

2025

Fourth Round Housing Element and Fair Share Plan

BOROUGH OF RUTHERFORD | BERGEN COUNTY, NEW JERSEY

ADOPTED BY THE PLANNING BOARD:

ENDORSED BY THE COUNCIL:

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Introduction

The Fair Housing Act of 1985 (the "FHA") provided a constitutional obligation for all municipalities in the State of New Jersey to provide affordable housing. Every municipality in the State was required to provide a "realistic opportunity for a fair share of its region's present and prospective needs for housing low- and moderate-income families". Through this law, a Housing Element became a mandatory part of municipal master plan. In addition, a Fair Share Plan became mandatory, which illustrated the means of achieving the goals of the Housing Element.

Initially, the FHA directed the New Jersey Council on Affordable Housing (COAH) to provide regulations that permitted municipalities to prepare a comprehensive planning and implementation response to the constitutional obligation to provide a realistic opportunity for the provision of affordable housing. The Borough adopted a Revised Third Round Housing Element and Fair Share Plan on August 22, 2006. The affordable housing regulations were amended and the growth share approach was revised to incorporate independent household and employment growth projections. The Borough responded to the amended regulations with its 2008 Third Round Housing Element and Fair Share Plan. The Borough of Rutherford had an obligation of 96 rehabilitation units, 95 prior round units and 65 growth share units.

In March of 2024, the New Jersey Legislature passed and Governor Murphy signed Law A4/S50 which amended the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.). The amendments provided direction and deadlines for how a municipality must meet its Fourth-Round Affordable Housing obligations. This legislative effort was intended to create a more efficient, open, and transparent process for the fourth round and all subsequent rounds.

To effectuate compliance with the Fourth Round of Affordable Housing, municipalities must complete a series of steps and, if the steps are timely completed, the municipality retains immunity from all exclusionary zoning lawsuits, including immunity from builder's remedy lawsuits. The steps are as follows:

1. **Establish Present and Prospective Need Obligation Numbers – January 31, 2025.** The legislation required municipalities to adopt a Present and Prospective Need Obligation numbers by resolution by January 31, 2025.
2. **Period to Challenge Numbers – February 1, 2025 to February 28, 2025.** Interested parties can file a challenge to the municipality's adopted numbers.
3. **If Challenged, Numbers Reviewed and Settled – March 1, 2025 to April 1, 2025.** The Affordable Housing Dispute Resolution program will review the municipality's proposed obligation numbers and review the challenge presented.
4. **Development of Housing Element and Fair Share Plan ("HEFSP")– June 30, 2025.** The HEFSP must contain several components which must provide a realistic opportunity for the development of affordable housing units that will satisfy the Borough's ultimate Fourth-Round affordable housing obligation after consideration of adjustments to the Borough's prospective need number by factors such as insufficient vacant land on which to construct housing. The statutory components of the HEFSP include, amongst other things, an inventory of housing, demographic and employment analyses, and considerations of lands for suitable housing development. This document will also contain areas recommended for rezoning, redevelopment, or other land use

strategies to effectuate such housing development. This document will address all of the statutory criteria required by the legislation to achieve conformance with this step.

5. **Challenge of Housing Element and Fair Share Plan – August 31, 2025 to December 31, 2025.** Interested parties can file a challenge to the validity of the plan and the strategies to address the obligation contained therein by August 31, 2025. Municipalities will have until December 31, 2025 to settle any challenge or provide an explanation as to why some or all the requested changes from the intervening party will not be made. If there is a settlement, it must be reviewed and approved by the New Jersey Supreme Court where the assigned Mount Laurel Judge for the county issues an order approving the settlement and the equivalent of a judgment of compliance and repose which is a form of permanent immunity from exclusionary zoning lawsuits for the Fourth Round. If there is no settlement, the Program will review the plan and issue a recommendation which goes to the Superior Court where the assigned Mount Laurel Judge for the county issues a decision.
6. **Final Compliance Deadline – March 31, 2026.** Deadline for municipalities to amend its HEFSP in the event the Borough needs to make any changes pursuant to a settlement or a decision of the Court in response to a challenge and the deadline for the Borough to adopt the implementing ordinances to align with the plan.

Municipal Summary

The Borough of Rutherford is situated in the southwest section of Bergen County and is bounded to the north by East Rutherford Borough, to the south by Lyndhurst Township, and to the west is the City of Passaic. Rutherford occupies approximately 2.9 square miles, 0.96 square miles are under the jurisdiction of the New Jersey Meadowlands Commission (NJMC) and, starting in 2015, under the jurisdiction of the New Jersey Sports and Exposition Authority (NJSEA).

The population of Rutherford Borough has increased slightly from 18,061 in 2010 to 18,834 in 2020. In 2020 the median age in Rutherford was 40.7 years. The average household size was 2.63 persons in 2020.

With respect to the State Development and Redevelopment Plan (SDRP), the area not under the NJMC jurisdiction, is classified as the Metropolitan Planning Area (PA1). Communities of this classification are characterized by mature settlement patterns, a paucity of vacant land, and the need to rehabilitate housing to keep pace with changing market standards. It is common in the PA1 area of Bergen County for functional issues affecting one community to typically affect adjacent communities, making necessary regional approaches to many transportation and land use issues. For the PA1 area, the SDRP anticipates that redevelopment will be the principal generator of future growth.

In terms of residential growth, for the period of January 2013 through December 2023, Rutherford issued building permits authorizing the development of 95 units. As can be seen from the table below, the bulk of this activity occurred in 2021 with the development of a 60-unit, multi-family building. However, prior to 2021 and after the Borough has only issued permits for 26 units inclusive of one-, two-, and multi-family units.

Year	1 and 2 Family	Multi-Family	Total
2013	2	0	2
2014	1	0	1
2015	3	0	3
2016	7	0	7
2017	1	0	1
2018	2	0	2
2019	4	0	4
2020	1	1	2
2021	9	60	69
2022	0	0	0
2023	4	62	66

Affordable Housing Obligation

On January 27, 2025, the Borough memorialized Resolution #55-2025 the Present Need (rehabilitation) Obligation of sixteen (16) and a Prospective Need Obligation of two hundred and ten (210) as reported by Neglia Group, the Borough's affordable housing planner. The Neglia Group provided a parcel-by-parcel analysis of DCA's land capacity map and determined certain lots should be excluded. In addition, the resolution reserved the Borough's rights to a vacant land adjustment, durational adjustments and all other applicable adjustments permitted in accordance with the act and COAH regulations.

Borough Goal

It is the overall goal of the Borough's HEFSP to provide the planning context in which access to low- and moderate-income housing can be provided in accordance with the requirements of the Fair Housing Act and the laws of the State of New Jersey.

Content of Housing Element

The Fair Housing Act requires that “the housing element 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”. As per the MLUL, specifically N.J.S.A. 52:27D-310, a housing element must contain at least the following items:

- a. An inventory of the Borough’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, and in conducting this inventory the municipality shall have access, on a confidential bases for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor’s office, including but not limited to the property records cards;
- b. 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 issues, approvals of applications for development and probably residential development of lands;
- c. An analysis of the municipality’s demographic characteristics, including but not necessarily limited to household size, income level, and age;
- d. An analysis of the existing and probable future employment characteristics of the municipality;
- e. 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.c2(C.52:27D-304.1);
- f. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of 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;
- g. 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 recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021.c273(C.52:27D-329.20);
- h. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to P.L.2024.c2(C.52:27D-304.1), or 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 the consideration of opportunities for 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
- i. An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportations based on guidance and technical assistance from the State Planning Commission.

Inventory of Rutherford's Housing Stock

The following housing data was sourced from the 2018-2023 five-year ACS estimates.

Housing Type

According to the 2023 ACS, there are 7,163 housing units in the Borough of Rutherford. The Borough's housing stock includes single-family detached, single family attached (i.e. townhomes), multi-family dwellings, and mobile homes. Single-family detached dwellings total 4,012 or 56.0% of the Borough's housing stock. Single-family-attached homes comprise 138 or 1.9% of Rutherford's housing stock. As the chart on the right indicates, there are 1,164 or 16.3% of 2-unit dwellings. There are 999, 3–19-unit dwellings, 745, 20 or more-unit dwellings, and 105 mobile homes.

Housing Type by Units in Structure		
Unit Type	Number of Units	Percent
1-unit, detached	4,012	56.0%
1-unit, attached	138	1.9%
2 units	1,164	16.3%
3 or 4 units	269	3.8%
5 to 9 units	335	4.7%
10 to 19 units	395	5.5%
20 or more units	745	10.4%
Mobile home	105	1.5%
Other	0	0.0%
Total	7,163	100%

Source: 2023 ACS Table DP04

Occupancy Status

According to the 2023 ACS estimates, 6,955 or 63.1% of the Borough's occupied housing stock is owner occupied, while 208 or 36.9% is renter occupied. The Borough's housing vacancy rate is estimated to be 1.3% in 2023. A majority of vacant housing units fall under the "Other" category with 81 units or 38.9%. For sale units comprise 58 units or 27.9% of Rutherford's vacant units. See the table below for additional details.

Occupancy Status		
	Households	Percent
Occupied Total	6,955	97.1%
Owner Occupied	4,386	63.1%
Renter Occupied	2,569	36.9%
Vacant Total	208	2.9%
For rent	50	24.0 %
Rented, not occupied	0	0.0%
For Sale only	58	27.9%
Sold, no occupied	19	9.1
Seasonal, recreational, or occasional use	0	0.0%
For migrant workers	0	0.0%
Other	81	38.9
Total	7,163	100%

Source: 2023 ACS tables DP04 & B25004

Value and Rent of Housing Stock

The ACS provides value estimates for owner-occupied housing units. The majority of Rutherford's estimated 2,646 or 60.3% owner-occupied housing units are valued at \$500,000 to \$999,999. Homes valued between \$300,000 and \$499,999 account for 1,100 or 25.1% of owner-occupied units, while homes valued between \$150,000 and \$199,999 and less than \$50,000 comprised only 1.1% of the owner-occupied housing stock. See the table below for details.

Value of Owner-Occupied Units		
Value	Number of Units	Percent
Less Than \$50,000	48	1.1%
\$50,000 to \$99,999	143	3.3 %
\$100,000 to \$149,999	100	2.3%
\$150,000 to \$199,999	49	1.1%
\$200,000 to \$299,999	100	2.3%
\$300,000 to \$499,999	1,100	25.1%
\$500,000 to \$999,999	2,646	60.3%
\$1,000,000 or more	200	4.6%
Total	4,386	100.0%

Source: 2023 ACS table DP04

The median monthly owner costs for persons with a mortgage was \$3,108 and the median monthly owner costs for persons without a mortgage was \$1,329.

Over 30% of rentals in Rutherford have rents priced between \$1,500 to \$1,999 per month. Units with rents between \$2,000 and \$2,499 comprise only 662 or 26.5% of rentals in the Borough. Additionally, units of \$3,000 or more per month comprise 223 units or 8.9% of rentals in the Borough. The median gross rent paid for occupied units paying rent was \$1,859.

Cost of Rentals		
Cost	Number of Units	Percent
Less Than \$500	62	2.5%
\$500 to \$999	64	2.6 %
\$1,000 to \$1,499	577	23.1%
\$1,500 to \$1,999	759	30.4%
\$2,000 to \$2,499	662	26.5%
\$2,500 to \$2,999	149	6.0%
\$3,000 or more	223	8.9%
Total	2,496	100%

Source: 2023 ACS table DP04

Condition of Housing Stock

The Census does not classify housing units as standard or substandard, but it can provide an estimate of substandard housing units that are occupied by low- and moderate-income households. The Appellate Division upheld COAH's use of three indicators to determine substandard housing in the State. Those three indicators are houses built before 1959 and which are overcrowded with more than one person per

room. The second indicator is homes lacking complete plumbing and the third indicator are homes lacking kitchen facilities.

According to the Census data there were 5 units lacking complete plumbing facilities, 17 units lacking complete kitchen facilities, and 44 units lacking telephone service. The majority of the units (77.9%) utilize natural gas as the primary house heating fuel, with the remainder utilizing bottled, tank or LP gas, electric heat, or fuel oil.

Condition of Housing Stock		
Fuel Type	Number of Units	Percent
Lacking complete plumbing facilities	5	0.1%
Lacking complete kitchen facilities	17	0.2%
No telephone service available	44	0.6%
House Heating Fuel		
Utility gas	5,420	77.9 %
Bottled, tank, or LP gas	253	3.6 %
Electricity	688	9.9 %
Fuel oil, kerosene, etc.	491	7.1 %
Coal or coke	0	0.0%
Wood	0	0.0%
Solar energy	0	0.0%
Other fuel	25	0.4 %
No fuel used	78	1.1 %
Total	6,955	100%

Source: 2023 ACS table DP04

Housing with 1.01 or more person per room is an index of overcrowding. In 2023, the ACS found that there were 110 occupied housing units within the Borough that were "overcrowded". There were only 27 units with 1.01 to 1.50 occupants per room and 83 units with 1.51 or more occupants per room.

Occupants Per Room		
Occupants	Number of Units	Percent
1.00 or less	6,845	98.4%
1.01 to 1.50	27	0.4%
1.51 or more	83	1.2%
Total	6,955	100%

Source: 2023 ACS table DP04

Housing units built in 1975 or earlier are flagged instead of units built in 1959 or earlier. Research has determined that units built 50 or more years ago are much more likely to be in substandard condition. Included in the rehabilitation calculation are overcrowded units and dilapidated housing. Overcrowded units are defined by the U.S. Department of Housing and Urban Development as those with more than one person living per room.

The table on the following page provides the 2023 ACS data on the age of housing stock. Approximately 76.2% (5,457 units) of Rutherford's housing stock was built before 1960. Units built before 1975 are a factor in the determination of each municipality's rehabilitation share. In Rutherford, 5,841 units were

constructed prior to 1970. The Borough's Rehabilitation obligation is 16 units, reflecting the relatively good condition of these older homes. Approximately, 3,041 housing units in the Borough were constructed in 1939 and earlier. Close behind the 1939 or earlier homes, with 1,397 housing units are the housing units constructed in the 1950s. Construction of new housing stock experienced significant decline in the 1960s and in the 2020's.

Age of Housing Stock		
Year Built	Number of Units	Percent
Built 2020 or later	37	0.5 %
Built 2010 to 2019	210	2.9 %
Built 2000 to 2009	174	2.4 %
Built 1990 to 1999	236	3.3 %
Built 1980 to 1989	293	4.1 %
Built 1970 to 1979	372	5.2 %
Built 1960 to 1969	384	5.4 %
Built 1950 to 1959	1,397	19.5 %
Built 1940 to 1949	1,019	14.2 %
Built 1939 or earlier	3,041	42.5%
Total	7,613	100%

Source: 2023 ACS Table DP04

Projection of Housing Stock

As per the MLUL, specifically N.J.S.A 52:27D-310, a housing element must contain 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.

The Department of Community Affairs' Division of Codes and Standards website provides data on Certificates of Occupancy and demolition permits for both residential and non-residential development. Within the Division of Codes and Standards website is the New Jersey Construction Reporter, which contains building permit, certificate of occupancy (hereinafter "CO"), and demolition data that is submitted by municipal construction officials within the State each month. The New Jersey Construction Reporter has information dating back to 2000, which can be used to show the Borough's historic development trends.

As shown in the table below, 95 new homes were built and issued COs between 2013 and 2023 while 32 were demolished in the Borough of Rutherford. As shown in the table below, the largest number of CO's issued and demolitions occurred in 2021.

Historic Trends of Residential COs and Demolition Permits												
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
COs Issued	2	1	3	7	1	2	4	2	69	0	4	95
Demolitions	1	5	3	0	0	5	2	5	7	3	1	32
Total	3	6	6	7	1	7	6	7	76	3	5	127

Source: New Jersey Construction Reporter from the NJ DCA

Looking at historic development patterns shown in the previous table. The Borough anticipates the following developments:

Projection of Residential Development				
Approved Development, Under Construction	'23	'24	'25	Total
Parker 2, 118 Park Avenue	61 units			61 units
223 Orient Way	8 units			8 units
30 Franklin		2 units		2 units
123 Chestnut	4 units			4 units
Approved Development, Not Yet Under Construction				
47 Chestnut		1 unit		1 unit
Williams Center	80 units			80 units
Projected Development				
Total	153 units	3 units		156 units

Vacant Land Adjustment

Future development opportunities in Rutherford were assessed as part of a vacant land adjustment and the imposition of a realistic development potential (RDP) analysis that was undertaken pursuant to COAH's Second Round regulations. As discussed in more details in the Fair Share Plan section of this report. However, The Parker 2 was constructed and completed in 2023 and resulted in 61 units inclusive of 9 affordable units and the Williams Center Redevelopment Plan Area will be a total of 80 units with a 15% affordable housing set aside. Therefore, the Borough has determined that it has an RDP of 21 affordable housing units.

Rutherford's Population Demographics

Rutherford's population experienced steady growth from 1930 until a decrease of 8.3% in 1980. From 1990 until present, the Borough continued to grow in population. The 2020 US Census Bureau reports the Borough's population to be 18,834 people. The table and chart below provide additional information. It shall be noted that the five-year American Community Survey data from the US Census Bureau provided estimates of population, housing and employment estimates between the major Census reports each decade. In an effort to display the most up to date information, the data used in this report is sourced from the 2018-2023 five-year ACS estimates.

Population Growth		
Year	Population	Percent Change
1930	14,915	0.0%
1940	15,466	3.7%
1950	17,411	12.6%
1960	20,473	17.6%
1970	20,802	1.6%
1980	19,068	-8.3%
1990	17,790	-6.7%
2000	18,110	1.8%
2010	18,061	-0.3%
2020	18,834	4.3%

Source: US Census Bureau, 2000, 2010, 2020

Age Distribution of Population

The Borough of Rutherford has increased in total population overall. Between 2010 to 2020, the largest increase in age cohort occurred in the 65 to 74 age cohorts, which experienced an increase of 42.2%. Residents aged 45 to 54 years comprised the smallest age cohort with a decline of approximately 14.3% of residents fall in this category. The 2023 ACS indicates that the Borough's median age was 40.7 years old. The racial composition of Rutherford population is predominantly white, accounting for 75.7% of the Borough's residents. See the tables below and on the next page for additional details.

Population By Age Cohort						
Age	2010 Total	2010 Percent	2020 Total	2020 Percent	Change, 2010 to 2020 Total and Percent	
Under 5 years	921	5.1%	972	5.2%	51	5.5%
5 to 9 years	1,062	5.9%	1,046	5.6%	-16	-1.5%
10 to 14 years	1,089	6.0%	1,089	5.8%	0	0.0%
15 to 19 years	1,201	6.7%	1,308	6.9%	107	8.9%
20 to 24 years	1,085	6.0%	1,190	6.3%	105	9.7%
25 to 34 years	2,254	12.5%	2,458	13.0%	204	9.1%
35 to 44 years	2,725	15.1%	2,750	14.6%	24	0.9%
45 to 54 years	2,999	16.6%	2,571	13.6%	-428	-14.3%
55 to 59 years	1,207	6.7%	1,339	7.1%	132	10.9%
60 to 64 years	1,077	5.9 %	1,217	6.5%	140	13.0%
65 to 74 years	1,228	6.8%	1,746	9.2%	518	42.2%
75 to 84 years	817	4.5%	784	4.2%	-33	-4.0%
85 years and over	396	2.2%	364	1.9%	-32	-8.1%
Total	18,061	100%	18,834	100%	773	

Source: US Census Bureau 2010 and 2020, P12

Racial Characteristics		
Race	# of Persons	Percent
One Race	16,082	88.8%
White	12,181	75.7%
Black or African American	612	3.8%
American Indian and Alaska Native	34	0.2%
Asian	2,768	17.2%
Native Hawaiian and Other Pacific Islander	11	0.1%
Some Other Race alone	476	3.0%
Two or More Races	2,666	14.2%

Source: 2023 ACS Table B02001

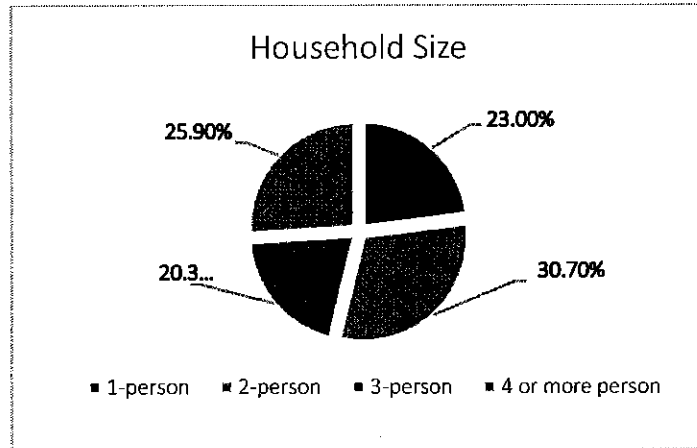
Household Size and Type

The Borough of Rutherford is primarily a fully developed one- and two-family residential community. There was a total of 6,955 households, with 4,386 owner occupied housing units compared to 2,569 renter occupied housing units. In addition, 69.5% or 4,833 of the housing units were occupied by family households as compared to 30.5% or 2,122 non-family households. Married-couple families with children under 18 comprised 42.6% of households within the Borough, whereas 30.5% were non-family households in 2023. Non-family households include persons living alone or a householder who is not related to any of the other persons sharing their home.

Household Type and Size		
Type	Number	Percent
Family Households	4,833	69.5%
Married couple family	3,597	74.4%
with children under 18	1,531	42.6%
Male Householder, no spouse	349	7.2%
Female Householder, no spouse	887	18.4%
Non-family Households	2,122	30.5%
Total	6,955	100%

Source: 2023 ACS Table S1101

As illustrated in the table below, the most common household size within Rutherford in 2023 was a 2-person household, which totaled 30.7%. Second most common was a 4 or more-person household with 25.9% of all households. Households of 3-persons comprised the least common household size with 20.3% of all households within the Borough. The average household size of these units was 2.63 persons per household and the average family size was slightly higher at 3.06 persons per family. The tables on the next page illustrate the Household Size for the Borough.



Household Size		
Size	Total	Percent
1-person	1,603	23.0%
2-person	2,136	30.7%
3-person	1,415	20.3%
4 or more person	1,801	25.9%
Total	6,955	100%

Source: 2023 ACS Table S2501

Income and Poverty Status

The ACS estimates that the median household, family, and per capita incomes for the Borough of Rutherford were above the median household and family incomes for Bergen County and New Jersey. Rutherford's median household income was \$136,069, compared to \$116,709 for the County and \$99,781 for the State. The median family income in the borough is roughly \$17,742 more than the county and approximately \$39,610 more than the State's. The median per capita income is slightly less than the County. However, the Borough's median per capita income is slightly greater than the State's.

Individual poverty is at 4.8% in Rutherford compared to 6.6% in the County and 9.7% in the State. Family poverty is at 4.8% in Rutherford, compared to 5.1% in the County and 7.1% compared to the State's. See the table below for additional details.

Income Characteristics			
Income type	Borough of Rutherford	Bergen County	New Jersey
Median Household Income	\$136,069	\$116,709	\$99,781
Median Family Income	\$161,554	\$143,812	\$121,944
Per Capita Income	\$60,912	\$62,627	\$52,583
Poverty Status (Percent of People)	4.8%	6.6%	9.7%
Poverty Status (Percent of Families)	4.8%	5.1%	7.1%

Source: 2023 ACS table S1901, B19301, S1701, S1702

According to the 2023 ACS data, a majority of households (28.8%) in Rutherford earn more than \$200,000 per year. This compares to 27% of households in the County and 20.4% of households in the State. On the opposite end of the spectrum, 1.9% of households earn less than \$10,000 per year compared to 2.3% in the County and 2.8% in the State.

Household Income						
	Borough of Rutherford		Bergen County		New Jersey	
	Total	Percent	Total	Percent	Total	Percent
Less Than \$10,000	132	1.9%	12,831	3.6%	152,153.70	4.3%
\$10,000 to \$14,999	139	2.0%	8,198	2.3%	99,076.80	2.8%
\$15,000 to \$24,999	195	2.8%	14,257.52	4.0%	180,461.30	5.1%
\$25,000 to \$34,999	243	3.5%	14,257.52	4.0%	183,999.80	5.2%
\$35,000 to \$49,999	396	5.7%	23,168.47	6.5%	279,538.10	7.9%
\$50,000 to \$74,999	842	12.1%	40,633.93	11.4%	467,076.30	13.2%
\$75,000 to \$99,999	522	7.5%	38,851.74	10.9%	410,461	11.6%
\$100,000 to \$149,999	1,335	19.2%	64,871.72	18.2%	640,460.07	18.1%
\$150,000 to \$199,999	1,141	16.4%	43,129	12.1%	403,384.10	11.4%
\$200,000 or more	2,003	28.8%	96,238.26	27.0%	721,845.20	20.4%
Total	6,955	100%	356,438	100%	3,538,457	100%

Source: 2023 ACS table S1901

Rutherford's Employment Demographics

This chapter provides a snapshot of employment within Rutherford, including the types of industries within the community. The 2023 ACS estimates that Rutherford has 10,319 residents in the labor force. The labor force consists of approximately 65.7% employed person and 2.4% unemployed persons.

The majority of workers within the Borough are reported to be private wage and salary workers. Just over 8,443 or 81.8% of those employed fall into this category. Approximately 14.1% of workers are government employees and 3.9% are self-employed. The ACS estimates only 14 workers are unpaid family workers.

Class of Worker		
Class of Worker	Number of Workers	Percent
Private wage and salary workers	8,443	81.8%
Government workers	1,460	14.1%
Self-employed in own not incorporated business workers	402	3.9%
Unpaid family workers	14	0.1%
Total Employed Residents	10,319	65.7%
Total Unemployed Residents	379	2.4%

Source: 2023 ACS Table DP03

Occupational Characteristics

The ACS estimates that the majority of the Borough's residents are employed in management, business, science, and arts occupations at 59.6%. The service occupation employs 841 residents, or 8.2%, of the working population. Sales and office occupations employs 20.2% or 2,089 residents. Natural resources, construction, and maintenance occupations employs 387 residents or 3.8% and production, transportation, and material moving occupations employs 854 residents or 8.3% of the working population.

Employed Civilian Population by Occupation (Age 16 Years or Older)				
Occupation	Township of South Hackensack		Bergen County	
	Total	Percent	Total	Percent
Management, business, science, and arts occupations	6,148	59.6%	263,942	53.3%
Service occupations	841	8.2%	61,574	12.4%
Sales and office occupations	2,089	20.2%	101,185	20.4%
Natural resources, construction, and maintenance occupations	387	3.8%	25,740	5.2%
Production, transportation, and material moving occupations	854	8.3%	42,480	8.6%
Total	10,319	100%	494,921	100%

Source: 2023 ACS Table DP03

Employment Projections

The NJTPA estimates that employment within the Borough will grow by 1,491 jobs by 2050. In order to achieve this projection, Rutherford would need to create 42.6 new jobs per year during the 35-year period.

Employment Projections			
Year	Jobs	Change	Percent
2015	6,800	---	---
2050	8,291	1,491	0.6%

Source: NJTPA Plan 2050, Appendix E; NJTAP Plan 2040, Appendix A (for 2020 data)

Employment by Professions

According to the 2023 ACS, there were 10,319 persons in the labor force in the Borough of Rutherford and only 379 persons were unemployed. Professional, scientific, and management, and administrative, and waste management services made up the largest component of the workforce with 1,973 persons or 19.1%. The remainder of the workforce was generally uniformly divided amongst the fields of agriculture, forestry, fishing, and hunting, and mining, construction, manufacturing, wholesale trade, retail trade, transportation and warehousing and utilities, information, finance and insurance and real estate and rental and leasing, educational services, and healthcare and social assistance, arts, entertainment and recreation and accommodation and food services, other services and public administration.

Employed Person by Profession		
Occupation	Number of Persons	Percent
Agriculture, forestry, fishing and hunting, and mining	10	0.1%
Construction	391	3.8%
Manufacturing	926	9.0%
Wholesale trade	565	5.5%
Retail trade	1,026	9.9%
Transportation and	296	2.9%

warehousing, and utilities		
Information	534	5.2%
Finance and insurance, and real estate and rental and leasing	1,190	11.5%
Professional, scientific, and management, and administrative and waste management services	1,973	19.1%
Educational services, and health care and social assistance	1,927	18.7%
Arts, entertainment, and recreation, and accommodation and food services	610	5.9%
Other services, except public administration	309	3.0%
Public administration	562	5.4%
Total	10,319	100%

Source: 2023 ACS Table DP03

Capacity for Fair Share

This chapter of the HEFSP provides the following information as required by the rules:

- The Borough's capacity to accommodate its housing needs.
- 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.
- Lands of developers who have expressed a commitment to provide low- and moderate-income housing.
- The location and capacities of existing and proposed water and sewer lines and facilities relevant to the proposed affordable housing sites.

Land Capacity

Rutherford's capacity to construct creditable units toward satisfying its affordable housing obligation is determined by three (3) components – available land, water capacity, and sewer capacity. Additionally, land development is limited by the New Jersey Meadowlands, wetlands and associated buffers, flood plains, parcel size and municipal regulations.

Utility Capacity

The entire Borough of Rutherford has access to water and sewer utilities. However, to determine if infrastructure upgrades are required, the Borough would need to perform a detailed study of the affordable housing sites and their surrounding utility infrastructure. The study would need to include sanitary sewer and water service reports for each development, the condition, size, location and existing capacities and pressures would need to be determined.

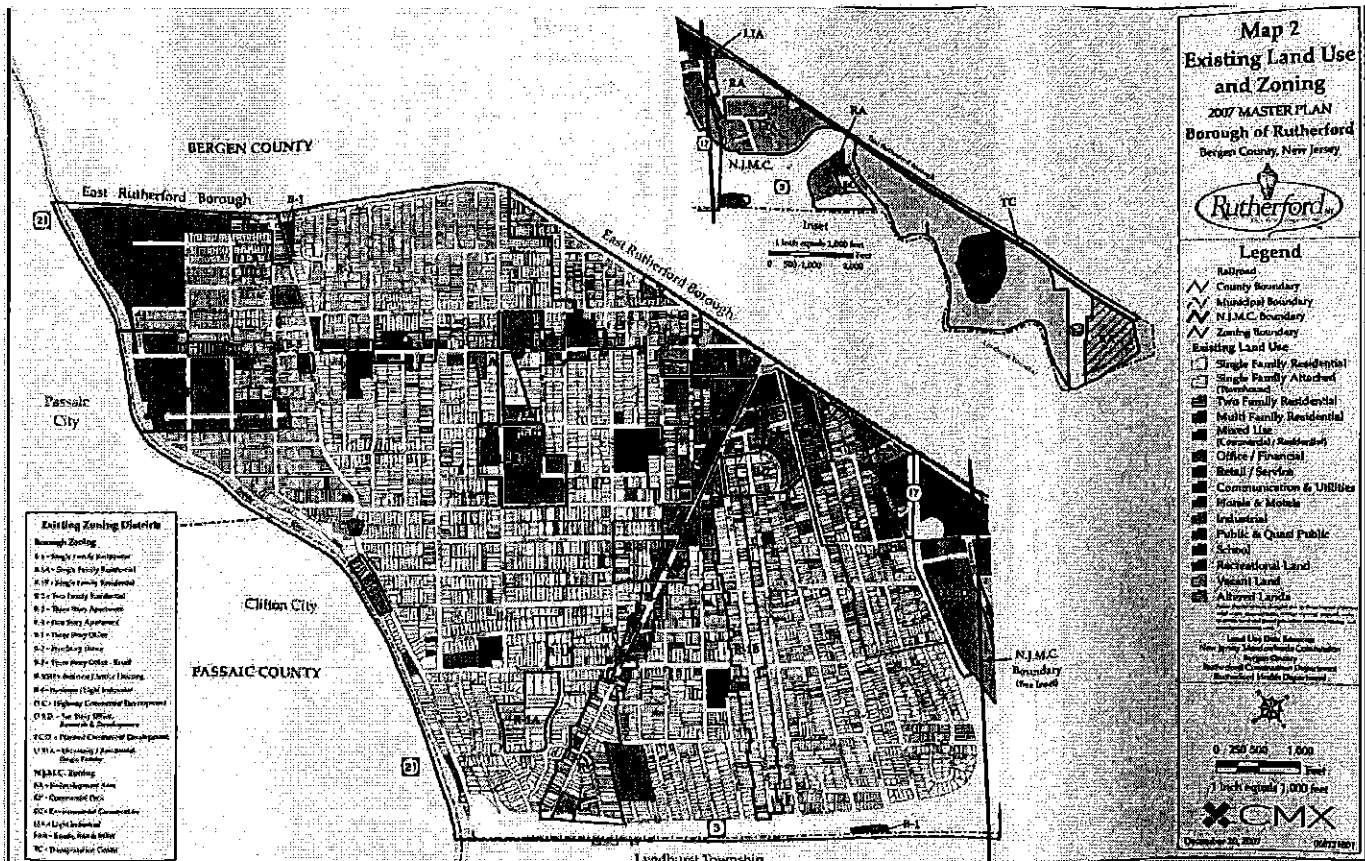
Appropriate Locations for Affordable Housing

Land that is most appropriate for the construction of low- and moderate-income housing in the Fourth Round includes the following approved, proposed and anticipated projects:

1. Kip Avenue Redevelopment Area – designated as an Area in Need of Redevelopment, Redevelopment Plan being drafted. Land is still vacant but this site was included as part of Round 3 Settlement.
2. Meadow Road Proposed Townhomes – designated as an Area in Need of Redevelopment, Redevelopment Plan will need to be drafted. This site was included as part of Round 3 Settlement.
3. Redevelopment of the former Boiling Springs Office building, conversion of offices to multi-family residential with an affordable housing set aside requirement.
4. Holman Property – 2019 this was designated as an Area In Need of Redevelopment. No Redevelopment Plan was drafted. Block 110, Lots 3.01, 3.02, 4, 5, 6, 7, and 7.01. (Park, Highland Cross, and Lincoln Redevelopment Area).
5. Williams Center Redevelopment Area – Redevelopment Area approved to include 80 multi-family units with a 15% set aside for affordable housing.

Anticipated Development Patterns

Anticipated land use patterns within the Borough of Rutherford will follow the established zoning map (shown on the following page). The Borough has a variety of zoning districts including one-family residential, two-family residential, three-story apartments, five-story apartments, three-story office, five-story office, three-story office/retail, business/senior housing, business/light industrial, highway commercial development, ten-story office, research and development, planned commercial development, university/residential single family, and New Jersey Meadowlands Commission Zones.



Multigenerational Family Housing Continuity

Pursuant to the Amended FHA, 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.

November 8, 2021, the Senate and General Assembly of the State of New Jersey adopted C.52:27D-329.20, which established the "Multigenerational Family Housing Continuity Commission" for the purpose of conducting research, obtaining public input, and adopting recommendations on how to most effectively advance the goal of enhancing multigenerational family housing continuity, which can be defined broadly as the degree to which senior citizens are able to reside at the homes of their extended families.

The bill requires each Municipality's Housing Plan Element to provide an analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal as described in the recommendations of the commission.

The Borough of Rutherford has a history of being committed to promoting multigenerational family continuity and will continue to do so through the Fourth Round. Rutherford has diverse housing options in a manner consistent with the regulation. Additionally, the Borough is employing a variety of approaches to accomplish this task through a variety of housing types and affordability levels in close proximity to public transportation (such as the train station and bus stops), shopping centers, and the downtown. The Borough has a number of senior housing options and a Borough sponsored Senior Center.

Consistency with the State Development and Redevelopment Plan

The Fourth Round Housing Element and Fair Share Plan is consistent with the 2001 State Development and Redevelopment Plan (SDRP) and the proposed SDRP that is currently in cross-acceptance process as the projects will provide a realistic opportunity for the construction of affordable housing as the projects are located in State Planning area designated as PA-1, which is the Metro Planning Area. Pursuant to the SDRP, PA-1 is the preferred location for redevelopment for compact growth. The development of affordable housing in PA-1 is consistent with the overall State Development and Redevelopment Plan goal to direct redevelopment and growth into PA-1 areas as the intentions of the Metropolitan Planning Area are to provide for much of the state's future redevelopment promote growth in compact forms. The Borough's Fourth Round Plan is consistent with the 2001 SDRP.

Affordable Housing Trust Fund

A development fee ordinance creating a dedicated revenue source for affordable housing was amended by Rutherford in 2015.

The Spending Plan is included in the appendix to this Housing Plan, which discusses the anticipated revenues, collection of revenues and the use of revenues, was prepared in accordance with former COAH's applicable substantive rules. All collected revenue will be placed in the Borough's Affordable Housing Trust Fund and may be dispensed for the use of eligible affordable housing activities, but not limited to:

- Rehabilitation program;
- New construction of affordable housing units and related development costs;
- Extensions or improvements of roads and infrastructure directly serving affordable housing development sites;
- Acquisitions and/or improvements of land to be used for affordable housing;
- Purchase of affordable housing units for the purpose of maintaining or implementing affordability controls;
- Maintenance and repair of affordable housing units;
- Repayment of municipal bonds issued to finance low and moderate-income housing activity; and,
- Any other activity as specified in the approved spending plan.

However, the Borough is required to fund eligible programs in a Court-approved Housing Element and Fair Share Plan, as well as provide affordability assistance.

At least 30% of collected development fees, excluding expenditures made since July 17, 2008, then affordability assistance became a statutory requirement in Fair Housing Act, shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in a municipal Fair Share Plan. At least one third (1/3) of the affordability assistance must be expended on very-low-income units. Additionally, no more than 20% of the revenues collected from development fees each year, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to prepare or implement a rehabilitation program, a new construction program, a housing element and fair share plan and/or an affirmative marketing program.

Monitoring

The Borough will comply with monitoring provisions consistent with those required by the Fair Housing Act and similar. The monitoring requires regular tracking of progress towards meeting the affordable housing obligations and ensuring the affordable units and affordable housing trust fund are administered properly as follows:

- February 1st of each year- The Borough will provide an annual reporting of the status of all affordable housing activity within the Borough through posting on the municipal website and certifying the account on the Department of Community Affairs portal.
- Mid-Point Review- The Borough will post a second time on the Borough's website and submit to the Department of Community Affairs portal, a status update as to its implementation of its Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the Program and Superior Court, regarding whether any sites no longer present a realistic opportunity and should be replaced. Any interested party may by motion request a hearing before the Court regarding these issues.

Fair Share Plan

Content of Fair Share Plan

The Fair Share Plan contains the following information:

- Third Round Compliance Status
- Regional income limits;
- Description of existing credits intended to satisfy the obligation;
- Description of proposed mechanisms that will be used to meet any outstanding obligations; and
- An implementation schedule that sets forth a detailed timeline for units to be approved.

Third Round Compliance Status

Pursuant to the amended FHA, the Fourth Round Fair Share Plan is required to provide an assessment of the degree to which the Third-Round fair share obligation has been met as established by prior court approval. The municipality is required to determine to what extent the obligation is unfulfilled or whether the municipality has excess credits. If the Third-Round obligation remains unfulfilled the municipality shall address the Third-Round unfulfilled obligation in this Fourth-Round Fair Share Plan. Units included as part of the municipality's unfulfilled prior round shall not count towards the cap on units in the municipality's Fourth Round prospective need obligation. In addressing the status of the Third Round projects, the municipality must demonstrate how any sites that were not built in the prior rounds continue to present a realistic opportunity.

The Third-Round obligation consisted of a Rehabilitation Share (per Kinsey Report) of 119 units, a Prior Round Obligation of 95 units, and the Third Round (1999-2025) Prospective Need as adjusted through the Agreement of 477 units. The Borough addressed this obligation through participation in the Bergen County Housing Rehabilitation Program. The Borough has a Prior Round prospective need of 95 units, which was met through 8 credits from the South Bergen Mental Health Center (Special Needs) and Rutherford Senior Manor (Age-Restricted) 24 credits, in total there were 32 units. The remaining 63 units were determined to be unmet need and were added to the Borough's Third Round Unmet Need. The Borough implemented the following mechanisms to address the Third Round 477-unit Prospective Need:

- The Borough took a Vacant Land Adjustment which resulted in a Realistic Development Potential (RDP) of 52 units as shown on the chart on the next page.

Third Round - Realistic Development Potential				
Description/Owner	Location of Property	Size of Property	Density	RDP
Linque Properties	Block 224, Lot 3.04	0.93 acres	12 dwelling units an acre	2 units
Agnew Place	Block 76, Lot 32, Block 77, Lots 5, 6, 15, and 16 and the entirety of Block 78	3.9 acres	30 dwelling units an acre	32 units
Park Avenue	Portion of Block 73	0.70 acres	50 dwelling units an acre	10 units
Kip Avenue	Block 74, Lots 16-18	0.20 acres	50 dwelling units an acre	2 units
Rutherford Gate/Meadow Road Apartments LLC	Block 221, Lot 1.01	1.05 acres	20 dwelling units an acre	4 units
Native Developers, LLC	Block 73, Lots 12.02 and 17	0.20 acres	25 dwelling units an acre	1 unit
Varabee Realty, LLC	Block 7, Lots 20, 20.01, and 21	0.40 acres	16 dwelling units an acre	1 unit

- The Borough addressed its RDP by providing a realistic opportunity for the development of affordable housing through the following projects:
 - **West Erie, Union Avenue, Agnew Place & Chestnut Street Redevelopment Area** - The Borough adopted two (2) Redevelopment Areas (Area A&B) for portions of Block 76,77 &78 which encompassed approximately one point seventy (1.7 +/-) acres. Area A is comprised of Block 78, Lots 1, 1.02, 2, 5,7,14,16,18, and Block 77 Lots 5, 6, 15, and 16 and permitted up to 140 total units of multi-family apartments and required a 15% set-aside of 21 affordable housing units. Area B is comprised of Block 76 Lot 32. Area B permitted 21 total dwelling units and a 15% set-aside of 3 affordable housing units. The Borough agreed that any Redevelopment Agreement for these Redevelopment Areas would require the referenced number of affordable units and shall otherwise be in conformance with the terms of this Agreement. **This is a multi-phase project that is in the process of being built. 51 Union has received approvals and is ready for construction. This project resulted in 24 credits for the Third Round.**
 - **Park Avenue Redevelopment Area (formerly "The Maples")** - The Borough adopted a redevelopment plan for portions of Block 73 which encompasses point seven (.07) acres. The Redevelopment Agreement required a payment in lieu of providing 6 on-site units. No later than 10 days before the Fairness Hearing in this matter, the Borough provided FSHC and the Special Master a plan for how it will use that payment in lieu to create a realistic opportunity for 6 affordable housing units and/or special needs bedrooms. **The project has been completely built out and the 6 affordable units will be included in the pending Kip Avenue Redevelopment Plan.**
 - **Rutherford Gate/ Meadow Roads Apartments LLC** - Block 221, Lot 1.01-the Borough approved multi-family development of 20 total units with a 20% set-aside. **The**

apartments are completed and fully occupied, this project resulted in 4 credits for the Third Round.

- Native Developers, LLC - Block 73, Lots 12.02 and 17, the Planning Board adopted a Resolution granting approval to Native Developers on December 20, 2018, for development at Franklin Place for mixed-use development including 5 studio apartments with 1 affordable housing unit set-aside. **The apartments are completed and fully occupied, this project resulted in 1 credit for the Third Round.**
- Varabee Realty, LLC - Block 7 Lots 20, 20.01, and 21. - Planning Board adopted a resolution of approval to Varabee Realty, LLC on December 20, 2018 for a mixed-use development including 6 apartments and 1 affordable housing unit. **This project was never completed.**
- Kip Avenue - Block 74, Lots 16-18. The Zoning Board of Adjustment reached a settlement on October 9, 2007 providing that 10 total units will be constructed including 1 affordable housing unit and a payment in lieu for a portion of another unit. **This project was never completed. However, the Borough has started the Redevelopment process for a new project on the site that is anticipated to be 100% affordable.**
- Vantage Health - Block 201 Lot (DACKKs Group for Supportive Housing). WEST PASSAIC then built, **One (1) low-income unit.**
- K of C Property - April 17, 2018, Zoning Board of Adjustment approval with 4 total units including 1 affordable housing unit. **This property still remains vacant.**
- Sub-total: 39;
- Rental Bonus Credits: 13; for a:
- Total: 52.

The RDP of fifty-two (52), subtracted from the Third-Round obligation of four hundred seventy-seven (477) units, results in a Third-Round unmet need of four hundred twenty-five (425) units. The parties agreed that this will be combined with the remaining Prior Round need of sixty-three (63) units for a total unmet need of four hundred eighty-eight (488), which shall be addressed through the following mechanisms:

Rutherford Senior Manor- Prior Round age-restricted project –HUD subsidized Section 202 project completed under the auspices of the Episcopal Diocese of Newark. The site contains fifty-five (55) age-restricted units. Twenty-four (24) will be allocated to meet the Prior Round and thirty-one (31) to go toward the Borough's unmet need. Therefore, as of the date of the Agreement, the Borough's total unmet need is four-hundred fifty-seven (457).

Meadow Road- the Borough previously designated Block 169 Lots 2, 3 and 27 through 41: Block 155 Lot 15.05 and Block 221 Lot 3 as an Area in Need of Redevelopment. The Borough agrees to adopt a Redevelopment Plan for this area which totals approximately four (4) acres to permit residential development up to thirty (30) du/a and to require a 20% affordable housing set-aside.

The Borough adopted, at Section 51-59 of the Borough Code, that "All residential development proposing the creation of three or more new residential units in any zoning district shall be required to provide affordable housing at the ratio of at least one affordable unit for every five proposed new market-rate units. If the application of this ratio results in less than a whole number, then the developer shall be required to contribute the fractional amount as a development fee, consistent with the Borough of Rutherford ordinance or as an additional affordable housing unit. For the purposes of this article, "residential development" shall include newly constructed market-rate residential units as well as new market-rate residential units created from the conversion of a nonresidential building to residential units requiring the issuance of a certificate of occupancy." The Borough adopted an amended ordinance to provide that the affordable housing set-aside shall be fifteen (15%) percent in the case of rental housing and twenty (20%) percent in the case of for-sale housing.

Fourth Round

Rutherford's Fair Share Plan describes the various projects and strategies the Borough proposes to address its affordable housing obligations. There are three components – the Borough's Rehabilitation, Fourth Round Obligations, and the unmet need from previous rounds – addressed by this chapter to satisfy the Borough's affordable housing obligation.

Present Need

The Borough plans to meet its sixteen (16) unit Present Need obligation through participation in the Bergen County Rehabilitation Program, the three-year agreement can be found in the Appendix of this report. In addition, the Borough intends to begin a supplemental municipally operated rehabilitation program that shall be available to rental units. Said municipal program shall meet the requirements in N.J.A.C. 5:93-5.2.

Prospective Need

The Borough of Rutherford has agreed to a Prospective Need Obligation of 210 units pursuant to Resolution #55-2025. The resolution and supporting report have been included in the appendix of this document.

The Borough has performed a vacant land adjustment which resulted in the ability to construct zero (0) new units within the Borough. Using the Tax Assessor's classification system 114 lots were identified as vacant or publicly owned. The entire list can be found in the Appendix of this document. Of the 114 lots identified only 21 lots as developable. When applying the DCA's threshold of 5 units an acre it was determined none of these lots were large enough to meet this threshold. There were a handful of lots that could be assembled to create a larger lot area yet, the lots still did not meet the 5 units an acre threshold.

Although the Borough does not have land available for the development of new construction, there are two Redevelopment projects that will generate affordable housing. The Parker 2 was not included in the Third Round Housing Element and Fair Share Plan. The multi-family project was approved and constructed and resulted in 62 units inclusive of 9 affordable units. In addition, the Borough has designated the Williams Center as an Area in Need of Redevelopment. The Plan results in 80 multi-family units with a maximum set aside of 15%. The Williams Center project will generate an

additional 6 affordable units. Therefore, the Borough of Rutherford has an RDP of 21 units. Any new affordable housing units would have to be achieved through redevelopment.

Unmet Need

Subtracting 21 from the Prospective Need of 210 units results in an unmet need of 189 units. The unmet need of 189 units shall be added to the existing 488 units that were not in addressed. Therefore, the Borough has an unmet need of 677 units.

Regional Income Limits

Dwelling units are affordable to low- and moderate-income households if the maximum sales price or rental cost is within their ability to pay such costs, based on a specific formula. COAH historically provided income limits based upon the median gross household income of the affordable housing region in which the household is located. A moderate-income household is one with a gross household income equal to or more than 50% but less than 80% of the median gross regional household income. A low-income household is one with a gross household income equal to 50% or less of the median gross regional household income. Very-low-income households are those with a gross household income equal to 30% or less of the median gross household income. Rutherford is located in Region 1, which contains Bergen, Hudson, Passaic and Sussex County.

Using the 2024 regional income limits, a four-person household moderate-income is capped at \$96,329. Two-person households could make up to \$77,064 and be considered a moderate-income household or make up to \$48,165 and be considered a low-income household. See the table below for greater detail.

2024 Regional Income Limits for Region 1				
Income	Household Size			
	1 Person	2 Person	3 Person	4 Person
Median	\$84,288	\$96,329	\$108,371	\$120,412
Moderate	\$67,431	\$77,064	\$86,697	\$96,329
Low	\$42,144	\$48,165	\$54,185	\$60,206
Very Low	\$25,286	\$28,899	\$32,511	\$36,124

Source: https://ahpnj.org/member_docs/Income_Limits_2024_FINAL.pdf

Appendix

1. Vacant Land Analysis
2. Maps
3. Draft Spending Plan
4. Affirmative Marketing Plan
5. Resolution #55-2025
6. Three Year Cooperative Agreement

Vacant Land Analysis

N.J.A.C. 5:93-4.2 provides a mechanism for a municipality to adjust its affordable housing obligations based on a lack of vacant, available, suitable, developable, and approvable land. To demonstrate a lack of capacity to address the Borough's municipal housing obligation, all vacant parcels in the municipality were analyzed to determine the development potential of each property, and the sum of potential units is compared to the prospective need obligation in the foregoing analysis. If there is insufficient vacant land within the municipality to meet the obligation for new affordable units, the total prospective need obligation is adjusted accordingly.

Methodology

An analysis of existing land uses and zoning the Borough was conducted to determine the Realistic Development Potential (RDP) and an estimate of potential inclusionary affordable units was derived from the RDP assuming a 20% affordable set-aside. Using data from the State of New Jersey Tax Assessment Records and New Jersey environmental GIS records of all properties within the Borough were examined to determine if they were vacant and developable. Properties reserved for public use, open space, listed on the NJ ROSI, and those that were occupied by water bodies, steep slopes, wetlands, critical habitats, and within a riparian buffer were removed as candidates for development. The remaining properties were then tested to determine their ability to accommodate a minimum of five (5) units. Public and non-profit owned properties of sufficient size to accommodate potential inclusionary development were also included as vacant and potentially developable in the analysis. All properties with sufficient buildable area to accommodate five (5) or more units were included in the determination of the RDP.

Underlying Assumptions for Realistic Development Potential

Inclusionary Development

N.J.A.C. 5:93-4.2(f) specifies that the RDP is based on an inclusionary zoning framework and available land is not assumed to be developed as 100% affordable housing. The minimum presumptive set aside for affordable housing is 20%, or one in five units. As such, suitable development sites for inclusionary development must have the capacity to provide a minimum of five (5) units.

Density and Minimum Project Size

According to the Second Round Rules, it is important to "consider the character of the area surrounding each site" when crafting assumptions underlying the intensity of residential development. As such, the maximum density for each assemblage was determined as follows:

- The permitted density of each parcel pursuant to the Borough's Zoning Ordinance;
- Minimum presumptive density of six units per acre as required by the Second Round Rules where permitted density is below six units per acre;
- Surrounding land uses;
- The need for affordable housing; and,
- Density count of approved projects by the Planning or Zoning Board.

Step 1 – Classification of Vacant Land

All properties with a tax class 1 (Vacant) and vacant properties with tax class 15C (Public) have been included in a table in the appendix.

Step 2 - Site Analysis

The sites were mapped using GIS and overlaid with Steep Slopes, Flood Hazard, Wetlands, Active Recreational Lands, Parklands and open Space, and Waterbodies. Any properties impacted by these environmental constraints have been noted in the table above and were not considered for potential development.

The Second Round Rules established by the Council of Affordable Housing in N.J.A.C. 5:93 required development potential to consider principles of sound land use planning in regard to density, and that the minimum presumptive density be 6 du/ac. In conformance with this requirement, the analysis used existing zoning densities to determine the number of units per acre that could be constructed. In cases where permitted density under the zoning ordinance did not meet the minimum presumptive density, the development potential was calculated at 6 units per acre. The acreage of the assemblages created were multiplied by the permitted number of units per acre to determine the property yield. All vacant assemblages whose yield was less than five units were removed from the study.

Step 3 – Determining Yield for Property

Upon reviewing the Vacant Land table and applying all of the layers which constitute an ineligible lot, the Borough was left with twelve (12) lots remaining. Block 74, lots 17, 18, and 18.01 were removed from the VLA due to the fact that they are designated as an area in need of redevelopment with plans to be developed as a fully affordable project. In addition, Block 76, Lot 32 and Block 77, Lots 5, 15, and 16 have also been removed as these lots are associated with the Agnew Redevelopment which will also be developed with an affordable housing component.

The following lots are the ones that remain within the analysis:

BLOCK	LOT	Property Location	Class	GIS Acreage	>5 d/u's
14	13	136 VREELAND AVE	1	0.15	No
17	9	188 DONALDSON AVENUE	1	0.18	No
219	55	149 STATE HIGHWAY 17	1	0.28	No
222	3	40 STATE HIGHWAY 17	1	0.10	No
225	1.02	W ERIE AVE	1	0.37	No
49	2	122 FAIRVIEW AVE	1	0.11	No
68	17	115 HOME AVE	1	0.17	No
74	17	62 KIP AVENUE	1	0.10	No
74	18	56 KIP AVENUE	1	0.10	No
74	18.01	52 KIP AVENUE	1	0.08	No
75	31	19 AMES AVENUE	1	0.04	No
76	32	51 UNION AVENUE	1	0.19	No
77	15	12 AGNEW PLACE	1	0.09	No
77	5	32 UNION AVE	1	0.08	No
10	9.05	552 STUYVESANT AVE	15C	0.07	No

BLOCK	LOT	Property Location	Class	GIS Acreage	>5 d/u's
10	9.06	STUYVESANT AVE	15C	0.0010	No
104.01	21.02	161 DANIEL AVE	15C	0.03	No
158	9	313 FERONIA WAY	15C	0.06	No
4	13.01	WOODWARD AVE	15C	0.03	No
75	12.02	44 PARK AVENUE	15C	0.16	No
99	36	301 WASHINGTON AVE	15C	0.06	No

BLOCK	LOT	Property Location	Class	GIS Acreage	Wetlands	Contaminated	Open Space	FEMA	Steep Slope
104.01	76.02	160 WHEATON PLACE (REAR)	1	0.01					
11.01	3.01	500 RIVERSIDE AVENUE	1	0.11		X		X	
110	7.03	50 LINCOLN AVE	1	0.14					X
113.01	38.01	84 E PIERREPONT AVE	1	0.11					X
115	30	214 RIDGE ROAD	1	0.24					X
130	7	313 SYLVAN ST	1	0.22					X
14	13	136 VREELAND AVE	1	0.15					
155	15.05	2 FERONIA WAY	1	0.22		X			
155	6	65 ORIENT WAY	1	0.16					X
159	44	232 EASTERN WAY	1	0.088					
166	14.02	143 EASTERN WAY	1	0.087					X
166	29	153 EASTERN WAY REAR	1	0.01					X
169	33	16 MEADOW ROAD	1	0.19					X
17	9	188 DONALDSON AVENUE	1	0.18					
175	12.02	27 JACKSON AVENUE	1	0.09					X
175	12.03	39 JACKSON AVENUE	1	0.08					X
184	7	347 WASHINGTON AVE	1	0.06					
184	8		1	0.06					
192	16	433 UNION AVE	1	0.09					
219	55	149 STATE HIGHWAY 17	1	0.28					
219	66.03	289 VETERANS BLVD	1	0.02		X		X	
219	68.08	320 VETERANS BLVD	1	1.04		X		X	
219.01	72.11	HM	1	7.94	X	X		X	
219.01	84	HM	1	4.70	X	X		X	
219.03	72.04	851 RUTHERFORD AVE	1	0.34	X	X			
219.04	1.01		1	23.00					
219.04	3.01		1	3.08		X		X	
220	14	BERRYS CREEK	1	6.95	X	X		X	
220	15.03	BERRYS CREEK	1	31.33	X	X		X	
220	2.01	BERRY'S CREEK	1	199.01	X	X		X	
222	3	40 STATE HIGHWAY 17	1	0.10					
223	6.10		1	0.25		X			
223	6.11	215 HIGHLAND CROSS	1	0.10		X			
224	3.04	49 BOROUGH STREET	1	0.93		X		X	
225	1.02	W ERIE AVE	1	0.37					

BLOCK	LOT	Property Location	Class	GIS Acreage	Wetlands	Contaminated	Open Space	FEMA	Steep Slope
30	13	334 MORTIMER AVE	1	0.11					X
45	15	84 W PASSAIC AVE REAR	1	0.01					X
49	2	122 FAIRVIEW AVE	1	0.11					
56	15	329 MORTIMER AVE	1	0.03					X
57	12	258 PARK AVENUE	1	0.08					X
57	5.02	260 PARK AVENUE	1	0.09					X
57	6	11 WEST NEWELL AVENUE	1	0.05					X
57	9	266 PARK AVENUE	1	0.13					X
68	17	115 HOME AVE	1	0.17					
7	20	157 SANTIAGO AVENUE	1	0.10					
73	23.01	106 PARK AVENUE	1	0.69					
74	17	62 KIP AVENUE	1	0.10					
74	18	56 KIP AVENUE	1	0.10					
74	18.01	52 KIP AVENUE	1	0.08					
75	31	19 AMES AVENUE	1	0.04					
75	8	47 KIP AVENUE	1	0.07					
76	25		1	0.17					
76	32	51 UNION AVENUE	1	0.19					
77	15	12 AGNEW PLACE	1	0.09					
77	16	10 AGNEW PLACE	1	0.31		X			
77	5	32 UNION AVE	1	0.08					
78	1.02	9 WEST ERIE AVE	1	0.01					
79	11	133 FRANCISCO AVE	1	0.19					X
9.01	2.05	556 RIVERSIDE AVE	1	0.06		X		X	
1	1	RIVERSIDE AVE	15C	0.63		X			X
1	10	320 RIVERSIDE AVENUE	15C	0.14		X	X	X	
1	11		15C	0.15		X	X	X	
1	12		15C	0.15		X	X	X	
1	13		15C	0.13		X	X	X	
1	14.01		15C	0.19		X	X	X	
10	9.05	552 STUYVESANT AVE	15C	0.07					
10	9.06	STUYVESANT AVE	15C	0.0010					
102	34	30 WOODLAND AVENUE	15C	6.77			X		X
104.01	21.02	161 DANIEL AVE	15C	0.03					
11.01	19	444 RIVERSIDE AVE	15C	0.28		X	X	X	
111	1	PARK AVE	15C	1.01			X	X	
13	1	425 CARMITA AVENUE	15C	1.76			X		X
145	10.01	5 ETTRICK TERRACE	15C	0.58			X		X

BLOCK	LOT	Property Location	Class	GIS Acreage	Wetlands	Contaminated	Open Space	FEMA	Steep Slope
145	15	35 THE TERRACE	15C	1.04			X		X
150.01	14.02	338 FERONIA WAY	15C	0.01					
158	9	313 FERONIA WAY	15C	0.06					
163.01	18	91 CRANE AVE	15C	0.15					
166	1.02	199 SUMMIT CROSS	15C	0.05					X
166	2.05	141 EASTERN WAY	15C	0.01					X
167	1	109 EASTERN WAY	15C	1.61			X		X
168	1	107 EASTERN WAY	15C	0.45			X		X
172	1	91 JACKSON AVENUE	15C	0.85			X		X
199	1	2 DARWIN AVE	15C	32.90			X		X
199	3	W ERIE AVE	15C	0.09		X			
199	4	518 UNION AVE	15C	0.03			X	X	
199	5.01		15C	2.00					
2	41.01	W NEWELL AVE REAR	15C	0.01					X
219.04	2.02	295 HIGHLAND CROSS	15C	1.19	X	X		X	
219.04	2.03	280 HIGHLAND CROSS	15C	1.56		X		X	
220	16	VARIOUS	15C	36.31	X	X		X	
225	1.03	W ERIE AVE	15C	0.82					X
226	1	1 EAST ERIE AVENUE	15C	1.37		X			
227	1	MEADOWLANDS	15C	6.53		X		X	
227	2	MEADOWLANDS	15C	0.70		X			
227	3	MEADOWLANDS	15C	2.59	X	X		X	
227	4	MEADOWLANDS	15C	0.20		X		X	
228	1	MEADOWLANDS	15C	13.61	X	X		X	
29	2	400 MORTIMER AVE	15C	0.20					X
4	13.01	WOODWARD AVE	15C	0.03					
55	1	PARK AVE	15C	0.04			X		
59	17	184 PARK AVE	15C	0.44					X
60	12.03	18 DONALDSON AVE	15C	0.065					
60	13.01	176 PARK AVE	15C	0.75					X
60	13.02	156 PARK AVE	15C	0.52					
60	21	17 W PASSAIC AVE	15C	0.20					X
73	1	150 PARK AVE	15C	0.51					
75	12.02	44 PARK AVENUE	15C	0.16					
75	5	55 KIP AVENUE	15C	0.64					
76	7	46 AMES AVE	15C	0.18					
76	8.01	44 AMES AVE	15C	0.12					
9	2.02	PREBLE PLACE	15C	0.01		X			
9.01	6.01	520 RIVERSIDE AVE	15C	0.55		X	X		
97	1	350 UNION AVE	15C	0.11					
99	36	301 WASHINGTON AVE	15C	0.06					

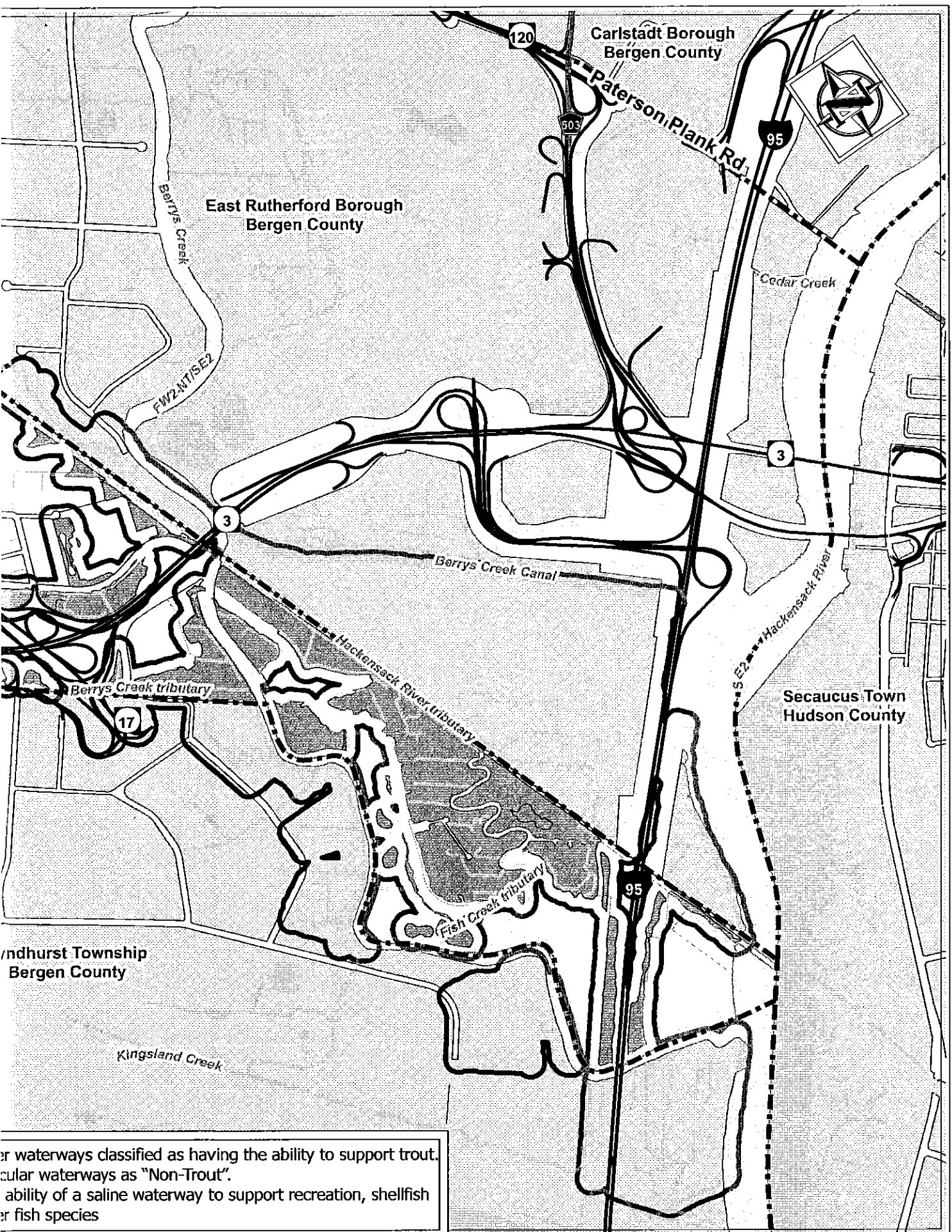
	Not Vacant/Incorrect Classification
	Developable
	Meadowlands

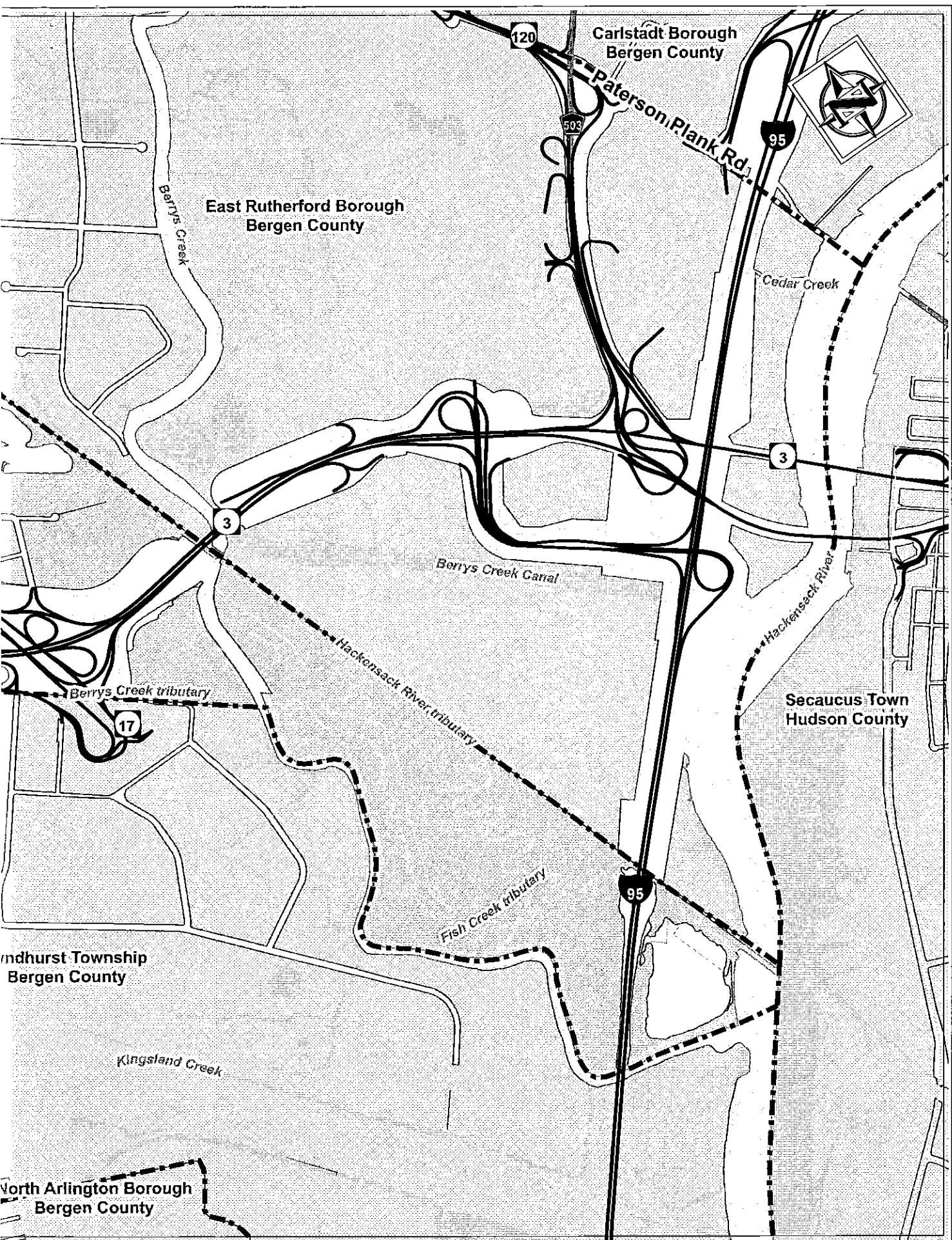
Vacant Parcels with Environmental Constraints

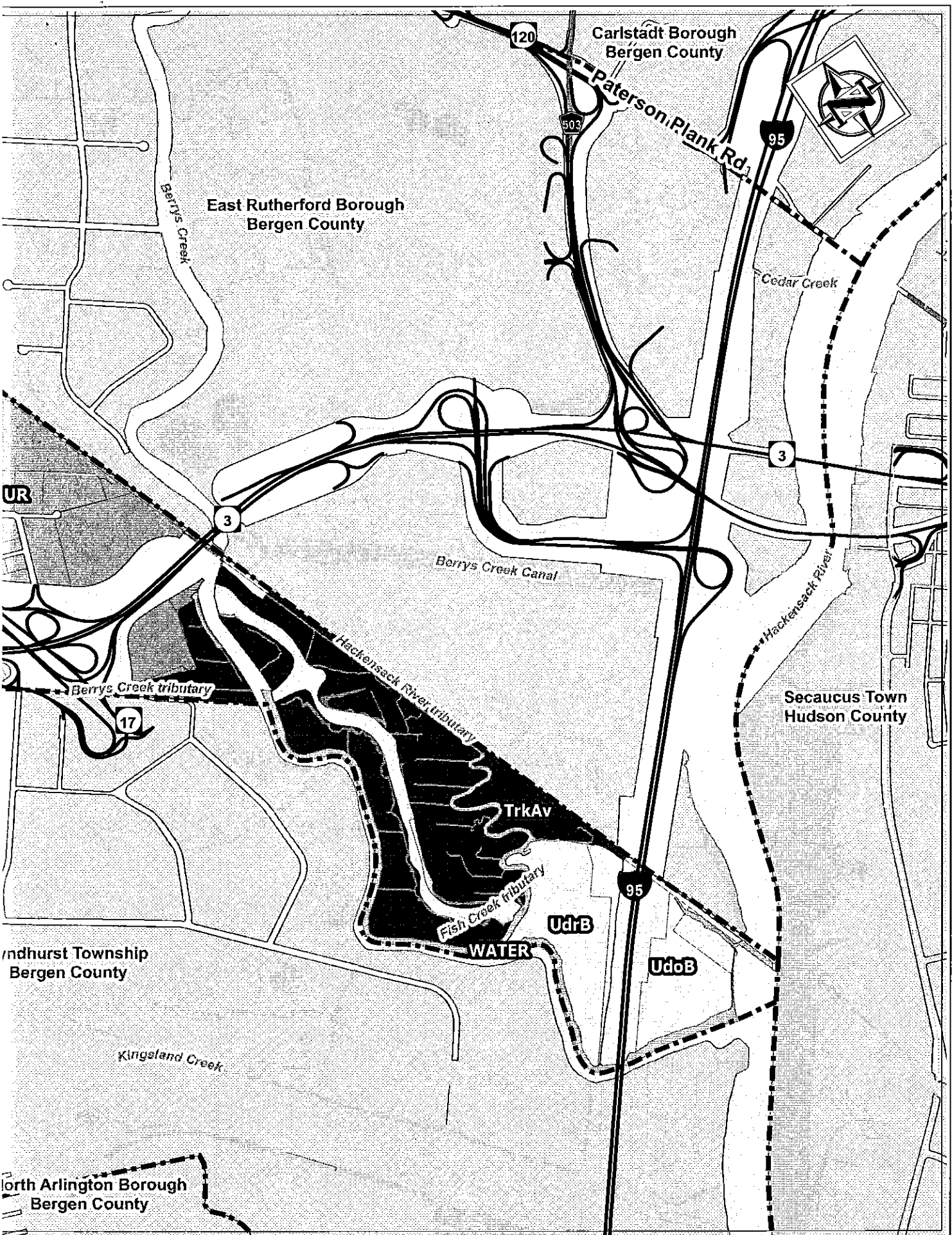
The following maps illustrate the application of the above methodology to all parcels in the Borough to identify potentially developable vacant sites based on size and yield.

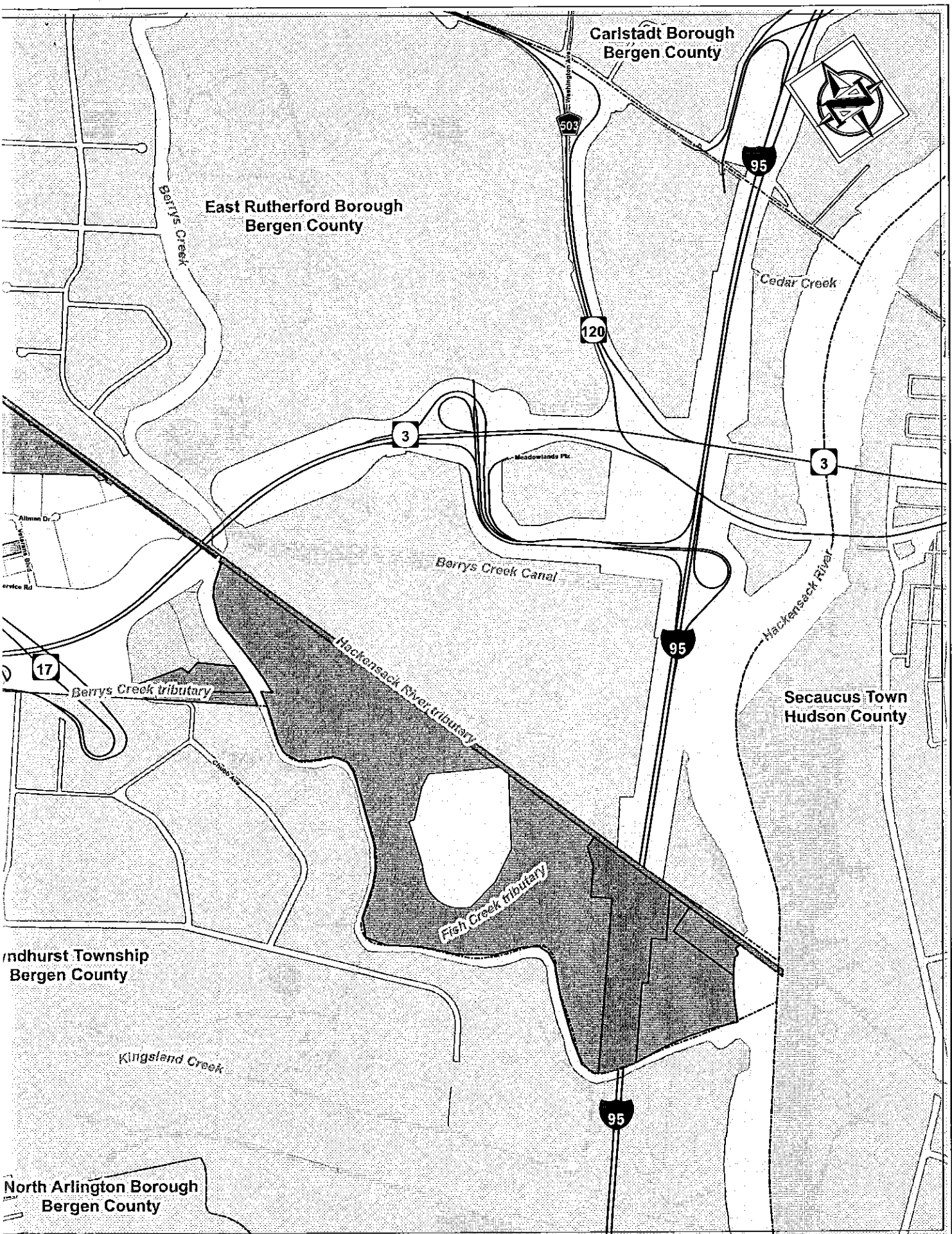
Analysis of the sites (with the ability to produce 5 or more units at (6 du/acre) on the Inventory of Vacant Sites revealed that most of the vacant land within the Borough are environmentally constrained or too small to develop.

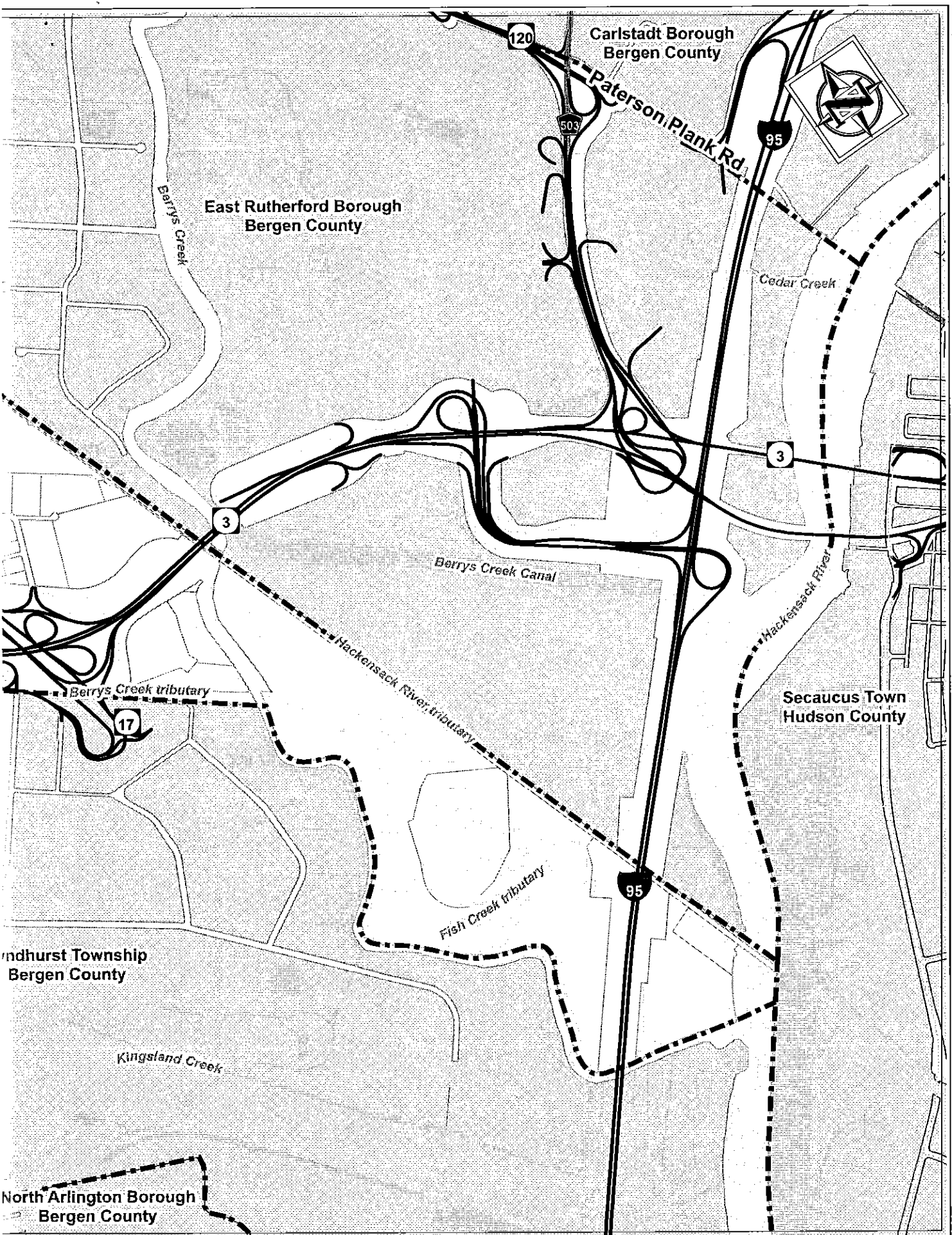
Maps

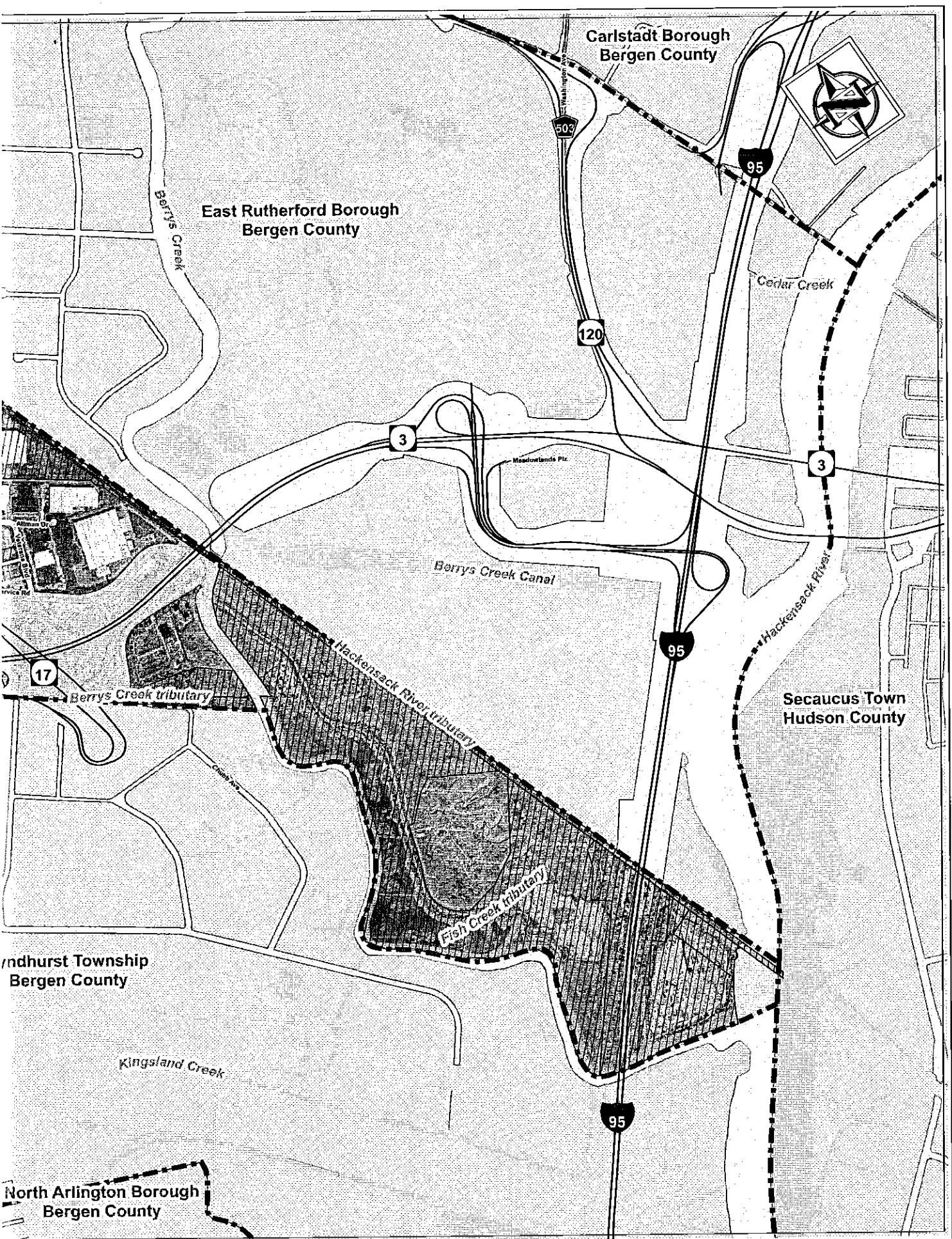












Affirmative Marketing Plan

Each municipality is required to establish and maintain an Affirmative Marketing Plan which is maintained in accordance with N.J.A.C. 5:80-26. The Affirmative Marketing Plan applies to all developments that contain low and moderate-income units. The Affirmative Marketing Plan is a regional marketing strategy design 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, municipality and/or designated administrative agency of affordable housing.

The affirmative marketing program is a continuing program and will meet the following requirements:

- The affirmative marketing process for available affordable units shall begin at least four (4) months prior to excepted occupancy. Advertising and outreach shall take place during the first week of the marketing program and each month thereafter until all available units have been leased or sold.
- One advertisement will be published in the following newspaper(s) of general circulation within the housing region: The Record
- The advertisement will include the following:
 - The location of the units;
 - Directions to the housing units;
 - A range of prices for the housing units;
 - The size, as measured in bedrooms, of the housing units;
 - The maximum income permitted to qualify for the housing units;
 - The business hours when interested households may obtain an application for a housing unit; and;
 - Application fees, if any.
- Signs, posters or brochures of available affordable housing units or affordable housing programs should be displayed at all municipal buildings as well as libraries, and developer's sales offices.

The Affirmative Marketing Program should reach out to local religious groups and civic organizations that are likely to apply, or help members apply for housing. This should include sending quarterly flyers and, or applications for circulation.

Developers of affordable housing should be required to aid in the marketing of the affordable units in their prospective development.

The program should actively continue for as long as low and moderate-income units are initially available and continue when occupancy or re-occupancy becomes necessary.

Draft Spending Plan

Introduction

A development fee ordinance creating a dedicated revenue source for affordable housing following state guidelines. The ordinance established a fee of 1.5% of equalized assessed value for new residential construction and 2.5% for new commercial construction. Please see below per the ordinance:

Residential Development Fees

all residential developers shall pay a mandatory development fee equal to 1.5% of the equalized assessed value for each residential unit constructed, provided that no increased density (above what is permitted as of right by the existing zoning) is permitted. This mandatory fee shall be calculated as follows: $0.015 \times$ equalized assessed value \times number of units.

Nonresidential Development Fee

involving new construction on unimproved lot or lots, the fee shall be based on the equalized assessed value of the land and improvements. If an existing structure is demolished and replaced, the development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the land and preexisting improvements thereon and the equalized value of the newly constructed structure and the land. Such calculation being made at the time the final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

The ordinance established the Borough of Rutherford Affordable Housing Trust Fund. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by affordable housing fees are deposited in a separate interest-bearing affordable housing trust fund account for the purpose of affordable housing.

The ordinance established the Borough of Rutherford Affordable Housing Trust Fund. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by affordable housing fees are deposited in a separate interest-bearing affordable housing trust fund account for the purposes of affordable housing. Borough of Rutherford has prepared this Spending Plan to guide the allocation of funds within the Borough of Rutherford Housing Trust Fund.

As of December 31, 2024, the Borough of Rutherford has as indicated in the Table 1 below the funds in its Affordable Housing Trust Fund.

1. Revenues

As of December 31, 2024, Rutherford Borough has collected \$ 3,927,769.09. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in *Lakeland Bank* for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9, as described in the sections that follow.

To calculate a projection of revenue anticipated during the period of fourth round, the Borough of Rutherford considered the following:

- 1) Development fees:

- a. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
 - b. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
 - c. Future development that is likely to occur based on historical rates of development.
- 2) Payment in lieu (PIL): Actual and committed payments in lieu (PIL) of construction from developers as follows:
- 3) Other funding sources:
 - a. Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, and proceeds from the sale of affordable units.
- 4) Projected interest:
 - a. Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate.

Projected Revenue												
Source of Funds	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
Development Fees – Projected Development	0	0	0	0	0	0	0	0	0	0	0	0
Payments in Lieu of Construction	0	0	0	0	0	0	0	0	0	0	0	0
Other Funds	0	0	0	0	0	0	0	0	0	0	0	0
Interest	0	117,833.07	121,368.06	125,009.11	128,759.38	132,622.16	136,600.83	140,698.85	144,919.82	149,267.41	153,745.43	1,350,824.12
Total	3,927,769.09	4,045,602.16	4,166,970.22	4,291,979.33	4,420,738.71	4,553,360.87	4,689,961.70	4,830,660.55	4,975,580.37	5,124,847.78	5,278,593.21	5,278,593.21

The *Borough of Rutherford* does not project additional revenue to be collected during 2025. The *Borough of Rutherford's* trust fund balance has total deposits of **\$ 3,927,769.09** available to fund and administer its affordable housing plan. All interest earned on the account shall be used only for the purposes of affordable housing.

2. Collection and Distribution of Funds

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

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

2) Distribution of development fee revenues:

Distribution of development fee revenues: Rutherford Borough will distribute funds with the oversight of the Borough Council. The Council will work with the Borough Administrator and the Municipal Housing Liaison to manage the projects outlined in this spending plan.

3. Expenditures

Rutherford proposes to use the monies in its Affordable Housing Trust Fund for the following purposes:

1) Rehabilitation and new construction programs and projects (N.J.A.C. 5:97-8.7)

Borough of Rutherford will dedicate funds for rehabilitation or new construction programs in consultation with affordable housing specialists. This includes the construction of a 100% affordable project on Kip Avenue. The Borough will dedicate \$2,000,000.00 to the costs associated with this project.

Borough Rehabilitation Program: The Borough's efforts to meet its present need include a municipally sponsored local rehabilitation program and participation in the County's rehabilitation program.

This is sufficient to satisfy the Borough's present need obligation of sixteen (16) units.

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

Administrative Expenses (N.J.A.C. 5:97-8.9) Rutherford Borough will dedicate no more than twenty percent (20%) of revenue from the affordable housing trust fund to be used for administrative purposes. The current budget for administrative expenses is **\$1,055,718.64** subject to the twenty percent (20%) cap are as follows:

- Legal fees associated with affordable housing administration;
- Planning fees for any necessary updates and/or revision to the Housing Element and Fair Share Plan; and
- Other expenses associated with the development and implementation of the Housing and Fair Share Plan and the monitoring of current and future affordable housing programs within Rutherford Borough.

Actual Development Fees and Interest thru May 2025		\$3,927,769.09
Projected Development Fees and Interest thru 2035	+	\$1,350,824.12
Payments in lieu of construction	+	\$0.00
Less RCA expenditures thru 5/21/2025	-	\$0.00
Total	=	\$5,278,593.21
Calculate twenty percent (20%)	X .20	\$1,055,718.64
Less admin expenditures thru Dec 2035	-	\$0.00
Projected Maximum available for administrative expenses Thru December 2035	=	\$1,055,718.64

4. Planned Expenditures

Borough of Rutherford intends to use affordable housing trust fund revenues for the creation and/or rehabilitation of housing units and to assist residents through affordability assistance programs.

The Borough of Rutherford has engaged the services of affordable housing consultants to scope the best fit housing solutions that would include the rehabilitation of existing units, construction of new units either as a Borough initiative or in the context of significant redevelopment project and per the as Rutherford Borough Housing Ordinance.

5. Excess or Shortfall of Funds

Implementation of the affordable housing program in the Spending Plan will satisfy Rutherford's current affordable housing obligation. In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used for a future round of municipal affordable housing obligation and additional affordability assistance funding. In the event of a shortfall of funds, the Borough would use municipal funds through bonding. It shall be noted that the affordability assistance funding would be allocated to security deposit assistance, rental assistance, and emergency repair assistance associated with the five accessory apartment units proposed.

6. Barrier Free Escrow

Collection and distribution of barrier free funds shall be consistent with Borough of Rutherford's Affordable Housing Ordinance, in accordance with N.J.A.C. 5:97-8.5.

Summary

Borough of Rutherford intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in the Housing Plan Element.

As of December 31, 2024, the *Borough of Rutherford* has a balance of **\$3,927,769.09**. The Borough of Rutherford will apply the balance per the guidance and recommendations of affordable housing stakeholders.

Resolution #55-2025



BOROUGH OF RUTHERFORD
County of Bergen

RESOLUTION NO. 55-2025

Dated: 1/27/2025

**RESOLUTION REGARDING THE BOROUGH OF RUTHERFORD'S PRESENT AND
PROSPECTIVE FAIR SHARE AFFORDABLE HOUSING OBLIGATIONS FOR THE
FOURTH (4TH) ROUND**

WHEREAS, on March 20, 2024, an Amendment to the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. was signed into law ("Amended FHA"); and,

WHEREAS, the Amended FHA requires the New Jersey Department of Community Affairs ("DCA") to determine non-binding estimates of fair share obligations for Round Four on or before October 20, 2024; and,

WHEREAS, on October 18, 2024, the DCA issued a report entitled "Affordable Housing Obligations for 2025-2035 (Fourth (4th) Round) Methodology and Background" ("DCA Report"), wherein the DCA reported its estimate of the obligations for all municipalities based upon its interpretation of the standards set forth in the Amended FHA; and,

WHEREAS, the DCA Report calculates the Borough of Rutherford's ("Borough") Fourth (4th) Round (2025-2035) obligations as follows: a Present Need (Rehabilitation) Obligation of sixteen (16) and a Prospective Need (New Construction) Obligation of two hundred twenty two (223); and,

WHEREAS, the Amended FHA provides that the DCA Report is non-binding, thereby inviting municipalities to demonstrate that the Amended FHA would support revised calculations of Fourth (4th) Round affordable housing obligations; and,

WHEREAS, pursuant to the Amended FHA, the Borough may either accept the determination of its Present and Prospective Need Obligations as calculated by the DCA or make its own determination as to same; and,

WHEREAS, the Amended FHA further provides that "[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions". See N.J.S.A. 52:27D-311(m); and,

WHEREAS, said COAH regulations authorize municipalities to secure vacant land adjustments, durational adjustments and other adjustments; and,

WHEREAS, the DCA has released a Geographic Information Systems (GIS) spatial data representation of the Land Capacity Analysis containing the vacant and developable land information that serves as the basis for calculating the Land Capacity Factor that is required by the Amended FHA; and,

WHEREAS, the Borough, through its affordable housing planner, Neglia Engineering, has reviewed the lands identified by the DCA for the Land Capacity Factor to ascertain whether these identified lands may accommodate development; and

WHEREAS, as further set forth in detail and explained in the attached memo prepared by the Borough's affordable housing planner, upon reviewing the DCA's Land Capacity layers on the GIS, the Borough has determined that a number of the lands identified by the DCA are not developable without verification by a license wetlands delineator and a letter of interpretation by the New Jersey Department of Environmental Protection (NJDEP) and, therefore, must be excluded from the Land Capacity Factor; and,

WHEREAS, and the Borough seeks to commit to a Present Need Obligation of sixteen (16), as determined by the DCA, however, the Borough's Prospective Need Obligation must be revised to two hundred ten (210), from the two hundred twenty three (223) that was determined by DCA, to accurately reflect the developable lands in the Land Capacity Factor, subject to any vacant land, durational and/or other adjustments that the Borough may seek as part of the Housing Element and Fair Share Plan ("HEFSP") it subsequently submits in accordance with the Amended FHA; and


WHEREAS, the Borough reserves the right to comply with any additional amendments to the FHA that the Legislature may enact; and,

WHEREAS, in the event that a third (3rd) party challenges the calculations provided for in this Resolution, the Borough reserves the right to take such position as it deems appropriate in response thereto, including that its Fourth (4th) Round Present or Prospective Need Obligations should be lower than as described herein.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Rutherford, Bergen County, New Jersey that the Borough hereby commits to a fair share Present Need (Rehabilitation) Obligation of sixteen (16), as determined by the DCA, and a Prospective Need (New Construction) Obligation of two hundred ten (210), as determined by the Borough's affordable housing planner for the reasons set forth herein, for the Fourth (4th) Round of affordable housing obligations, subject to any vacant land, durational and/or other adjustments that the Borough may seek as part of its HEFSP that it subsequently submits in accordance with the Amended FHA; and,

BE IT FURTHER RESOLVED that the Borough's Affordable Housing Counsel is hereby directed and authorized to file a declaratory judgment action with the Superior Court of New Jersey, Bergen County no later than forty-eight (48) hours following adoption of this Resolution seeking a compliance certification regarding its fair share affordable housing obligation for the Fourth (4th) Round and that a copy of this Resolution shall be made part of such Court filing; and,

BE IT FURTHER RESOLVED, that the Borough Clerk is further authorized to immediately post a copy of this Resolution on the Borough's website.

	Yes/Aye	No/Nay	Abstain	Absent	<p>I hereby certify that this is a true and exact copy of the Resolution adopted by the Mayor and Council of the Borough of Rutherford on the 27th day of January, 2025</p>  <p>Margaret M. Scanlon, Borough Clerk</p>
Del Rey-Cone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Quatrone	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Cokeley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
McGowan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Enrico	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Guzman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mayor Nuiziano - tie only	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Three Year Cooperative Agreement

Three Year Cooperative Agreement

An Agreement superseding the Cooperative Agreement dated July 1, 2021 and amendments thereto, for the purpose of inserting a description of activities for the **Forty-Ninth Year (July 1, 2024 - June 30, 2027)** Urban County Community Development Block Grant CDBG Entitlement Program, Home Investment Partnership Act Program HOME, Emergency Solutions Grant ESG and clarifying the planning and implementation procedures for **Program Years 2024, 2025, and 2026 (July 1, 2024 -- June 30, 2027)**.

WHEREAS, in order to meet Federal requirements as administered by the U.S. Department of Housing and Urban Development HUD, there must be a binding agreement in effect; and

WHEREAS the Uniform Shared Services and Consolidation Act N.J.S.A. 40A:65-1 et seq., requires a specific delineation of activities to be included in the Agreement; and

WHEREAS the various new activities have been proposed to be carried out under the **Forty-Ninth Year Community Development Program**.

NOW, THEREFORE, it is mutually agreed that the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., contract dated July 1, 2000, between the Municipality of Borough of Ridgely, hereinafter the "Municipality" and the County of Bergen be superseded by this "Three Year Cooperative Agreement", and the attachments hereto.

A. Community Development Planning Process

1. Nature and Extent of Planning Procedures

- a. Purpose - The purpose of this Agreement is to establish a legal mechanism through which the county government may apply for, receive, and disburse Federal funds available to eligible urban counties under the Community Development Block Grant Entitlement Program (CDBG), HOME Investment Partnership Program (HOME), and Emergency Solutions Grant (ESG) and to take such actions in cooperation with the participating municipalities as may be necessary to participate in the benefits of these programs. Federal funds received by the County shall be for such functions as neighborhood facilities, housing construction and rehabilitation, public facilities, urban renewal, water and sewer facilities, and other such purposes as are authorized by said Acts. Nothing contained in this Agreement shall deprive any municipality or other unit of local government of any powers of zoning or other lawful authority which it presently possesses, nor shall any participant be deprived of any State or Federal aid to which it might be entitled in its own right, except as provided in section A.1.c.(6), below. This Agreement covers the Community Development Block Grant CDBG Entitlement Program, the Home Investment Partnership Act Program HOME, and the Emergency Solutions Grant Program ESG.
- b. Establishment of Committees - There are hereby established six regional Community Development committees, consisting of two or more representatives from each participating municipality, each to be appointed for a one-year period, coinciding with the fiscal year (July 1 to June 30). The governing body and the chief executive of

Three Year Cooperative Agreement

each participating municipality shall make a minimum of one appointment each. Alternates may be appointed in the same manner as set forth above and shall have the same powers in the absence of the designated representatives.

c. Responsibilities of the Regional Community Development Committees

- (1) The Community Development Regional Committees shall elect a chairperson and vice-chairperson.
- (2) The Committees shall meet as often as required. Each regional committee shall establish its own rules of procedures and shall make recommendations to the County Executive and Board of County Commissioners through the Division of Community Development.
- (3) The Committees shall study and discuss the community development needs of the County of the respective regions and shall determine the most effective and acceptable utilization of Community Development Block Grant Funds available to the region. They shall recommend to the County Executive and Board of County Commissioners an application for participation in Federal funding, including an allocation formula, and towards that end they shall jointly, in the manner herein prescribed, be authorized to develop a Consolidated Plan for the County and such other documents and certifications of compliance as are required by the Federal Government for participation by the County in the Community Development Block Grant Program CDBG. Funds applied for shall be those available for "Urban Counties" under the Community Development Block Grant CDBG Entitlement Program.
- (4) The Community Development Regional Committees shall develop, in full consultation with the Division of Community Development and all affected agencies of the local governments involved, priorities for the actual utilization of such funds as are made available from the Federal Government under this Title. The Committees shall recommend for each project or activity to be carried out with these funds a specific means of accomplishment. This may be for the County to carry out the project or function, for a municipality to receive the monies to carry it out, or for some other combination of local or State agencies. The implementation shall be established before the submittal of the application to HUD, and any relevant documents that become part of this Agreement and should be submitted to HUD with it. Such implementation mechanism shall be established by means of a separate contract between the County government and the municipality or agency implementing the designated project pursuant to the provisions of the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq.
- (5) Every municipality participating in the Committees may request participation in the expenditure of the Federal funds, comment on the overall needs of the County which may be served through these funds, or otherwise take part in the proceedings of the Community Development Committees through its Community Development representatives. No project may be undertaken, or

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services provided in any municipality without the prior approval of the governing body of the municipality, which approval shall be established in accordance with the provisions of the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1et seq., in addition to such other approvals as may be required by law.

- (6) By executing this agreement the municipality understands that it may not apply for grants under the Small Cities or State CDBG Programs from appropriations for fiscal years during the period in which it is participating in the urban county's CDBG program; and may not participate in the HOME consortium except through the urban county, regardless of whether the urban county receives a HOME formula allocation and may receive a formula allocation under the ESG program only through the urban county program.

d. Establishment of Countywide Committees

There is hereby established a Countywide Committee consisting of the Chairpersons of the six Regional Community Development Committees and five other at-large members appointed by the County Executive for terms that coincide with the time period of this Agreement (July 1, 2024 – June 30, 2027). The role of the Countywide Committee is to recommend an allocation formula to the Board of County Commissioners and to also recommend funding for multi-regional and countywide projects. These recommendations shall be submitted to the Board of County Commissioners. The creation of the Countywide Committee in no way diminishes or changes the authority of the County or the Regional Community Development Committees. The Community Development Director and other appropriate County staff shall discuss all Countywide and multi-regional projects with the Countywide Committee both before specific funding levels are authorized by the County and at all important stages of implementation. No member of the Countywide Committee shall be able to vote on any matter that affects any applicant on whose board they serve.

2. Standards of Performance

Every Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1et seq., established pursuant to this Agreement shall contain standards of performance as required by the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1et seq., and by the Housing and Community Development Act of 1974 and the HOME Investment Partnership Act of 1990. Bi-annually, a report shall be prepared for the Regional and Countywide Committees and the municipalities by the Division of Community Development, which reports on all Community Development projects, their status, and expenditures.

3. Estimated Cost and Allocation

The amount of Federal funds involved shall be the amount applied for by the Board of County Commissioners pursuant to the recommendation of the Community Development Committees, subject to any modifications made by HUD. Any Federal funds received by letter of credit or otherwise shall be placed in a County Trust Fund

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established and maintained pursuant to regulations promulgated by the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs. These funds shall be in a separate bank account subject to the control of the County government, which shall be the designated recipient of the funds provided by the Federal Act. Upon authorization by the County, and in compliance with State law and promulgated regulations, funds may be expended from this Trust Fund by the County or by payment to the particular municipality pursuant to a specific contract. Neither the Community Development Committees, the County government, nor any participating local government may expend or commit funds except as may be authorized pursuant to this Agreement and in full compliance with State and Federal laws and regulations. No participant under this contract may in any way be obligated to expend funds of its own except as may be mutually agreed in a lawful manner.

4. Duration of Contract

This Agreement remains in effect until the Community Development Block Grant CDBG Entitlement Program, the Home Investment Partnership Program HOME funds, Emergency Solutions Grant ESG and program income received with respect to the Urban County qualification period (2024, 2025, and 2026) are expended and the funded activities completed. The County and participating municipalities may not terminate or withdraw from the Agreement while the Agreement remains in effect.

- a) However, this contract may be terminated if the County fails to qualify as an Urban County, or if the County does not receive a grant in any year of the three-year period. The contract may also be terminated by the U.S. Department of Housing and Urban Development HUD. Be it further understood, that at the end of the current qualification period, this Agreement will automatically be renewed for participation on successive three-year periods, unless the County or participating municipality provides written notice it elects not to participate in a new qualification period. In this case, a copy of the notice must be sent to the HUD Regional Field Office, by the date specified in the Urban County qualification notice. The County will notify each participating municipality in writing of its right to make such an election by the date specified in HUD's urban county qualification notice for the next qualification period. Additionally, the County will notify all participating municipalities of any amendments as cited in the HUD Urban County Qualifications Notice for that period, or subsequent periods that must be included in the existing cooperation agreement. Any amendments will be submitted to HUD as provided in the qualification notice. Failure by the County or Municipalities to adopt an amendment and/or resubmit such amendments to HUD will void the automatic renewal of the said cooperative agreement for the new qualification period.

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5. Designation of General Agent

The Director of the Division of Community Development is hereby designated as the administrative agent of the County of Bergen for purposes of compliance with statutory and regulatory responsibilities. He/she shall be accountable to the County Executive. The County Executive, with the concurrence of the Board of County Commissioners, shall designate a Director of the Division of Community Development. The Director and his/her staff shall, within the resources available, provide technical and administrative support to the Community Development Committees, and shall provide liaison between the committees and the Board of County Commissioners.

B. Qualifications as Urban County

In addition to such assurances and Agreements as may have been made by previously executed ordinances in order to meet the criteria for funding eligibility as an "Urban County", the municipality and the County agree to cooperate to undertake or assist in the undertaking, community renewal and lower income housing assistance activities, specifically urban renewal, and publicly assisted housing. This Agreement shall be effective only when sufficient municipalities have signed the contract so that a population of 200,000 is represented, and when all other Federal eligibility criteria for designation as an "Urban County" under the Act have been satisfied. In the event that sufficient municipalities to meet these criteria should not sign this Agreement within the time period set forth by the United States Department of Housing and Urban Development HUD, the County Executive shall so notify all signators and the Agreement shall thereupon be null and void. In order to comply with Federal requirements, the County government, through the Board of County Commissioners, shall be the applicant for Community Development funds. The County has the final responsibility for selecting Community Development Block Grant CDBG, Home Investment Program HOME, Emergency Solutions Grant ESG activities and annually filing Consolidated Plan with HUD, in accordance with the procedures established under Section A.1.c(3) of this Agreement.

C. Agreement as to Specific Activities (Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1et seq.)

1. Activities

- a. The municipality and the County shall take all actions necessary to assure compliance with the urban county's certification under Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, regarding the National Environmental Policy Act of 1969, the Uniform Relocation Act, the Americans with Disabilities Act of 1990, Title VI of the Civil Rights Act of 1964, the Fair Housing Act, affirmatively furthering fair housing, Title VIII of the Civil Rights Act of 1968, Executive Order 11988, the Fair Housing Act, Section 109 of Title I of the Housing and Community Development Act FMC.
- b. of 1974 (which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975), and other applicable laws. Pursuant to 24 CFR 570.501(b), a municipality is subject to the same requirements applicable to

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subrecipients, including the requirement of a written Agreement as described in 24 CFR 570.503. The Grantee or a unit of general local government that directly or indirectly receives Community Development Block Grant CDBG funds may not sell, trade, or otherwise transfer all or any such portion of such funds to another metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives Community Development Block Grant CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title I of the Housing and Community Development Act of 1974, as amended.

- c. The Municipality agrees to comply with all Federal, State, County, and Municipal laws, rules, and regulations generally applicable to the activities engaged in during the performance of the agreement.
- d. Urban county funding will be prohibited for activities in or in support of any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction or that impedes the county's actions to comply with its fair housing certification.
- e. The municipality has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and a policy of enforcing applicable State and Local Laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within jurisdictions.
- f. Pursuant to 24 CFR 570.501(b), the unit of local government is subject to the same requirements applicable to sub recipients, including the requirements of a written agreement set forth in 24 CFR 570.503.
- g. The municipality agrees to inform the County of any income generated by the expenditure of Community Development Block Grant CDBG funds received by them; that any program income must be paid to the County; that any program income the municipality is authorized by the County to retain may only be used for eligible activities in accordance with all Community Development Block Grant CDBG requirements as they may apply; and that any program income generated from the disposition or transfer of property prior to or subsequent to the closeout change of status or termination of this Agreement be returned to the County. The County has the responsibility for monitoring and reporting to HUD on the use of any program income, thereby requiring appropriate record-keeping and reporting by the municipality. In the event of any closeout or change in status of a municipality, any program income that is on hand or received subsequent to the closeout or change in status shall be paid to the County.
- h. The municipality agrees to notify the County of any change in the use of real property acquired with Community Development Block Grant CDBG funds from that planned at the time of acquisition or improvement including disposition and that the municipality will reimburse the County in an amount equal to the current fair market

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value (less any portion thereof attributable to expenditure on non-Community Development Block Grant CDBG funds) of property acquired or improved with Community Development Block Grant CDBG funds, that is sold or transferred for a use which does not qualify under the Community Development Block Grant CDBG regulations.

- i. No unit of local government may sell, trade, or otherwise transfer all or a portion of such funds to a metropolitan city, urban county, unit of general local government or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal consideration but must use such funds for activities eligible under Title I of the Housing and Community Development Act of 1974, as amended.

2. County Responsibility

The municipality agrees that the County, as the applicant, takes full responsibility and assumes all obligations of an applicant under the Housing and Community Development Act of 1974, the HOME Investment Partnership Act of 1990, and the Emergency Solutions Grant of 2012. This responsibility will also extend to parts of the planning and management process, for the execution of the community development plan, including the analysis of needs, the setting of objectives, the development of the Consolidated Plan, and all assurances or certifications of compliance with federal and state requirements necessary under federal and state laws. The responsibility of the County shall apply to all community development projects whether or not the County or the locality carries out directly an activity or activities included in the application. The municipality agrees that the County has the authority to carry out activities that will be funded by the annual Community Development Block Grant CDBG, Home Investment Partnership Program HOME, and Emergency Solutions Grant Program ESG, from the **Federal Fiscal Years 2024, 2025, and 2025** appropriations and from any program income generated from the expenditure of such funds.

3. Costs

- a. Cost of Activities The costs of the community development activities and the total cost of all activities shall be as approved pursuant to Section A.1.c.(3) and d, and in the application submitted to HUD, subject to approval and funding by HUD, and to any modification in the total grant award or cost of activities required by HUD.
- b. Municipal Designation to Carry Out Activities
The activities to be completed under the Community Development Program will be carried out by the County with the participation of the Committees as set forth in Section A.1.c(3) and d. except those being carried out directly by participating municipalities.
- c. Payment Payments for the conduct of activities to be carried out by individual municipalities will be made to the municipality on the basis of vouchers and resolutions submitted by the approving authority of the municipality. The final 10% of the

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activity cost will be made upon certification by the municipality and verification by the County that the activity has been completed in a satisfactory manner according to paragraph C.4. below of this agreement, and applicable Federal and State requirements.

4. Standards of Performance

Activities to be carried out under the Housing and Community Development Act, the HOME Investment Partnership Act of 1990, and the Emergency Solutions Grant of 2012 this Agreement shall be performed in accordance with Federal, State, and local laws and regulations. In carrying out the activities, the County will be responsible for contact with other local, State, and Federal agencies to prevent duplication of effort, and to foster coordination of related activities. Activities to be carried out by individual municipalities shall adhere to County design and construction standards and shall be based on work proposals and budget outlines submitted to the County for review. The Director of the Division of Community Development or other County staff members, as may be necessary, shall grant approval prior to the commencement of any work involved in carrying out the activity. The County along with the Director of the Division of Community Development will establish a staff responsible for managing the program.

5. Time Period

In accordance with HUD regulations, activities included in the application shall be completed or substantially underway during the program year, which shall be one year from the date of notification of the grant awarded by HUD. Work on the activities to be carried out directly by municipalities shall commence only upon the release of funds by HUD and conformance to local finance board regulations and only upon notification by the County that the municipality is authorized to initiate the project. Work on these activities should begin as soon as possible following the issuance of this notice to the municipalities and should be completed in a timely manner. If a project is not started or implemented in a timely manner as set forth above, after due notice and warnings are given to the municipality in question, the regional Community Development Committee and the Board of County Commissioners reserve the right to reallocate these funds.

6. Availability of Records for Audit

Required records of the progress of activities carried out by the County and by individual municipalities will be maintained according to the HOME Investment Partnership Act of 1990 and accompanying regulation; FMC 74-7 the New Jersey Division of Local Finance, and other applicable requirements. All records shall be kept in a manner prescribed by these regulations and shall be available for audit by the proper authorities. Records of activities carried out by the County shall be maintained by the Director of the Division of Community Development of the County or his/her designated subordinate, and records of activities carried out by individual municipalities shall be maintained by the municipal clerk of the municipality carrying out the activity.

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D. Signators

This Agreement shall be executed in similarly worded counterparts, each of which shall be signed by the County Executive and the chief executive of an individual municipality, (the chief executive of a municipality is the mayor except in council-manager governments, in which case, the chief executive is the manager) after authorization by the Board of Chosen Freeholders and the governing body of the municipality, to execute this Agreement. Each such signatory agrees to cooperate with all other signators and be found as if all had signed the same Agreement.

E. Modification and Amendment

1. Modification of Costs and/or Activities

In the event that any modifications of the cost of an activity or any activity itself shall become necessary or are requested by the County or a municipality participating in or carrying out an activity, the County may increase or decrease the cost of an activity or modify the activity, subject to all necessary HUD and municipal approvals, provided that the total funding does not exceed the total grant award. Municipal requests for cost or activity modifications must be by a resolution of the governing body and shall also require the passage of a resolution by the Board of County Commissioners. County requests for cost or activity modifications of a municipal project shall be made in writing by the County Executive subject to approvals by resolutions of the governing bodies of the municipality or municipalities involved.

2. Addition or Deletion of Projects

Projects may be added or deleted by the County with such HUD approvals as are required and the approval of the municipality or municipalities involved. Said approvals shall be by resolution of the municipality or municipalities and the County and shall be subject to paragraphs C.4. and C.4., above. Projects will not be added or deleted without appropriate review by the respective Committee(s).

F. Severability

In the event that any portion of this agreement shall be made inoperative by reason of judicial or administrative ruling, the remainder shall continue in effect.

G. Supersession

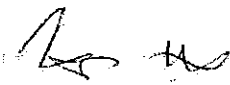
This Agreement shall supplement any previous agreements on this subject and shall replace and supersede any previously agreed upon provisions only to the extent of conflict of purpose.

H. Opinion of County Counsel

Pursuant to the requirements of the HUD regulations, this Three Year Cooperative Agreement (July 1, 2024 – June 30, 2027) was reviewed by the County's Counsel for compliance therewith and it is the opinion of County Counsel that the terms and provisions of the Agreement are fully authorized under state and local law and that the Agreement provides full legal authority for the County to undertake or assist in undertaking essential community renewal and lower-income housing assistance activities.

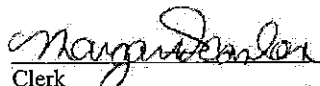
Three Year Cooperative Agreement

County Executive



Mayor - Frank Nunez

(Seal)


Clerk Margaret Scanlon (Seal)

Phil George

From: Ana Almanzar
Sent: Wednesday, May 7, 2025 9:22 AM
To: Andrea Azzarello; Phil George
Subject: RE: Discovery

Good morning, Andrea.

Thank you, but Phil's in your court already and this case is listed before your Court today. I will print out for him and keep it handy for when he returns to the office.

Ana R. Almanzar
Paralegal & Assistant to Philip G. George, Esq
Eric M. Bernstein & Associates, L.L.C.
34 Mountain Blvd., Bldg. A
P.O. Box 4922
Warren, NJ 07059
Tel: 732-805-3360 ext. 223
Email: aalmanzar@embalaw.com

From: Andrea Azzarello <a.azzarello@scotchplainspd.org>
Sent: Wednesday, May 7, 2025 8:44 AM
To: Phil George <pgeorge@embalaw.com>; Ana Almanzar <aalmanzar@embalaw.com>
Subject: FW: Discovery

This is discovery Isom Sims is submitting regarding his case

Have a great day

Andrea Azzarello
RECORDS CLERK
Scotch Plains Police Dept.
430 Park Avenue
Scotch Plains, NJ 07076
908-322-7100 x. 105
908-322-7103 (fax)

From: Anonymous Nate <thepeoplesinformant911@gmail.com>
Sent: Tuesday, May 6, 2025 4:16 PM
To: Andrea Azzarello <a.azzarello@scotchplainspd.org>
Subject: Re: Discovery

im am submitting these screenshots as i will be presenting them along with the GIS interactive map of scotch plains.

On Thu, Apr 10, 2025 at 11:45 AM Andrea Azzarello <a.azzarello@scotchplainspd.org> wrote:

Good Morning,

Attached is a copy of the discovery you requested. As for the bodycam we send to prosecutor first for review and then it will be sent to you. State laws state prosecutor has to review all bodycam footage. Once you receive it you will have 5 days to download and save it before it expires.

Have a great day

Andrea Azzarello

RECORDS CLERK

Scotch Plains Police Dept.

430 Park Avenue

Scotch Plains, NJ 07076

908-322-7100 x. 105

908-322-7103 (fax)

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