

Master Plan Amendment Housing Plan Element and Fair Share Plan Round 4

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

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Borough of Oradell Planning Board

Prepared by:



T&M Associates
11 Tindall Road
Middletown, NJ 07748

Caroline Z. Reiter, PP, AICP
NJ Professional Planner: 33LI00534300

Robert E. Dare, PP, AICP
NJ Professional Planner: 33LI00596400

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

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Jeffrey R. Surenian, Esq., Affordable Housing Counsel

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Housing Element

The Borough of Oradell, 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 designed to achieve the goal of addressing 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 1, 2025 and June 30, 2035. It addresses the Borough's cumulative fair share obligation for the period from 1987 through 2035.

This plan will replace the Round 3 Housing Element and Fair Share Plan. In this regard, the Borough adopted a Round 3 Housing Element on November 5, 2018 that implemented a settlement the Borough reached with Fair Share Housing Center, Inc (FSHC) and that the Court formally approved when it entered a Judgment of Compliance and Repose. The Borough and its Planning Board amended that Round 3 Plan in 2022.

Affordable Housing in New Jersey

The Mt. Laurel doctrine requires municipalities to provide a realistic opportunity for their fair share of low and moderate income housing unless the municipality lacks sufficient land to meet the new construction component of its fair share in which case, the municipality is entitled to an adjustment. The adjusted number is called the "realistic development potential" or the "RDP" and land-poor municipalities must create a realistic opportunity for satisfaction of their realistic development potential. The balance of the obligation that municipalities lack sufficient land to address is called the unmet need. Land-poor municipalities have lower responsibilities with respect to their unmet need.

This plan summarizes how the Borough satisfied its realistic development potential and unmet need for through Round 3. This Plan will also detail how the Borough will address its responsibilities in Round 4.

In 1985, the Legislature adopted the New Jersey Fair Housing Act (FHA). The FHA established the New Jersey Council on Affordable Housing (COAH) and charged COAH with the responsibility to develop rules and regulations to implement the Act. The FHA also charged COAH with processing applications by municipalities to secure approval of their Housing Element and Fair Share Plans. Under the FHA, municipalities would petition COAH for approval of their Housing Element and Fair Share Plans and when COAH reached the point where it found a plan to be satisfactory, it would adopt a resolution granting substantive certification.

In 1986, COAH adopted its first set of rules, known as 'Round 1' for the period of 1987 through 1993. In 1994, COAH adopted Round 2 regulations identifying each municipality's obligations for Rounds 1 and 2. These rounds are now combined and collectively referred to as the 'Prior Round,' and cover the period from 1987 to 1999.

In 2005, COAH adopted its first Round 3 rules. 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 many of them in 2007. COAH then adopted its second set of Round 3 rules in 2008; and these rules also used the Growth Share methodology. In 2010, the Appellate Division invalidated many of these rules again. The Court directed COAH to prepare new rules that used the Prior Round methodologies to establish the fair share of each municipality and not a growth share approach. In the prior rounds, COAH determined a municipality's obligation by determining the region within which the municipality was located; the need for affordable housing in that region; and the municipality's fair share of that regional need.

Municipalities appealed the Appellate Division's decision to the Supreme Court and, in 2013, the Supreme Court affirmed the Appellate Division's invalidation of several Round 3 regulations. The Supreme Court also directed COAH to adopt valid regulations in five months using the methodologies from Rounds 1 and 2 to determine the fair share of municipalities and not a growth share approach.

In 2014, in response to the Supreme Court's rulings, COAH proposed new regulations that used the approach from prior rounds to determine fair share responsibilities and not growth share. However, when it came time to adopt the proposed regulations, COAH deadlocked 3-3 and then never made any efforts to break the deadlock. In response to COAH's failure to act, Fair Share Housing Center (FSHC) filed a motion to enforce litigant's rights with the Supreme Court

On March 10, 2015 the Supreme Court issued its decision in response to the motion. In this decision, commonly referred to as "Mount Laurel IV", the Court declared COAH "moribund" and transferred COAH's responsibilities back to the courts. Instead of COAH adopting regulations to implement the FHA, the courts would determine the rules through their decisions. Instead of COAH processing petitions for approvals of Housing Element and Fair Share Plans, the courts would. In this regard, the Court also established a new procedure to allow towns, like Oradell, that wished (a) to

comply to comply in a procedure overseen by a court and (b) to obtain immunity while they sought court approval of their plans. That procedure required a municipality to file a declaratory relief action and to seek approval of a Housing Element and Fair Share Plan in that judicial proceeding.

On or about July 8, 2015, the Borough of Oradell filed its action of Declaratory Judgment with the Court in accordance with this new procedure. In this lawsuit, FSHC challenged the Housing Element and Fair Share Plan that the Borough filed. FSHC and the Borough then engaged in a mediation process under the supervision of the court-appointed Special Master. Mediation culminated in a settlement between Oradell and FSHC. These parties entered into a settlement on June 10, 2018 and amended their settlement on May 18, 2021.

Oradell adopted a Housing Element and Fair Share Plan to implement the June 10, 2018 settlement and on September 19, 2019, the Court entered a judgment of compliance and repose (JOR) formally approving that Plan. In the settlement, FSHC and the Borough agreed that the Borough was entitled to a vacant land adjustment and on the means by which the Borough would create a realistic opportunity for satisfaction of its realistic development potential and how it would address its unmet need. Accordingly, the Housing Element and Fair Share Plan the Court approved included the vacant land adjustment; the means by which the Borough would create a realistic opportunity for satisfaction of its realistic development potential and the means by which the Borough would address its unmet need.

Round 4 Affordable Housing

On March 20, 2024 Governor Murphy signed an amendment to the FHA into law that made sweeping changes to the Act. The Amended FHA (“FHA 2”) abolished the Council on Affordable Housing (COAH), directed the Department of Community Affairs (DCA) to prepare nonbinding affordable housing obligations based on standards in the Act. FHA II also recast the standards for securing bonuses, and imposed strict deadlines on municipalities.

Pursuant to the FHA 2, municipalities must commit to a fair share number in January of 2025 and adopt a Housing Element and Fair Share Plan to address that number by June 30, 2025. This plan conforms to the requirements established in FHA 2. It summarizes how the Borough satisfied its responsibilities in Rounds 1- 3 and explains how it is addressing its new obligations in Round 4.

Mandatory Contents of the Housing Element

Pursuant to the 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 discuss the municipality's demographic, housing, and economic characteristics. The following subsections fulfill this requirement by providing a profile of information for the Borough of Oradell 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 Oradell and Bergen County from 1930 to 2020. As shown, Oradell's population increased by 5,884 residents during this period. The greatest increases occurred in the periods from: 1950 to 1960, when the Borough's population increased by approximately 104.3 percent; 1940 to 1950, when there was an increase of approximately 30.8 percent; between 1960 and 1970, when population increased by approximately 18.9 percent; and between 1930 and 1940, when population increased by 18.7 percent. In no other decades did the Borough's population increase by more than 3.3 percent. There were decreases in population between 1980 and 1990, when the Borough's population decreased by about 7.3 percent; 1970 and 1980, when the Borough's population decreased by 2.8 percent; and 2000 and 2010, when the Borough's population decreased by about 0.9 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 104.3 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 Oradell and Bergen County

Borough

<u>Year</u>	<u>Population</u>	<u>Number</u>	<u>Change</u> <u>Percent</u>
1930	2,360	-----	-----
1940	2,802	442	18.7
1950	3,665	863	30.8
1960	7,487	3,822	104.3
1970	8,903	1,416	18.9
1980	8,658	-245	-2.8
1990	8,024	-634	-7.3
2000	8,047	23	0.3
2010	7,978	-69	-0.9
2020	8,244	266	3.3

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 Oradell during 2010 and 2020. As can be seen, the population increased by 266 residents or 3.3 percent between 2010 and 2020. The age cohorts with the largest increases were: 65-74, which increased by 225 residents or 33.8 percent; 15-24, which increased by 235 residents or 28.1 percent; 25-34, which increased by 111 residents or 22.9 percent; and 55-64, which increased by 121 residents or 10.9 percent. The maximum increase in any other age-cohort was 8.2 percent. The following age-cohorts experienced declines in population between 2010 and 2020: 45-54, which decreased by 238 residents or about 16.5 percent; 5-14, which decreased by 147 residents or about 11.4 percent; and 35-44, which decreased by 86 residents or about 7.9 percent.

Table 2
POPULATION BY AGE
Borough of Oradell

<u>Age Group</u>	2010 Population		2020 Population		Change 2010-2020	
	<u>Persons</u>	<u>Percent</u>	<u>Persons</u>	<u>Percent</u>	<u>Persons</u>	<u>Percent</u>
Under 5	404	5.1	412	5.0	8	2.0
5-14	1,289	16.2	1,142	13.9	-147	-11.4
15-24	837	10.5	1,072	13.0	235	28.1
25-34	485	6.1	596	7.2	111	22.9
35-44	1,092	13.7	1,006	12.2	-86	-7.9
45-54	1,440	18.0	1,202	14.6	-238	-16.5
55-64	1,108	13.9	1,229	14.9	121	10.9
65-74	665	8.3	890	10.8	225	33.8
75-84	440	5.5	476	5.8	36	8.2
85+	218	2.7	219	2.7	1	0.5
TOTALS	7,978	100.0	8,244	100.0	266	3.3

Sources:

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

Table 2 shows considerable growth and decline in several age cohorts. The effects of the change in the distribution of Oradell's population among age cohorts can be summarized in the change in the median age of the Borough's population, which decreased by two-tenths (0.2) of a year, from 44.1 years to 43.9 years, in the period from 2010 to 2020. This represents a decrease of about 0.5 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 Oradell 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	5.1	5.6	5.0	5.0
5-14	16.2	12.9	13.9	12.0
15-24	10.5	11.6	13.0	12.0
25-34	6.1	11.6	7.2	11.8
35-44	13.7	14.3	12.2	13.2
45-54	18.0	16.3	14.6	14.0
55-64	13.9	12.7	14.9	14.3
65+	16.6	15.1	19.2	17.7
TOTALS	100.0	100.0	100.0	100.0
Median Age	44.1	41.1	43.9	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 2,782 households in the Borough of Oradell in 2020. The majority, or approximately 84.9 percent, of households consisted of two or more persons. The remaining 15.1 percent of households consisted of one person. Table 4 provides additional details on the types of households in Oradell Borough during 2020.

Table 4
TYPES OF HOUSEHOLDS, 2020

Borough of Oradell

<u>Type of Households</u>	<u>Total</u>	<u>Number in Subgroup</u>	<u>Percent of Total</u>
TOTAL HOUSEHOLDS	2,782		
One Person		419	15.1
Male Householder	138		5.0
65 years or older	49		1.8
Female Householder	281		10.1
65 years or older	177		6.4
Two or More Persons		2,363	84.9
<i>Married Couple Families</i>	2,036		73.2
With Own Children Under 18	933		33.5
<i>Cohabiting Couple</i>	56		2.0
With Own Children Under 18	20		0.7
<i>Male Householder Not living alone</i>	76		2.7
With Own Children Under 18	25		0.9
<i>Female Householder Not living alone</i>	195		7.0
With Own Children Under 18	56		2.0

Sources:

2020 U.S. Census (Table DP1)

Household Size

Table 5 provides further details on household size in the Borough of Oradell during 2020. As shown, the most frequent household size was two persons, which accounted for 28.2 percent of all households in Oradell and 29.1 percent of all households in Bergen County. The average household size in Oradell was 2.94, which is 0.24 years more than the average household size of 2.70 in Bergen County during 2020.

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

Household Size	<u>Borough of Oradell</u>		<u>Bergen County</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
1 Person	419	15.1	84,254	24.0
2 Persons	784	28.2	102,218	29.1
3 Persons	582	20.9	63,130	18.0
4 Persons	680	24.4	61,107	17.4
5 Persons	235	8.4	26,098	7.4
6+ Persons	82	2.9	13,857	4.0
TOTALS	2,782	100.0	350,664	100.0
Average Household Size	2.94		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 Oradell, 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, Oradell had a higher per capita income at \$77,497 than in Bergen County and New Jersey, where the per capita incomes were \$62,968 and \$53,118, respectively. Oradell also had a higher median household income at \$214,736 than Bergen County and New Jersey, where the median household incomes were \$123,715 and \$101,050, respectively. Additionally, the Borough had just 3.6 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 Oradell, Bergen County & New Jersey

	<u>Per Capita Income</u>	<u>Median Household Income</u>	<u>Percentage of Population Below Poverty Status</u>
Borough of Oradell	\$77,497	\$214,736	3.6
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 88.8 percent of Oradell'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 Oradell & 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	84	3.6	4,882	1.9
\$10,000 - \$14,999	0	0.0	2,555	1.0
\$15,000 - \$24,999	0	0.0	6,022	2.4
\$25,000 - \$34,999	7	0.3	7,350	2.9
\$35,000 - \$49,999	51	2.2	12,602	5.0
\$50,000 - \$74,999	118	5.1	23,286	9.2
\$75,000 - \$99,999	176	7.6	23,706	9.4
\$100,000 - \$149,999	228	9.8	45,647	18.1
\$150,000 - \$199,999	231	9.9	36,887	14.6
\$200,000 or more	1,428	61.5	89,702	35.5
TOTALS	2,323	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.

Oradell 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 2,850 housing units in Oradell, of which 2,782 or 97.6 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 89.0 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 Oradell & Bergen County

	<u>Borough</u>		<u>County</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Unit Type				
Occupied	2,782	97.6	350,664	95.4
Vacant, Seasonal & Migratory	68	2.4	16,719	4.6
TOTALS	2,850	100.0	367,383	100.0
Owner vs Renter Occupied Units				
Owner Occupied	2,477	89.0	221,274	63.1
Renter Occupied	305	11.0	129,390	36.9
TOTALS	2,782	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 Oradell and Bergen County homes. As shown, 65.1 percent of the Borough's households moved into their current residences during or after 2000, compared to 74.2 percent countywide. Approximately 34.9 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 Oradell & 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	102	3.8	27,042	7.7
2010 - 2020	952	35.4	165,730	46.9
2000 - 2009	695	25.9	69,267	19.6
1990 - 1999	503	18.7	42,548	12.0
1989 or earlier	435	16.2	48,720	13.8
TOTALS	2,687	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 Oradell 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 91.2 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 86.4 percent of Oradell'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 50.9 percent of the Borough's housing units contain four (4) or more bedrooms, compared with approximately 27.2 percent of the County's housing stock.

Finally, approximately 88.4 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 Oradell & Bergen County

	<u>Borough</u>		<u>County</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Total Units	2,749	100.0	368,535	100.0
<u>Units in Structure</u>				
One (Single Family Detached)	2,508	91.2	196,102	53.2
One (Single Family Attached)	65	2.4	22,284	6.0
Two+ Units	176	6.4	148,595	40.3
Mobile Home, Trailer, Other	0	0.0	1,554	0.4
<u>Number of Rooms</u>				
1 Room	8	0.3	10,090	2.7
2 or 3 Rooms	91	3.3	54,929	14.9
4 or 5 Rooms	274	10.0	101,934	27.7
6 or 7 Rooms	999	36.3	103,786	28.2
8+ Rooms	1,377	50.1	97,796	26.5
<u>Number of Bedrooms</u>				
No Bedroom	8	0.3	11,192	3.0
1 Bedroom	118	4.3	58,568	15.9
2 or 3 Bedrooms	1,223	44.5	198,472	53.9
4+ Bedrooms	1,400	50.9	100,303	27.2
<u>Year Structure Built</u>				
2020 - later	8	0.3	2,486	0.7
2010 - 2019	110	4.0	18,587	5.0
2000 - 2009	94	3.4	21,455	5.8
1990 - 1999	6	0.2	20,951	5.7
1980 - 1989	100	3.6	30,051	8.2
1960 - 1979	680	24.7	86,461	23.5
1940 - 1959	1,168	42.5	116,865	31.7
1939 or earlier	583	21.2	71,679	19.4

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

Housing Conditions

Housing conditions in Oradell 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, none 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 is an indicator of overcrowding.

Table 12
INDICATORS OF HOUSING CONDITIONS, 2023
Borough of Oradell & 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>	2,687		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	2,687	100.0	341,275	96.6
1.01 to 1.50	0	0.0	7,036	2.0
1.51 or more	0	0.0	4,996	1.4
TOTALS	2,687	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 Oradell and Bergen County. As indicated, approximately 97.8 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 \$702,400 in Oradell Borough.

Table 13

OWNER-OCCUPIED HOUSING VALUES, 2023
Borough of Oradell & 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	19	0.8	4,241	1.8
\$50,000 - \$99,999	0	0.0	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	33	1.4	11,285	4.9
\$300,000 - \$499,999	196	8.1	62,212	26.9
\$500,000 - \$999,999	1,776	73.7	115,000	49.8
\$1,000,000 or more	386	16.0	30,556	13.2
TOTALS	2,410	100.0	230,923	100.0
Median Value	\$ 702,400		\$ 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 Oradell and Bergen County. As shown, the median monthly rent in Oradell was \$2,202. In Bergen County overall, however, the median rent was \$1,863. In Oradell, about 31.7 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 Oradell & 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	44	21.5	21,678	18.3
\$1,500 - \$1,999	46	22.4	39,395	33.3
\$2,000 - \$2,499	31	15.1	21,731	18.3
\$2,500 - \$2,999	19	9.3	11,103	9.4
\$3,000 or more	65	31.7	15,614	13.2
TOTALS	205	100.0	118,477	100.0
Median Rent	\$ 2,202		\$ 1,863	

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

Employment Data

Table 15 details the occupational characteristics of Oradell residents as indicated by 2023 American Community Survey Five-Year Estimates. As indicated, the largest occupational group among Oradell residents aged 16 years and over engaged in the civilian labor force is “Management, Business Science & Arts” with about 64.3 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 20.5 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 6.5 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 91.3 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 23.3 percent; “Professional, Scientific, Management” with 20.3 percent; and “Finance, Insurance, Real Estate” with 16.9 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 Oradell & 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	2,570	64.3	263,942	53.3
Service Occupations	259	6.5	61,574	12.4
Sales & Office Occupations	821	20.5	101,185	20.4
Nat. Resources, Construction & Maint.	161	4.0	25,740	5.2
Production, Transportation & Material	187	4.7	42,480	8.6
TOTALS	3,998	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	216	5.4	25,742	5.2
Manufacturing	113	2.8	38,180	7.7
Wholesale Trade	175	4.4	18,362	3.7
Retail Trade	255	6.4	50,517	10.2
Transportation & Warehousing	130	3.3	25,586	5.2
Information	283	7.1	14,303	2.9
Finance, Insurance, Real Estate	676	16.9	50,356	10.2
Professional, Scientific, Management	813	20.3	75,107	15.2
Edu. Services, Health Care/Social Assist.	931	23.3	124,338	25.1
Arts, Entertain., Recreation, Food Services	162	4.1	33,665	6.8
Other Services, Except Public Admin.	136	3.4	22,115	4.5
Public Administration	108	2.7	16,014	3.2
TOTALS	3,998	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 2,129 private sector jobs located in Oradell during 2023. This represents jobs located in Oradell, not the occupational characteristics of Oradell's residents.

Table 16 provides data on the sector of employment of 2,129 private jobs located within the Borough of Oradell. Of these jobs, 775 or 36.4 percent were classified as "Health/Social." An additional 169 jobs or 7.9 percent were classified as "Professional/Technical," and an additional 142 jobs or 6.6 percent were classified as "Admin/Waste Remediation." These three employment sectors account for about 50.9 percent of all jobs located within the Borough of Oradell. All other sectors for which data was provided accounted for 6.5 percent of all jobs or less.

While the New Jersey Department of Labor and Workforce Development has provided information on the sector of employment for 75.9 percent of the private jobs located within the Borough of Oradell, it has not disclosed sector of employment for 24.1 percent of the 2,054 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 Oradell

<u>Employee Sector</u>	<u>Borough</u>	
	<u>Number</u>	<u>Percent</u>
Utilities	Undisclosed	Undisclosed
Construction	Undisclosed	Undisclosed
Manufacturing	10	0.5
Wholesale Trade	34	1.6
Retail Trade	81	3.8
Transportation/Warehousing	Undisclosed	Undisclosed
Information	Undisclosed	Undisclosed
Finance/Insurance	95	4.5
Real Estate	58	2.7
Professional/Technical	169	7.9
Management	Undisclosed	Undisclosed
Admin/Waste Remediation	142	6.6
Education	Undisclosed	Undisclosed
Health/Social	775	36.4
Arts/Entertainment	Undisclosed	Undisclosed
Accommodations/Food	106	5.0
Other Services	139	6.5
Unclassified	9	0.4
TOTAL	2,129	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 89 new units were created and 17 units were demolished, resulting in a net increase of 72 units. The average annual net change in the reported period was 6.0 units.

Table 17

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

<u>Year</u>	<u>New Units</u>	<u>Demolitions</u>	<u>Net Increase</u>
2012	9	1	8
2013	0	0	0
2014	9	8	1
2015	9	0	9
2016	12	0	12
2017	2	0	2
2018	0	0	0
2019	2	0	2
2020	0	0	0
2021	9	4	5
2022	37	2	35
2023	0	2	-2
TOTALS	89	17	72

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_Viewer.xlsb.

Population and Household Projection

As has been previously mentioned, the Borough of Oradell’s population was 8,244 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 Oradell is 8,881, which represents an increase of 637 residents over the 2020 United States Census population of 8,244 residents. The 2050 household projection for Oradell is 3063, which represents an increase of 281 households over the 2020 United States Census count of 2,782 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 8,563 residents and 2,923 households result. This is summarized in Table 18.

Table 18
POPULATION AND HOUSEHOLD PROJECTION, 2015 - 2050
Borough of Oradell

<u>2020 Census Population</u>	<u>2035 Population Projection</u> <u>(Adjusted from 2050)</u>	<u>2050 Population Projection</u>
8,244	8,563	8,881
<u>2020 Census Households</u>	<u>2035 Household Projection</u> <u>(Adjusted from 2050)</u>	<u>2050 Household Projection</u>
2,782	2,923	3,063

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 Oradell of 4,062, which represents an increase of 1,343 jobs over the Borough’s 2023 average total of 2,719 public and private sector jobs (includes: 2,129 private sector jobs; 3 federal government jobs; 214 state government jobs; and 373 local government jobs).

When the NJTPA’s 2050 employment projection is linearly adjusted to represent 2035 values, an adjusted 2035 employment projection of 3,316 jobs results. This is summarized in Table 19.

Table 19
EMPLOYMENT PROJECTION, 2023 - 2050
Borough of Oradell

<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>
2,719	3,316	4,062

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 2,719 public and private sector jobs + ((2050 Employment Projection of 4,062 jobs – 2023 average of 2,719 public and private sector jobs) ÷ (2050 – 2023)) × 12 years = 3,316 jobs in 2035.

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

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, in FHA 2, the Legislature directed the Department of Community Affairs (DCA) to issue a non-binding report identifying the Present Need and Prospective Need for each municipality in Round 4 and in subsequent housing cycles based on the formula contained in the Act.

DCA calculated a Round 4 present need obligation of zero (0) units and a prospective need obligation of 186 units for the Borough of Oradell. The Borough analyzed the data that resulted in the obligation and, as permitted under the FHA 2, calculated a prospective need obligation of 174 units based upon its application of the standards in FHA II. On January 28, 2025, the Borough adopted a binding resolution stipulating to a prospective need obligation of 174 for Round 4 based on its analysis.

The New Jersey Builders Association (NJBA) objected to the 174 prospective need obligation asserted by the Borough. The Borough and the NJBA entered into mediation, which culminated in a settlement, dated May 13, 2025, fixing the Borough's prospective need obligation at 180 units.

Fair Share Determination and Adjustments

Oradell's affordable fair share is 577 based on a Present Need of 0 and a Prospective Need of 577 for Rounds 1 through 4. Of the 577 Prospective Need, 397 is attributable to the Prospective Need for Rounds 1-3 and 180 is attributable to the Borough's Prospective Need for Round 4. More specifically, the breakdown of the prospective need is as follows.

- Prior Round (Rounds 1 & 2, from 1987-1999) Obligation: 89 units
- Round 3 (from 1999-2025) Prospective Need Obligation: 308 Units
- Round 4 (from 2025-2035) Prospective Need Obligation: 180 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.

As noted above, the Court approved the Borough's Round 3 Housing Element and Fair Share Plan on September 13, 2019. That Plan, which implemented an agreement with FSHC, asserted that the Borough was entitled to adjust its 397 obligation for Rounds 1 through 3 to seven (7) units, leaving it with an unmet need of 390 units.

As detailed below, in Round 4, the Borough is entitled to a vacant land adjustment to of its 180 obligation to a realistic development potential of 3 leaving it an unmet need of 177.

Prior Round and Round 3 Obligation

As noted above, Court approved a settlement agreement between the Borough and FSHC in Round 3 and entered a judgment of compliance and repose approving the Housing Element and Fair Share Plan adopted to implement that settlement and satisfy the Borough's obligations.

Since the Court approved a Housing Element and Fair Share Plan for Round 3 based upon the Borough's settlement with FSHC, this portion of the Housing Element and Fair Share Plan will summarize what the Borough did to comply through Round 3 and what the Court approved.

The Housing Element and Fair Share Plan that the Court approved addressed a Prior Round obligation of 89 and the Round 3 obligation of 308 for a total Round 1-3 Prospective Need of 397. The Court determined that the Borough's RDP for Rounds 1-3 is 7 and its unmet need for these three rounds was 390.

The Court approved the Borough's manner of addressing its RDP and unmet need for Rounds 1 through 3 as follows:

Rounds 1-3 RDP

Habitat for Humanity. Located on Westervelt Place, this is a 100% affordable development constructed in 2014. This project provides **four (4) units** of affordable housing credit.

New Milford Ave. Inclusionary Development. Located at 2-12 Fey Place, this project received Planning Board approval in March 2023 for the construction of a townhouse development that includes two (affordable units), which will be family rentals. This development is presently under construction and provides **two (2) units** of rental affordable housing credits.

Bonus Credit. As stipulated in the 2018 settlement agreement, the Borough is entitled to **one (1) bonus credit**.

As shown above, the Borough has fully addressed its Prior Round and Round 3 RDP of seven (7) units.

Rounds 1-3 Unmet Need

The Court also approved the manner in which the Borough addressed its unmet need for the three rounds. To address the unmet need, the Borough adopted several ordinances as follows:

- Mandatory Set-Aside Ordinance
- CBD Overlay Zone on the B-1 Zone
- Overlay Zone on the White Beeches property

In addition, FSHC and the Borough amended their settlement in 2021. Although an intervenor derailed the efforts of FSHC and the Borough to secure approval of the amendment, the Borough still implemented the amendment. It entered into an agreement with Bergen County United Way for the property known as Block 223, Lot 5 located on Genther Ave. The Borough donated Lot 5 to Bergen County United Way (BCUW) so that the lot could be developed with special needs and supportive housing. As memorialized in a May 19, 2025 Zoning Board of Adjustment resolution for Calendar No. 874-24, approval was granted for the following:

- A four-bedroom group home to be constructed on the first floor.
- A one-bedroom and a two-bedroom supportive housing (independent living) apartment on the second floor.

The BCUW project is one example of the success of the Borough's unmet need mechanisms.

In addition, the Borough's land use boards also approved the following developments as a result of unmet need mechanisms.

- 387-393 Kinderkamack Road: one (1) family affordable rental unit, which resulted from the CBD Overlay Zone.
- 505 Kinderkamack Road: three (3) affordable age restricted units that are constructed. These units resulted from the mandatory set-aside ordinance.

In addition, another inclusionary development located at 420 Kinderkamack Rd. is presently before the Planning Board. This development is located in the CBD overlay zone.

Round 4 Present Need

In addition to the Borough's obligations for Rounds 1 through 3 as discussed above, the Borough has obligations for Round 4. Pursuant to FHA II, the DCA assigned the Borough a zero Present Need, which is also known as its rehabilitation obligation.

While Oradell does not have a Round 4 present need obligation, all Borough residents are eligible to participate in the Bergen County Home Improvement Program.

Round 4 Prospective Need

Oradell's Round 4 prospective need obligation is 180 units.

Round 4 Vacant Land Adjustment (3)

Since the Borough lacked sufficient land to address its obligations through Rounds 1 through 3, obviously it lacked sufficient land to address the additional 180 unit obligation imposed in Round 4. Therefore, the Borough is entitled to a Vacant Land Adjustment (VLA) for Round 4.

In its preparation of the Round 4 VLA, the Borough relied upon all analyses and conclusions from its approved Round 3 VLA. Reliance on a prior adjustment is consistent with COAH's policies. Instead of doing a whole new analysis and forcing the public to defend once again every nuance of the court approved adjustment, the Borough focused on what has changed since the Court approved the Borough's vacant land adjustment in 2018. The VLA prepared in 2018 is available in Appendix A.

The only changed circumstance since court approved the Borough's RDP in Round 3 is that a representative of the property known as 445-447 Kinderkamack Rd., a 0.71 acre parcel, approached the town and proposed to redevelop this property replacing nonresidential buildings with an inclusionary development of 40 apartments, of which 8 would be affordable units.

Although the density the developer proposed is out of character with the area, the Borough performed its own calculation of the development potential of the site under the court-approved CBD zone. If the Borough rezoned the site with this court approved zoning, the Borough estimates that the developer could construct as many as 15 units of which 3 would be affordable.

Therefore, the Borough will accept an RDP of three for this site, resulting in an unmet of 177.

Satisfaction of Round 4 RDP

The Borough proposes to satisfy its RDP of 3 for Round 4 as follows:

445-447 Kinderkamack Road. The Borough proposes to rezone this property at a density of 22 units per acre, resulting in the potential for a development of 15 units, of which 3 units (20%) are affordable. Therefore, the Borough is satisfying the RDP with the site that generated it based on zoning that would give the developer the same rights under the Court approved zoning. This site provides three (3) affordable units of credit toward the Round 4 RDP, and a bonus credit of 0.75 units because the

property was previously used as nonresidential space. A sample ordinance is available in Appendix E.

Round 4 Unmet Need

To address the Round 4 unmet need, the Borough proposes the following: Continuation of the mandatory set-aside ordinance, continuation of collection of development fees and additional properties included in the CBD overlay zoning as described below.

1. Expand the B-1 zone/CBD overlay zone northward on the western side of Kinderkamack Road from Orchard Street to Soldier Hill Road.
2. Rezone the B-3 zone to the B-1 zone/CBD overlay zone. The B-3 zone will be eliminated and incorporate into B-1 and CBD.

The above revisions add an additional approximately 14 acres to the overlay zone to address unmet need. The above areas are presently in business/commercial zone districts along Kinderkamack Road, which is a county road. Nonresidential uses and services are available on Kinderkamack Road for future residents of inclusionary housing to patronize or find employment. As required by affordable housing rules, the overlay zoning locations meet the definitions of approvable, available, developable and suitable. The property will be rezoned to permit inclusionary development, has access to water and sewer infrastructure, and is situated in an area where growth is identified to occur. There is public transportation available on Kinderkamack Road and the NJ Transit rail station is also located nearby.

In addition to the above, the FHA 2 contains the following new requirement:

*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)*

“[T]he prospective need obligation that has been adjusted” is three (3). Twenty-five percent of 3 rounds up to 1.

An additional one unit needs to be addressed with realistic zoning. This one (1) unit will be met via the following unit:

Habitat for Humanity, Reis Avenue. This property, located at the corner of Kinderkamack Road and Reis Avenue, is also known as Block 107, Lot 29. The Borough donated this property to Habitat to provide an opportunity for affordable housing. Habitat for Humanity presently is constructing one dwelling unit containing

three bedrooms on the subject property. Therefore, this site provides the realistic zoning for (1) unit as required.

In addition, the Borough proposes the following revisions to the B-1 zone district, which includes the CBD overlay zone.

1. Expand the B-1 zone/CBD overlay zone northward on the western side of Kinderkamack Road from Orchard Street to Soldier Hill Road.
2. Rezone the B-3 zone to the B-1 zone/CBD overlay zone. The B-3 zone will be eliminated and incorporate into B-1 and CBD.

Consideration of Lands Appropriate for Affordable Housing

Oradell is a developed community with no vacant land. The Borough anticipates that future development and growth will predominantly be limited to the Kinderkamack Road corridor and the locations identified by the existing and proposed overlay zones.

Representatives of the following properties came forward to express a commitment to provide affordable housing in Round 4.

- **66 Kinderkamack Rd.** A developer sought multiple variances to redevelop the site with a high-density inclusionary project. Oradell's Zoning Board of Adjustment denied the application. The developer appealed the denial, and Judge Farrington upheld the Board's denial of the application. The developer appealed Judge Farrington's decision to the Appellate Division. While the appeal was pending the parties engaged in negotiations for a scaled down project for several months. Ultimately, the developer ceased negotiating and allowed the Appellate Division to decide the appeal on the papers. On May 5, 2025, the Appellate Division sustained Judge Farrington's decision. No Petition for Certification was filed by the developer. It was this same developer that intervened in the declaratory judgment action that the Borough filed pursuant to Mount Laurel IV and derailed the efforts of the Borough and FSHC to secure approval of the amendment to their agreement and an amendment to the plan to implement the agreement. So, while the Borough was willing to work towards a settlement and indeed was doing just that, the developer walked away from the table leaving the Borough nothing to consider.
- **445-447 Kinderkamack Rd.** This 0.71 acre property has approached the town regarding the Round 4 plan. The owner proposed to redevelop this property by replacing nonresidential buildings with an inclusionary development of 40 apartments, of which 8 would be affordable units. The site backs up to an established single-family residential neighborhood with only a 10 ft. rear yard setback proposed. This will not offer the opportunity for buffering or further protection to the established neighborhood. Furthermore,

the proposed height is 4 stories and 45 ft. This height exceeds the 35 ft. and 3 stories permitted in the Borough's CBD overlay zone and is out of character and not appropriate for the area. Measured against the Court-approved zoning in the Borough's Round 3 Housing Element and Fair Share Plan, the proposed project is grossly excessive. The developer proposes a density is 57.1 units per acre, which is out of character for Oradell and not appropriate for the location.

This site is included in the Borough's Round plan; it will be rezoned to permit the development of 15 total units. included in the expansion of the B-1 Zone and resulting CBD overlay, which is a reasonable development option as it reflects what is permitted in the Round 3 Court approved plan for Oradell.

- **699 Kinderkamack Rd.** This is a 4.2 acre lot that generated a 1.7 unit RDP in Round 3. The house on the property is now vacant. Since the Borough already received an RDP for the site and satisfied it, COAH's clear policy is that Oradell is free to zone the site as it chooses.

N.J.A.C. 5:93-4.2(g) states:

"The municipality may address its RDP through any activity approved by the Council, pursuant to N.J.S.A. 5:93-5. The municipality need not incorporate into its housing element and fair share plan all sites used to calculate its RDP if the municipality can devise an acceptable means of addressing its RDP. The RDP shall not vary with the strategy and implementation techniques employed by the municipality."

By addressing the RDP the site generated, the Borough earned the right to zone that site as it saw fit without regards to affordable housing considerations as the COAH regulation makes clear. Therefore the Borough does not have a responsibility to accept an RDP for the site again. That would completely undermine the rights that COAH conferred to any municipality that accepted an RDP for a site and found a way to satisfy that RDP without using the site.

In addition, this location is not suitable for multifamily residential use due to the surrounding established single-family development. All sites used to address a new construction obligation must qualify as available, approvable, developable and suitable. A suitable site is a site adjacent to a compatible use. Consistent with the definition of a suitable site, COAH regulations require a consideration of the surrounding uses when attributing an RDP to a site. This site does not qualify as suitable because of the surrounding uses. For all these reasons, this site should not generate an RDP and is not included in the Borough's Round 4 plan.

- **800 Kinderkamack Road.** This 10 acre property is situated in the B-2 Zone and is improved with an office building and associated parking and improvements. A concept plan has not been provided at this time.

The letter from the property owner's attorney was received on June 6th. Presently, the Borough is preparing a Master Plan Reexamination Report. In preparing the report, the Borough is studying this area of Kinderkamack Road and considering how best to develop it in a thoughtful and comprehensive manner and within the confines of sound planning. It is anticipated that any future development considerations in this area would include an affordable component, as well as traffic management, parking and NJ transit station consolidation, all of which are key objectives based on sound planning principles consistent with the densities, building scale and character of Oradell.

The Borough's intent to thoughtfully consider how to address 800 Kinderkamack and surrounding parcels is entirely appropriate. That type of careful analysis is exactly what the Supreme Court called for in Mount Laurel II:

...The application of the Mount Laurel doctrine to fully developed municipalities will undoubtedly pose difficult problems. We note only that sound land use planning and Mount Laurel should remain compatible both at the state and municipal level, and that, in particular, where fully developed municipalities are involved, great care may be required to assure that the benefit of Mount Laurel is not offset by damage to legitimate zoning and planning objectives. The Mount Laurel doctrine should ordinarily be able to be accommodated, for example, without placing lower income housing projects in the middle of long-settled middle or upper income sections of a town. A satisfactory resolution of the occasionally conflicting interests may at times require creativity and cooperation.

Mount Laurel II at 240 n.15

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, the majority of the Borough is located in Planning Area 1, with a swath of Planning Area 5 situated in the Borough. The existing overlay zone, and the planned additions to the overlay zone, are located within Planning Area 1.

Planning Area 1 is also known as the Metropolitan Planning Area. A small portion, in the southeast corner of the property, is located in Planning Area 5. 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.

Minimums & Maximums

The FHA2 stipulates certain requirements within C.52:27D-311.k(10)1 which the Oradell plan meets. Oradell has a three-unit RDP. The following is noted:

- A maximum of 30% of the affordable housing units, exclusive of any bonus credits, to address its prospective need affordable housing obligation, may be addressed with age restricted housing. The Borough's Round 4 affordable housing mechanisms do not include any age restricted units.
- A minimum of 50% of the actual affordable housing units, exclusive of bonus credits, created to address its prospective need obligation must be satisfied

with the creation of housing available to families with children. The new inclusionary zone proposed for 445 Kinderkamack Road, as well as the B-1 and CBD overlay extensions, would provide housing available to families.

- A minimum of 25% of the actual affordable housing units, exclusive of bonus credits, created to address its prospective need obligation, must be satisfied with the creation of rental housing. It is anticipated that the new inclusionary zone proposed for 445 Kinderkamack Road, as well as the B-1 and CBD overlay extensions, would provide rental housing.

Multigenerational Housing Continuity

FHA II requires a consideration of the recommendations of the Multigenerational Family Housing Continuity Commission. The Commission has not made any recommendations to consider.

Conclusion

Oradell will provide for its fair share of affordable housing despite having a vacant land deficiency. As shown, the Borough met its Round 3 RDP and meets its Round 4 RDP. The proposed overlay zone location is near employment opportunities and public transportation. This area is primarily 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 Oradell'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: Round 3 Vacant Land Adjustment Documentation

Appendix B: Affordable Housing Ordinance & Affirmative Marketing Plan. The Borough's existing ordinance, affirmative marketing plan and mandatory set-aside ordinance are included. Modifications will be made as needed to comply with any future Round 4 requirements.

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 Ordinance & Map (1) Extension of CBD Overlay Zone and (2) Creation of New Inclusionary Zone.

Appendix F: Round 3 Settlement Agreements and Judgment of Repose

Appendix G: Spending Plan

Appendix A: Round 3 Vacant Land Adjustment Documentation



TABLE 20: THIRD ROUND VACANT LAND ASSESSMENT
ORADELL, NJ

ID	Block	Lot	Location	Owner	Comments	Area (ac)	Developable Area (ac)	Developable?
1	313	3	787 HOWARD COURT E	MATE, JONATHAN L.	Lot too small to qualify for RDP Analysis. Steep slope constraints.	0.241	0.16	No
2	1210	12	BERGEN BLVD	EVANS, DAVID G & KATHARINE E	Lot too small to qualify for RDP Analysis	0.018	0.018	No
3	904	2	SHADOW LANE	GERVER, IRA & HOWARD	Lot too small to qualify for RDP Analysis. Steep slope constraints	0.013	0	No
4	119	9.03	6 FEY PL.	WEEDO, CALVIN	Qualifies for RDP Analysis. Proposed for inclusionary development with adjacent lots (9.01-9.06).	0.236	0.236	Yes
5	1102	5	KINDERKAMAC K ROAD	PMG NEW JERSEY LLC	Lot too small to qualify for RDP Analysis	0.034	0.034	No
6	904	7	SHADOW LANE	NUTMAN, NORMAN N.	Lot too small to qualify for RDP Analysis. Steep slope constraints	0.496	0.020	No
7	504	38	RIDGEWOOD AVE	MURPHY, MATTHEW A	Lot too small to qualify for RDP Analysis	0.078	0.078	No
8	904	6	721 KINDERKAMAC K RD	MYUNG, JAE H	Qualifies for RDP Analysis. Site previously occupied by a dwelling, which was destroyed by fire. Partially constrained by steep slopes, but remaining unconstrained area is developable with adjoining Block 805 Lots 1 & 2 to the south.	0.551	0.220	Yes
9	119	9.04	8 FEY PLACE	WEEDO, CALVIN	Qualifies for RDP Analysis. Proposed for inclusionary development with adjacent lots (9.01-9.06).	0.196	0.196	Yes
10	119	9.01	2 FEY PLACE	WEEDO, CALVIN	Qualifies for RDP Analysis. Proposed for inclusionary development with adjacent lots (9.01-9.06).	0.191	0.191	Yes
11	119	9.05	10 FEY PL.	WEEDO, CALVIN	Qualifies for RDP Analysis. Proposed for inclusionary development with adjacent lots (9.01-9.06).	0.218	0.218	Yes
12	716	28	448 PROSPECT AVF	TANNER, JAN & SHARON S.	Lot too small to qualify for RDP Analysis	0.219	0.219	No
13	405	15	ORADELL AVE	ARNOLD HOMES INC	Lot too small to qualify for RDP Analysis. Wetland constraints	0.222	0	No
14	119	9.06	12 FEY PLACE	WEEDO, CALVIN	Qualifies for RDP Analysis. Proposed for inclusionary development with adjacent lots (9.01-9.06).	0.193	0.193	Yes
15	504	45	WANAMAKER AVE	TRAPHAGEN, V. PETER & ELISABETH	Lot too small to qualify for RDP Analysis	0.139	0.139	No
16	708	19	505-515 KINDERKAMAC K ROAD	TRIPLE A REALTY CO INC.	Lot too small to qualify for RDP Analysis. Observed that the site is developed with surface parking.	0.284	0.284	No
17	904	4	SHADOW LANE	GERVER, IRA & HOWARD	Lot too small to qualify for RDP Analysis. Steep slope constraints	0.081	0	No
18	119	9.02	4 FEY PL.	WEEDO, CALVIN	Qualifies for RDP Analysis. Proposed for inclusionary development with adjacent lots (9.01-9.06).	0.187	0.187	Yes
19	109	11	282 GARDEN PLACE	GERVER, IRA & HOWARD	Lot too small to qualify for RDP Analysis	0.091	0.091	No
20	1210	11	PERSHING AVE	CAPATI, ALFONSO & JULIET	Lot too small to qualify for RDP Analysis	0.045	0.045	No
21	607	13.01	946 AMARYLLIS AVENUE	SHALHOUB, ROBERT	Lot too small to qualify for RDP Analysis	0.230	0.230	No
22	607	13.02	946 AMARYLLIS AVENUE	SHALHOUB, ROBERT	Lot too small to qualify for RDP Analysis	0.340	0.340	No

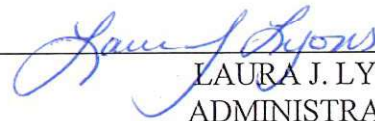
ID	Block	Lot	Location	Owner	Comments	Area (ac)	Developable Area (ac)	Developable?
23	806	32.01	650 SOLDIER HILL ROAD	SOLDIER HILL DVLPMNT PTNRS, LLC	Lot too small to qualify for RDP Analysis	0.768	0.768	No
24	805	1	705 KINDERKAMAC K RD	BLAUVELT-DEMAREST FOUNDATION INC.	Qualifies for RDP Analysis. Occupied by a museum and partially constrained by steep slopes, but remaining undeveloped and unconstrained area is developable with adjoining Lot 2 to the south.	3.44	1.27	Yes
25	805	2	699 KINDERKAMAC K RD	BLAUVELT ASSOCIATES LLC	Qualifies for RDP Analysis. Occupied by a vacant mansion known as the Blauvelt Estate and partially constrained by steep slopes, but remaining undeveloped and unconstrained area is developable with adjoining Lot 1 to the north.	4.20	1.39	Yes

Land Categorization	Acreage
Total Vacant/Redevelopable Land	12.71 ac.
Total Developable Area Qualifying for RDP Analysis	4.10 ac.
Development Capacity @ 6 du/ac Density	24.6 units
Total RDP @ 20% Set-Aside	5 units

**Appendix B: Affordable Housing Ordinance, Affirmative Marketing Plan,
Mandatory Set-Aside Ordinance**

BOROUGH OF ORADELL
BERGEN COUNTY, NEW JERSEY
ORDINANCE #19-02

This ordinance published herewith was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Oradell, in the County of Bergen and State of New Jersey, held on January 22, 2019. It will be further considered for final passage after public hearing thereon, at a Public Meeting of said Borough Council to be held in the Town Hall, in said Borough, on February 26, 2019 at 7:30 PM, and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office in said Borough Hall to the members of the general public who shall request the same.



LAURA J. LYONS, CPM, RMC, RPPO
ADMINISTRATOR/MUNICIPAL CLERK

BOROUGH OF ORADELL

ORDINANCE

19-02

**AN ORDINANCE OF THE BOROUGH OF ORADELL ADDING CHAPTER 61
TO THE ORADELL BOROUGH CODE, WHICH WILL BE ENTITLED
“AFFORDABLE HOUSING ORDINANCE”, TO ADDRESS THE
REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM
HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING
COMPLIANCE WITH THE BOROUGH’S AFFORDABLE HOUSING
OBLIGATIONS**

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Oradell, Bergen County, New Jersey, as follows:

Section 1. Chapter 61 of the Code of the Borough of Oradell entitled “Affordable Housing Ordinance” is hereby created and established to read as follows:

Chapter 61: Affordable Housing Ordinance

§61-1 Purpose.

- A. This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.
- B. The Borough of Oradell 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. (hereinafter “Fair Share Plan”). The Fair Share Plan was subsequently endorsed by the governing body. The Fair Share Plan describes how the Borough of Oradell shall address its fair share of low- and moderate-income housing as documented in the Fair Share Plan itself, the Settlement Agreement entered into between the Borough and Fair Share Housing Center (“FSHC”) on June 18, 2018 (hereinafter “FSHC Settlement Agreement”), and the Court Order approving same, which was entered by the Court on July 24, 2018 after a properly noticed Fairness Hearing.
- C. The Borough of Oradell shall track the status of the implementation of the Fair Share Plan.

§61-2 Monitoring and Reporting Requirements.

The Borough of Oradell shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its Court-approved Housing Element and Fair Share Plan:

- A. Beginning one year after the entry of the Borough's Round 3 Judgment of Compliance and Repose, and on every anniversary of that date through 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 (NJDCA), 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. Beginning one year after the entry of the Borough's Round 3 Judgment of Compliance and Repose, and on every anniversary of that date through 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 Court Appointed Special Master and FSHC.
- C. The Fair Housing Act includes two provisions regarding action to be taken by the Borough during its ten-year repose period. The Borough will comply with those provisions as follows:
 - (1) For the midpoint realistic opportunity review due on July 2, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether the mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the Borough, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether the 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.
 - (2) For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of the entry of the Borough's Judgment of Compliance and Repose, and every third year thereafter, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any

interested party to submit comments to the Borough and Fair Share Housing Center on the issue of whether the Borough has complied with its very low income housing obligation under the terms of this settlement.

- (3) In addition to the foregoing postings, the Borough may also elect to file copies of its reports with COAH or its successor agency at the State level.

§61-3 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.) as has been subsequently amended.

“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 responsible for the administration of affordable units in accordance with this ordinance, applicable COAH regulations and the Uniform Housing Affordability Controls (UHAC)(N.J.A.C. 5:80-26.1 et seq.)

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

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

“Affordable” means, a sales price or rent within the means of a low- or moderate-income household as defined by COAH in its applicable regulations or an equivalent controlling New Jersey state agency; 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 development” means a housing development all or a portion of which consists of restricted units.

“Affordable housing development” means a development included in the Borough’s Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

“Affordable housing program(s)” means any mechanism in the Borough’s Fair Share Plan prepared or implemented to address the Borough’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act, credited pursuant to applicable COAH regulations, the FSHC Settlement Agreement, or an order of the Court.

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

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

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

“COAH” means the New Jersey Council on Affordable Housing.

“The Department” means the Department of Community Affairs of the State of New Jersey, that was established under 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 require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

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

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

“Inclusionary development” means a development containing both affordable units and market rate units. Inclusionary developments must have a minimum twenty (20) percent set aside of affordable units if the development has five or more units and is a for-sale project, or a minimum fifteen (15) percent set-aside if the development is a rental project. This term includes, but is not

necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

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

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

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

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

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

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

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

“Municipal Housing Liaison” means the employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for Oradell.

“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 the Department’s adopted Regional Income Limits published annually by the Department.

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

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

“Very low-income household” means a household with a total gross annual household income equal to 30 percent or less of the median household income.

“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 rehabilitation.

§61-4 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 Oradell 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.

§61-5 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

§61-6 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. At least 50 percent of the very low income units must be available to families.
- (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 toilet and bathing facility on the first floor; and
 - (b) An adaptable kitchen on the first floor; and

- (c) An interior accessible route of travel on the first floor; and
- (d) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
- (e) If 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-311a, et seq.) and the Barrier Free SubCode, N.J.A.C. 5:23-7, or evidence that Oradell has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
 - [1] Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - [2] To this end, the builder of restricted units shall deposit funds within the Borough of Oradell's Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
 - [3] The funds deposited under paragraph (f)[2] above shall be used by the Borough of Oradell for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - [4] The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Borough of Oradell for the conversion of adaptable to accessible entrances.
 - [5] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free SubCode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's Affordable Housing Trust Fund in care of the Borough Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
- (g) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "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, low- and moderate-income units shall be integrated with the market units to the extent possible.
- (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 most recently published regional weighted average of the uncapped Section 8 income limits published by HUD.
- (2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 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, which 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) Income limits for all units that are part of the Borough's Housing Element and Fair Share Plan, and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1, shall be updated by the Borough annually within 30 days of the publication of determinations of median income by HUD as follows:
- (a) The income limit for a moderate-income unit for a household of four shall be 80 percent of the HUD determination of the median income for COAH Region 1 for a family of four. The income limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the median income for COAH Region 1 for a family of four. The income limit for a very low income unit for a

household of four shall be 30 percent of the HUD determination of the median income for COAH Region 1 for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than the previous year.

- (b) The income limits are based on carrying out the process in paragraph (a) based on HUD determination of median income for the current Fiscal Year, and shall be utilized by the Borough until new income limits are available.

(10) In establishing sale prices and rents of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established by the Council:

- (a) 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 determined pursuant to paragraph (9). In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
- (b) 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 Northern New Jersey Area, upon its publication for the prior calendar year. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

§61-7 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 the NJDCA for its Section 8 program.

§61-8 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.

§61-9 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 Oradell 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 Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, 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 Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, 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.

§61-10 Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices.

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

- A. The initial purchase price for a restricted ownership unit shall be approved by the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer.

- B. The Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, 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, unless the master deed for the inclusionary project was executed prior to the enactment of UHAC.
- D. The owners of restricted ownership units may apply to the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, 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.

§61-11 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. 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.

§61-12 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 Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, 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 Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, in accordance with N.J.A.C. 5:80-26.6(b).

§61-13 Capital Improvements To Ownership Units.

- A. The owners of restricted ownership units may apply to the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, 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 Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, 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 Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer. Unless otherwise approved by the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, 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.

§61-14 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 Oradell 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. A copy of the filed document shall be provided to the Borough's 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.

§61-15 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 Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer.
- 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 Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer.
- 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 Developer and/or Landlord or to the Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer. If the fees are paid to the Borough's Administrative Agent or an Administrative Agent appointed by a particular developer they are 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 percent of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

§61-16 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 Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, 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 Borough's Administrative Agent, or an Administrative Agent appointed by a particular developer, who shall counsel the household on budgeting.

§61-17 Municipal Housing Liaison.

A. The position of Municipal Housing Liaison (MHL) for the Borough of Oradell is established by this ordinance. The Borough shall make the actual appointment of the MHL by means of a resolution.

- (1) The MHL must be either a full-time or part-time employee of Oradell.
- (2) The person appointed as the MHL must be reported to the Court and thereafter posted on the Borough's website.
- (3) The MHL must meet all the requirements for qualifications, including initial and periodic training, if such training is made available by COAH or the DCA.

- (4) The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of Oradell, including the following responsibilities which may not be contracted out to the Administrative Agent, or the Administrative Agent appointed by a specific developer:
- (a) Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - (b) The implementation of the Affirmative Marketing Plan and affordability controls;
 - (c) When applicable, supervising any contracting Administrative Agent;
 - (d) Monitoring the status of all restricted units in the Borough's Fair Share Plan;
 - (e) Compiling, verifying and submitting annual reports as required;
 - (f) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
 - (g) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Affordable Housing Professionals of New Jersey (AHPNJ), if such continuing education opportunities are made available by COAH or the DCA.
- B. Subject to the approval of the Court, the Borough of Oradell 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 may be subject to approval of the Court appointed Special Master or 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).

§61-18 Administrative Agent.

An Administrative Agent may be either an independent entity serving under contract to and reporting to the Borough, or reporting to a specific individual developer. *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 Borough Administrative Agent shall monitor and work with any individual Administrative Agents appointed by individual developers. The Administrative Agent(s) 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 Oradell and the provisions of N.J.A.C. 5:80-26.15; and
- (2) Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

B. Household Certification:

- (1) Soliciting, scheduling, conducting and following up on interviews with interested households;
- (2) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
- (3) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
- (4) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
- (5) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;
- (6) Employing a random selection process as provided in the Affirmative Marketing Plan of the Borough of Oradell 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 Oradell: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Bergen County Branch of the NAACP, Senior Citizens United Community Services (S.C.U.C.S.), and the 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 N.J.A.C. 5:80-26.10.

D. Resales and Re-rentals:

- (1) Instituting and maintaining an effective means of communicating information between owners and the Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer, regarding the availability of restricted units for resale or re-rental; and
- (2) Instituting and maintaining an effective means of communicating information to low- (or very 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 Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer;

- (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 Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer, where complaints of excess rent or other charges can be made;
- (4) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
- (5) Establishing a program for diverting unlawful rent payments to the Borough's Affordable Housing Trust Fund; and
- (6) Creating and publishing a written operating manual for each affordable housing program administered by the Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer, to be approved by the Borough Council and the Court, setting forth procedures for administering the affordability controls.

G. Additional Responsibilities:

- (1) The Borough's Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
- (2) The Borough's 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. The Borough's Administrative Agent will be responsible for collecting monitoring information from any Administrative Agents appointed by specific developers.
- (3) The Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer, shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

§61-19 Affirmative Marketing Requirements.

- A. The Borough of Oradell shall adopt by resolution an Affirmative Marketing Plan, that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- B. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for

affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region 1 and is required to be followed throughout the period of restriction.

- C. The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 1, comprised of Bergen, Hudson, Passaic and Sussex Counties.
- D. The Borough has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and re-sales and re-rentals. The Borough's Administrative Agent designated by the Borough of Oradell, or any Administrative Agent appointed by a specific developer, shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
- E. In implementing the Affirmative Marketing Plan, the Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer, 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 Borough's Administrative Agent, or any Administrative Agent appointed by a specific developer, 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. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

§61-20 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, recoupment 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 \$2,000.00 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;
 - (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 into the Borough of Oradell Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - (c) 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 Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- (d) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the 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 Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (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.

§61-21 Appeals.

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Superior Court, or other agency as authorized by law.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Oradell, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Oradell are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Bergen County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

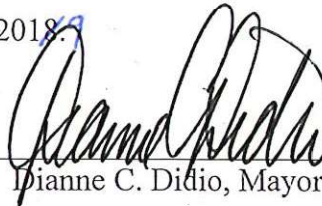
Section 5. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Oradell for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 6. This Ordinance shall be presented to the Mayor for her approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either her approval or objection to same within ten (10) days after it has been presented to her, then this Ordinance shall be deemed approved.

Section 7. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

INTRODUCED the 22 day of January, 2018.⁹

ADOPTED the 26 day of February, 2018.⁹


Dianne C. Didio, Mayor


ATTEST:


Laura J. Lyons, Borough Clerk

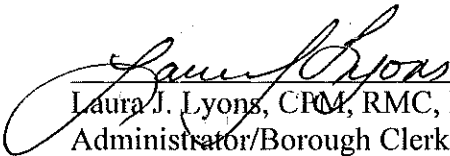
BOROUGH OF ORADELL
ORDINANCE NO. 19-02

AN ORDINANCE OF THE BOROUGH OF ORADELL ADDING CHAPTER 61 TO THE ORADELL BOROUGH CODE, WHICH WILL BE ENTITLED "AFFORDABLE HOUSING ORDINANCE" TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE BOROUGH'S AFFORDABLE OBLICGATIONS

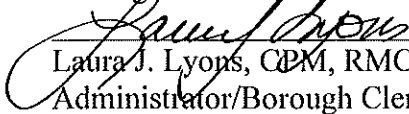
Introduced: January 22, 2019
Passed 1st Reading: January 22, 2019
Public Hearing: February 26, 2019
Adopted: February 26, 2019
Approved: February 26, 2019


Dianne Camelo Didio, Mayor

ATTEST:


Laura J. Lyons, CPM, RMC, RPPO
Administrator/Borough Clerk

This to certify that the foregoing ordinance was finally passed and adopted at the Regular Meeting of the Borough Council of the Borough of Oradell, New Jersey February 26, 2019.


Laura J. Lyons, CPM, RMC, RPPO
Administrator/Borough Clerk

BOROUGH OF ORADELL
BERGEN COUNTY, NEW JERSEY

RESOLUTION 19-80

Offered by

Seconded by

Member	Aye	No	Abstain	Absent
MAYOR DIDIO				
SCHOENBERG				
TASHJIAN				
CARNEVALE				
JANNICELLI				
KELLY				
YU				

RESOLUTION ADOPTING AN AFFIRMATIVE MARKETING PLAN

WHEREAS, in accordance with applicable Council on Affordable Housing (“COAH”) regulations, the New Jersey Uniform Housing Affordability Controls (“UHAC”)(N.J.A.C. 5:80-26., et seq.), and the terms of a Settlement Agreement between the Borough of Oradell and Fair Share Housing Center (“FSHC”), which was entered into as part of the Borough’s Declaratory Judgment action entitled “In the Matter of the Borough of Oradell, County of Bergen, Docket No. BER-L-6539-15, which was filed in response to Supreme Court decision In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015) (“Mount Laurel IV”), the Borough of Oradell is required to adopt by resolution an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created by rehabilitation, are affirmatively marketed to very low, low and moderate income households, particularly those living and/or working within Housing Region 1, which encompasses the Borough of Oradell; and

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

Affirmative Marketing Plan

- A. All affordable housing units in the Borough of Oradell shall be marketed in accordance with the provisions herein unless otherwise provided in N.J.A.C. 5:93-1, et seq.
- B. The Borough of Oradell has a Gap (1999-2015) and Prospective Need (2015-2025) affordable housing obligation. This Affirmative Marketing Plan shall apply to all developments that require an Affirmative Marketing Plan or will contain very low, low and

moderate income units, including those that are part of the Borough's current Housing Element and Fair Share Plan, and those that may be constructed in future developments not contemplated in the Borough's Housing Element and Fair Share Plan. This Affirmative Marketing Plan shall also apply to any rehabilitated rental units that are vacated and re-rented during the applicable period of controls for identified rehabilitated rental units.

- C. The Affirmative Marketing Plan shall be implemented by the Administrative Agent under contract to the Borough of Oradell. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developer/seller/owner of the affordable unit(s).
- D. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Borough, shall undertake all of the following strategies:
 - 1. Publication of one advertisement in a newspaper of general circulation within the housing region.
 - 2. Broadcast of one advertisement by a radio or television station broadcasting throughout the housing region.
 - 3. At least one additional regional marketing strategy using one of the other sources listed below.
- E. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 1 in which the Borough is located and covers the entire period of deed restriction for each restricted housing unit.
- F. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:
 - 1. All newspaper articles, announcements and requests for application for very low, low and moderate income units shall appear in the Star Ledger.
 - 2. The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspaper during the first week of the marketing program. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and

pay for display advertisements. The developer/owner shall provide proof of publication to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Borough's Administrative Agent.

3. The advertisement shall include a description of the:
 - i. Location of the units;
 - ii. Direction of the units;
 - iii. Range of prices for the units;
 - iv. Size, as measured in bedrooms, of units;
 - v. Maximum income permitted to qualify for the units;
 - vi. Location of applications;
 - vii. Business hours when interested households may obtain an application; and
 - viii. Application fees.
4. Newspaper articles, announcements and information on where to request applications for very low, low and moderate income housing shall appear in at least three locally oriented weekly newspapers within the region, one of which shall be circulated primarily in Bergen County and the other two of which shall be circulated primarily outside of Bergen County, but within the housing region.
5. Advertisements will be broadcast on Spectrum Cable.
6. Applications, brochure(s), sign(s), and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:
 - i. Borough Municipal Building
 - ii. Borough Public Library
 - iii. Borough Website
 - iv. Developer's Sales/Rental Office
 - v. Bergen County Administration Building

Applications shall be mailed by the Administrative Agent to the prospective applications upon request. Locations of applications, brochures, and flyers to affirmatively market the program are listed in the attached Appendix.

7. Also, applications shall be made available at the developer's sales/rental office and shall be mailed to prospective applicants upon request. When on-line preliminary applications are utilized, if prospective applicants do not have internet access they will be given a phone number to call the Administrative Agent, who will then enter all pre-application information online during the phone call. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organization(s) in Bergen, Hudson, Passaic and Sussex Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region, including major regional employers.

- i. Quarterly informational flyers and applications shall be sent to each of the following agencies for publication in their journals and for circulation among their members:

Eastern Bergen County Board of Realtors (411 Rte. 17 South, Hasbrouck Heights, NJ 07604)

Sussex County Association of Realtors (115 DeMarest Rd., Sparta, NJ 07871)

Passaic County Board of Realtors (204 Berdan Ave., Wayne, NJ 07470)

Hudson County Board of Realtors (110a Meadowlands Pkwy., Ste. 103, Secaucus, NJ 07094)

- ii. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies in the counties of Bergen, Hudson, Passaic and Sussex:

Welfare or Social Service Board

Office on Aging or Division of Senior Services

Housing Authority

Community Action Agencies

Community Development Departments

- iii. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all the major employers within the region as listed in the attached Appendix in accordance with the Region 1 Affirmative Marketing Plan.
- iv. The Administrative Agent will also provide specific direct notice to the following community and regional organizations whenever affordable housing units become available in the Borough to the organizations listed in the attached Appendix, including those listed below:

Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002)

New Jersey State Conference of the NAACP (4326 Harbor Beach Blvd. #775, Brigantine, NJ 08203)

The Latino Action Network (P.O. Box 943, Freehold, NJ 07728)

The Bergen County NAACP (P.O. Box 1136, Englewood, NJ 07631)

Bergen County Urban League (12 Tenaflly Rd., Ste. 104, Englewood, NJ 07631)

Bergen County Housing Coalition (389 Main St., Hackensack, NJ 07601)

- 8. A random selection method to select occupants of very low, low and moderate income housing will be used by the Administrative Agent in conformance with N.J.A.C. 5:80-26.16(l). 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.
- 9. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify very low, low and moderate income households; to place income eligible households in very low, low and moderate income units upon initial occupancy; to provide for the initial occupancy of very low, low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to very low, low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26.1, et seq.
- 10. Whenever appropriate, the Administrative Agent shall provide or direct qualified very low, low and moderate income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements

and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.

11. All developers/owners of very low, low and moderate income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.
12. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very low, low and moderate income housing units are initially occupied and for as long as affordable units exist that remain deed restricted and for which the occupancy or re-occupancy of units continues to be necessary. Please note that in addition to complying with this Borough-wide Affirmative Marketing Plan that the Administrative Agent shall also review and approve a separate Affirmative Marketing Plan for every new affordable development in Oradell that is subject to N.J.A.C. 5:80-26.1 et seq. That document shall be completed by the owner/developer and will be compliant with the Borough's Affirmative Marketing Plan as presented herein, and incorporate development specific details and permitted options, all subject to the Administrative Agent's review and approval. The development specific affirmative marketing plans will use the standard form for Region 1, which is included in the attached Appendix.
13. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, et seq. and the Order granting the Borough a Final Judgment of Compliance and Repose.

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