(d) If there are no bidders at the Sheriffs 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.

(e) Failure of the low- and moderate-income unit to be either sold at the Sheriffs sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate income unit as permitted by the regulations governing affordable housing units.

(f) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

Appeals

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

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are

repealed as to such inconsistencies.

SEVERABILITY

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

EFFECTIVE DATE

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

THOMAS FERENCE, Mayor

ANN E. FAY, RMC, Borough Clerk

Introduced:

Adopted:

Approved:

Appendix C: Development Fee Ordinance

*CC. Bldg Dept
Tax Assessor
Tax Collector*

BOROUGH OF HAWORTH

ORDINANCE #16-09

**AN ORDINANCE TO AMEND CHAPTER XXVI OF
THE CODE OF THE BOROUGH OF HAWORTH
ENTITLED, "LAND USE REGULATIONS".**

BE IT ORDAINED by the Mayor and Council of the Borough of Haworth,
County of Bergen, State of New Jersey, as follows:

Section 1.

Chapter XXVI of the Code of the Borough of Haworth, Land Use
Regulations, Article 26-1100, Development Fees, §26-1101.4, Residential
Development Fees, and §26-1101.5, Nonresidential Development Fees, be and
is hereby amended to read as follows:

§26-1101.4 Residential Development Fees.

a. Within all Zoning Districts, developers shall pay
a development fee of one and one-half (1.5%)
percent of the equalized assessed value of any
eligible residential activity pursuant to Subsection
26- 1101.7.

b. When an increase in residential density
pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d"
variance) has been permitted, developers may be
required to pay a development fee of six (6%) 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 for two units, the fees could equal one and one-half (1.5%) percent of the equalized assessed value on the first two units; and the specified higher percentage up to six (6%) 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.

§26-1101.5 Nonresidential Development Fees.

Developers within all Zoning Districts shall pay a fee of two and one-half (2.5%) percent of equalized assessed value for eligible nonresidential activities pursuant to Subsection 26-1101.7.

Section 2. Severability.

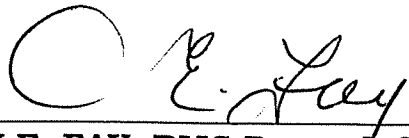
If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not effect, impair or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

Section 3. Inconsistent Ordinances Repealed.

All ordinances or parts or ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

Section 4. Effective Date.

This Ordinance shall take effect after publication thereof and final passage as required by law.



ANN E. FAY, RMC Borough Clerk



JOHN SMART, Mayor

Introduced: September 13, 2016
Adopted: October 25, 2016
Approved: October 25, 2016

**Appendix D: Resolutions Appointing the Municipal Housing Liaison and
Administrative Agent**

**BOROUGH OF HAWORTH
NEW JERSEY**

**RESOLUTION APPOINTING
PIAZZA & ASSOCIATES AS
ADMINISTRATIVE AGENT FOR THE
MARKETING, REVIEW, SALE, AND RENTAL
OF AFFORDABLE HOMES AND
QUALIFICATION OF APPLICANTS**

WHEREAS, on June 20, 2019 the Honorable Christine A. Farrington entered an Order Approving Settlement Agreement In Connection With Fairness and Preliminary Compliance Hearing ("the Order") in a matter entitled, "In The Matter of The Application of The Borough of Haworth", Docket No. BER-L-5912-15; and

WHEREAS, said Order approved a Settlement Agreement between the Borough and Fair Share Housing Center and determines preliminarily that the Boroughs' proposal for satisfying its affordable housing obligation through 2025 is constitutionally valid; and

WHEREAS, the Order further provides that the Borough is required to satisfy conditions set forth in the report of Special Master Michael P. Bolan dated June 13, 2019 (attached to the Order as Exhibit B); and

WHEREAS, the report of the Special Master requires that the Mayor and Council adopt a resolution appointing an Administrative Agent to administer affordable units in accordance with the Uniform Housing Affordability Controls, *N.J.A.C. 5:80-26.1, et seq.*; and

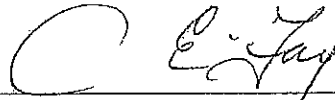
WHEREAS, the Borough is in receipt of a proposal from Piazza & Associates to serve as the Borough's Administrative Agent; and

WHEREAS, the Governing Body has reviewed the proposal and credentials of Piazza & Associates.

NOW THEREFORE BE IT RESOLVED that Mayor Thomas Ference be and is hereby authorized to execute an Agreement with Piazza & Associates to provide affordable housing services to the Borough and to serve as its Administrative Agent.

Councilperson	Moved	Seconded	Aye	Nay	Abstain	Absent
Poosikian						✓
Rosenberg	✓		✓			
Bain		✓	✓			
Guenego			✓			
Siciliano						✓
Wasser			✓			

I hereby certify that the above resolution is a true copy of a resolution adopted by the Mayor and Council on August 13, 2019.


 ANN E. FAY, Borough
 Clerk/Administrator

**BOROUGH OF HAWORTH
BERGEN COUNTY
RESOLUTION 2025-112**

**RESOLUTION AMENDING RESOLUTION 2025-055 TO REFLECT A VACANCY IN
THE POSITION OF AFFORDABLE HOUSING LIAISON AND APPOINTING LIANA
PIRETRA TO THE POSITION**

WHEREAS, the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq., mandates that municipalities ensure the availability of affordable housing opportunities and may designate a liaison to facilitate communication between the municipality and the New Jersey Council on Affordable Housing (COAH) or other appropriate state agencies; and

WHEREAS, N.J.A.C. 5:97-1.1 et seq. requires municipalities to appoint an Affordable Housing Liaison to oversee the municipality's compliance with affordable housing obligations and regulations; and

WHEREAS, the Borough of Haworth previously adopted Resolution 2025-055, appointing Carolyn Lee as the Affordable Housing Liaison; and

WHEREAS, Carolyn Lee's departure has resulted in a vacancy in the position of Affordable Housing Liaison; and

WHEREAS, the Governing Body of the Borough of Haworth wishes to amend Resolution 2025-055 to reflect this vacancy and to appoint Liana Piretra as the Affordable Housing Liaison for the Borough, effective immediately, to fulfill the responsibilities outlined in N.J.A.C. 5:97 and other applicable statutes and regulations; and

WHEREAS, the salary for the Affordable Housing Liaison shall be determined in accordance with the provisions of the Borough's Local Salary Ordinance, as may be amended from time to time;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Haworth, County of Bergen, State of New Jersey, as follows:

1. Amendment of Resolution 2025-055

Resolution 2025-055 is hereby amended to reflect the vacancy created by the departure of Carolyn Lee from the position of Affordable Housing Liaison.

2. Appointment of Affordable Housing Liaison

The Borough of Haworth hereby appoints Liana Piretra as the Affordable Housing Liaison for the Borough, effective immediately. Ms. Piretra shall serve in this capacity for the Borough and shall be responsible for overseeing and managing all matters relating to affordable housing, including compliance with state regulations and coordination with the New Jersey Council on Affordable Housing or any successor agency.

3. Duties of the Affordable Housing Liaison

The Affordable Housing Liaison shall have the following responsibilities:

- Ensuring the Borough's compliance with affordable housing regulations, including the submission of required reports and documentation to state agencies;
- Acting as the primary point of contact for the New Jersey Council on Affordable Housing (COAH) or any successor agency;
- Coordinating with developers, residents, and other stakeholders on affordable housing matters within the Borough;
- Monitoring and assisting with the processing of affordable housing development applications and projects;
- Providing regular updates to the Governing Body regarding affordable housing matters;
- Assisting residents in accessing affordable housing programs and ensuring that the Borough remains compliant with all relevant laws and regulations.

4. **Salary**

The salary for the Affordable Housing Liaison shall be established in accordance with the provisions of the Borough's Local Salary Ordinance, which shall govern compensation for this position. The salary will be subject to review and adjustment as determined by the Governing Body in accordance with the salary ordinance.

Councilperson	Moved	Seconded	Aye	Nay	Abstain	Absent
Poosikian						X
Rosenberg	X		X			
Siciliano						X
Davis			X			
Di Iorgi			X			
Laub		X	X			

This resolution shall take effect immediately upon its adoption by the Mayor and Council and shall be enforced in accordance with all applicable laws and regulations.

I hereby certify that the above resolution is a true copy of a resolution adopted by the Mayor and Council on March 11, 2025.
APPROVED:

Greg Zagaja
Municipal Clerk

Heather Wasser
Mayor

Appendix E: Draft Ordinances and Concept Plans

139 Terrace Street
Borough of Haworth, Bergen County
Creation of New Zone District Permitting Inclusionary Development
DRAFT ORDINANCE – June 4, 2025

The following shall be added to Section XX of the Haworth Land Use Ordinance:

- A. This ordinance creates a new zone district, known as Zone XXX to include only the property known as Block 1308, Lot 1/139 Terrace Street.
- B. Intent and purpose. It is the intent and purpose of this district to facilitate creation of an inclusionary development that will diversify housing opportunities and satisfy the Borough's Round 4 affordable housing obligation.
- C. Permitted uses. Any one or a combination of the following uses are permitted.
 - (1) Mixed-use development, containing:
 - (a) The ground floor use shall be a business or commercial use that is permitted in Business District "D"/Business Zone, as provided in Subsection 26-502.4a. of the Land Use Ordinance, as well as a lobby or other common space for the residential units.
 - (b) The second and third floors shall contain residential dwelling units.
 - (c) Residential dwelling units are not permitted on the ground floor.
 - (2) Private indoor and outdoor recreational facilities for the use of residents of the subject property.
 - (3) Parking, both surface and/or structured.
 - (4) Accessory uses and accessory structures customarily incidental to the above uses and located on the same lot as the principal use to which they are accessory.
- D. Permitted Conditional Use
 - (1) Mixed-use development as permitted in Subsection 26-502.4.b.4 of the Land Use Ordinance.
- E. Area and Bulk Requirements:
 - (1) Minimum lot size: 11,700 square feet
 - (2) Maximum gross density: 37 du/ac

- (3) Maximum number of dwelling units: 10 units
- (4) Minimum tract perimeter building setbacks:
 - (a) Terrace Street: 3 feet
 - (b) St. Nicholas Ave. : 0 ft.
 - (c) Stevens Place: 0 ft.
- (5) Parking & Loading
 - (a) 16 parking spaces shall be provided, including (1) one ADA accessible space and one (1) Electric Vehicle (EV) make ready space.
 - (b) A loading space is not required.
- (6) Maximum principal building height: 35 ft. and three (3) stories
- (7) Maximum impervious coverage: 98.7%

F. Site Design Requirements:

- (1) Signs are permitted pursuant to Section 26-702 (Signs in Business Zone “D”).
- (2) Parapets are excluded from building height calculations.
- (3) Architectural features including fenestration, step-backs, variations in building height and rooflines and varying color schemes are to be used to break up the mass and appearance of the building, in particular along the St. Nichols Ave. frontage.
- (4) The site layout and design shall be substantially consistent with the engineering plan entitled, “Concept Map, 139 Terrace Street,” prepared by MCB Engineering Associates, LLC, dated April 2025, and architectural plans entitled, “Terrace Street Development,” consisting of four (4) sheets, prepared by Zampolin & Associates, dated April 25, 2025.

G. Affordable Housing

- (1) Not less than 20% of the total dwelling units shall be restricted to low and moderate households, with 13% of the affordable units being available to very low income household;ds. These households shall be available to families, and shall not be restricted to any specific demographic or population.
- (2) If the required total number of residential units does not result in a full integer, the developer shall round up to the nearest full integer.
- (3) The affordable units shall be developed and administered in accordance with the Fair Housing Act (NJSA 52:27D-301 et. seq.), Local Planning Services regulations (N.J.A.C. 5:99), and UHAC regulations (N.J.A.C. 5:80-26.1), and as

required under Chapter 30, Affordable Housing and Affirmative Marketing Regulations, of the Code of the Borough of Haworth. Such requirements include but are not limited to the following: income distribution, bedroom distribution, affordability controls (not less than 40 years for rental units and 30 years for sale units).

- (4) The affordable units shall be integrated throughout the development.

End of Draft Ordinance

320 Haworth Ave
Borough of Haworth, Bergen County
Creation of New Zone District Permitting Inclusionary Development
DRAFT ZONING ORDINANCE – June 4, 2025

The following shall be added to Section XX of the Haworth Land Use Ordinance:

- A. This ordinance creates a new zone district, known as Zone XXX to include only the property known as Block 1307, Lot 2/320 Haworth Avenue.
- B. Intent and purpose. It is the intent and purpose of this district to facilitate creation of an inclusionary development that will diversify housing opportunities and satisfy the Borough's Round 4 affordable housing obligation.
- C. Permitted uses. Any one or a combination of the following uses are permitted.
 - (1) Mixed-use development, containing:
 - (a) The ground floor use shall be a business or commercial use that is permitted in Business District "D"/Business Zone, as provided in Subsection 26-502.4a. of the Land Use Ordinance, as well as a lobby or other common space for the residential units.
 - (b) The second and third floors shall contain residential dwelling units.
 - (c) Residential dwelling units are not permitted on the ground floor.
 - (2) Private indoor and outdoor recreational facilities for the use of residents of the subject property.
 - (3) Parking, both surface and/or structured.
 - (4) Accessory uses and accessory structures customarily incidental to the above uses and located on the same lot as the principal use to which they are accessory.
- D. Permitted Conditional Use
 - (1) Mixed-use development as permitted in Subsection 26-502.4.b.4 of the Land Use Ordinance.
- E. Area and Bulk Requirements:
 - (1) Minimum lot size: 19,600 square feet
 - (2) Maximum gross density: 34 du/ac

- (3) Maximum number of dwelling units: 15 units
- (4) Minimum tract perimeter building setbacks:
 - (a) Terrace Street: 3.4 feet
 - (b) Haworth Ave: 6.4 ft.
 - (c) Houston Place: 10.8 ft.
- (5) Parking & Loading
 - (a) 27 parking spaces shall be provided, including (1) one ADA accessible space and one (1) Electric Vehicle (EV) make ready space.
 - (b) A loading space is not required.
- (6) Maximum principal building height: 35 ft. and three (3) stories
- (7) Maximum impervious coverage: 87.7%

F. Site Design Requirements:

- (1) Signs are permitted pursuant to Section 26-702 (Signs in Business Zone “D”).
- (2) Parapets are excluded from building height calculations.
- (3) Architectural features including fenestration, step-backs, variations in building height and rooflines and varying color schemes are to be used to break up the mass and appearance of the building, in particular along the St. Nichols Ave. frontage.
- (4) The site layout and design shall be substantially consistent with the engineering plan entitled, “Concept Map, 320, Haworth Ave.,” prepared by MCB Engineering Associates, LLC, dated November 25, 2024, and an architectural plans entitled, “Terrace Street Development,” consisting of four (4) sheets, prepared by Zampolin & Associates, dated April 25, 2025.

G. Affordable Housing

- (1) Not less than 20% of the total dwelling units shall be restricted to low and moderate households, with 13% of the affordable units being available to very low income households. These households shall be available to families, and shall not be restricted to any specific demographic or population.
- (2) If the required total number of residential units does not result in a full integer, the developer shall round up to the nearest full integer.
- (3) The affordable units shall be developed and administered in accordance with the Fair Housing Act (NJSA 52:27D-301 et. seq.), Local Planning Services regulations (N.J.A.C. 5:99), and UHAC regulations (N.J.A.C. 5:80-26.1), and as

required under Chapter 30, Affordable Housing and Affirmative Marketing Regulations, of the Code of the Borough of Haworth. Such requirements include but are not limited to the following: income distribution, bedroom distribution, affordability controls (not less than 40 years for rental units and 30 years for sale units).

- (4) The affordable units shall be integrated throughout the development.

End of Draft Ordinance

