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September 18, 2025

Township of South Hackensack
227 Philips Ave
South Hackensack, NJ 07606

Re: Fair Share Housing Center Challenge Response

On August 29, 2025, Fair Share Housing Center (“FSHC”) filed a letter to the Affordable Housing Dispute Resolution Program, asserting that the Township of South Hackensack’s Fourth Round Housing Element and Fair Share Plan (“HEFSP”) is incomplete. Pursuant to N.J.S.A. 52:27D-302 *et. seq.*, “following the filing of an adopted housing element and fair share plan, an interested party may file a response on or before August 31, 2025, alleging that the municipality’s fair share plan and housing element are not in compliance with the Fair Housing Act or the Mount Laurel doctrine.” FSHC’s letter states that “FSHC is not through this letter facially challenging any site selected for development by South Hackensack.” However, FSHC is requesting additional documentation related to the Township’s HEFSP. This memo has been prepared to provide a summary of the compliance mechanisms detailed within the Township’s Fourth Round HEFSP and to respond to the requests for documentation within FSHC’s challenge.

Summary of South Hackensack’s Fourth Round HEFSP

The Township of South Hackensack’s Fourth Round HEFSP was adopted by the Planning Board on June 5, 2025, and was endorsed by the Township Committee on June 26, 2025. The table below outlines the Township’s affordable housing obligations leading up to and including the Fourth Round.

Table 1: Township of South Hackensack Affordable Housing Obligations	
Fourth Round Present Need (Rehabilitation) Obligation (2025-2035)	7
Fourth Round Prospective Need Obligation (2025-2035)	RDP of 5
Unmet Need	169

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The HEFSP indicates the Township has or will address its affordable housing obligations through the following mechanisms:

- *Present Need.* The HEFSP provides that the Township will complete the rehabilitation of 7 affordable housing units through its participation with the Bergen County Home Improvement Program.
- *Prospective Need.* The HEFSP indicates that South Hackensack has a Fourth Round RDP of 5 units and 169 units of Unmet Need from the Fourth Round. The Township proposes an amendment to the existing Affordable Housing Overlay District. This amendment will enable a developer in the “Grove Street Overlay” to construct a multi-family dwelling with a 20% affordable housing set aside. The project would consist of a total of 25 units inclusive of five (5) affordable units.
- *Unmet Need.* The Township’s RDP is 5 units leaving 169 units of Unmet Need. The Township proposes to address the Unmet Need through the established Affordable Housing Overlay Zone and extending the overlay to other areas of the Township.
 - Affordable Housing Overlay District - South Hackensack has an established Affordable Housing Overlay District. The district currently requires: “Low- and moderate-income housing requirements. Neither the Planning Board, Zoning Board of Adjustment or Township Committee on appeal of decisions of either board or in the adoption of a redevelopment plan or zone shall approve any application for residential development or mixed-use development which contains five or more residential dwelling units unless there is a set-aside of at least 15% of said units for affordable housing units for every such unit constructed in the Garfield Park overlay district. The residential development within the Garfield Park overlay zone which received development approvals prior to the adoption of this chapter and commonly known as the Condemni Site and Block 102 Lot 40 on the Township Tax Assessment Map shall be subject to a 10% set-aside and shall be allowed a permitted density of 40 units per acre. Any residential development in the 21 Route 46 Overlay Zone subject to this chapter shall be subject to a 10% set-aside of all proposed residential dwelling units and a density of 30 units per acre.”
 - Additional sites to be added to the Overlay District – The Township proposes to amend the ordinance to include two additional lots to the Overlay District. Block 3, Lots 17.02 and 19 shall be included in the Overlay District. In addition, the ordinance shall be amended to allow up to 25 units with a 20% affordable unit set aside for these lots.

Challenge to South Hackensack's HEFSP by Fair Share Housing Center

The letter challenging the Township's HEFSP was prepared by Esmé M. Devenney, Esq. on August 29, 2025. The letter includes a list of items requested by FSHC prior to the Township receiving compliance certification. These items are detailed below, followed by our office's corresponding responses to each request.

1. The Township should provide for the record of the status of Third Round development sites and any documentation that was not available during the Third Round matter that continue to show a realistic opportunity for the Third Round sites credits and bonuses, pursuant to N.J.S.A. 52:27D-304. I(f)(2)(a). Specifically:

- a. The Garfield Park Overlay, including the Condemi Site. This zoning should be revised to require a 20 percent set-aside.

Response: Neglia Group has drafted an ordinance to amend Chapter 208 "Zoning" Article II "Zoning Districts; Zoning Map" Subsection 208-8.2C "Low- and moderate-income housing requirements". This includes the Garfield Park Overlay, including the Condemi Site, as well as the Route 45 Overlay. This is included as Appendix 2 of the revised Housing Element and Fair Share Plan, attached as Exhibit A.

- b. The Route 46 Overlay. This zoning should be revised to require a 20 percent set-aside.

Response: Neglia Group has drafted an ordinance to amend Chapter 208 "Zoning" Article II "Zoning Districts; Zoning Map" Subsection 208-8.2C "Low- and moderate-income housing requirements". This includes the Garfield Park Overlay, including the Condemi Site, as well as the Route 45 Overlay. This is included as Appendix 2 of the revised Housing Element and Fair Share Plan, attached as Exhibit A.

2. The Township should provide documentation establishing a realistic opportunity for 2 & 8 Grove Street in the Fourth Round plan pursuant to N.J.A.C. 5:93-5.6(b).

This includes:

- a. Zoning for the site;
- b. The existing density and need for a density bonus in order to produce low and moderate income housing;
- c. A demonstration that the site is available, approvable, developable, and suitable pursuant to N.J.A.C. 5:93-1.3;
- d. The site's conformance with the State Development and Redevelopment Plan pursuant to N.J.A.C. 5:93-5.4;
- e. The present ability of a developer to construct low and moderate income housing at a specific density;

- f. The existence of steep slopes, wetlands, and floodplain areas on the site; the present ability of a developer to construct low and moderate income housing at a specific density;
- g. The length of time an inclusionary site has been zoned at a specific density and set-aside without being developed; and
- h. The number of inclusionary sites that have developed within the municipality at specific densities and set-asides.

Response: Neglia Group has revised the Fourth Round Housing Element and Fair Share Plan (HEFSP) to include site suitability information for 2 & 8 Grove Street. The revised HEFSP is attached as Exhibit A.

3. The Township should provide documentation of a rehabilitation program, including a draft or adopted rehabilitation manual for a municipal rehabilitation program.

Response: Neglia Group has prepared a draft Rehabilitation Program Application and Program Manual for the Township in compliance with the applicable provisions of the Uniform Housing Affordability Controls (UHAC) regulations, as amended. Copies of these documents are attached hereto as Exhibit B

4. The Township should provide a Spending Plan which should be prepared and adopted in accordance with the forthcoming regulations at N.J.A.C. 5:99 and before March 15, 2026.

Response: As required by the FHA, a draft spending plan is included under Appendix 4 of the Fourth Round HEFSP. Per the FHA, "For the fourth round of affordable housing obligations, the implementing ordinances and resolutions, proposed pursuant to subparagraph (a) of this paragraph, and incorporating any changes from the program, shall be adopted on or before March 15, 2026." The Township will comply with the March 15, 2026 deadline to adopt the Spending Plan of its Fourth Round HEFSP and will revise the Spending Plan as necessary to comply with the updated UHAC regulations and in response to further direction from the Program.

5. The Township should update its Affordable Housing Ordinance, Development Fee Ordinance, Affirmative Marketing Plan, and other administrative documents in accordance with the forthcoming regulations at N.J.A.C. 5:80-26.1, et seq, and N.J.A.C. 5:99 after they are adopted and before March 15, 2026.

Response: Per the FHA, "For the fourth round of affordable housing obligations, the implementing ordinances and resolutions, proposed pursuant to subparagraph (a) of this paragraph, and incorporating any changes from the program, shall be adopted on or before March 15, 2026." The Township will comply with the March 15, 2026 deadline to adopt the implementing ordinances of its Fourth Round HEFSP. The Township will revise the Development Fee Ordinance as necessary to comply with the updated UHAC regulations once adopted.



Exhibits

- A. Revised Housing Element and Fair Share Plan.
- B. Draft Rehabilitation Program Application and Manual.

Very truly yours,
Neglia Group

A handwritten signature in black ink, appearing to read 'L Knight'.

Lyndsay Knight, P.P., AICP
For the Township Planner
Township of South Hackensack

Fourth Round Housing Element and Fair Share Plan

TOWNSHIP OF SOUTH HACKENSACK | BERGEN COUNTY, NEW
JERSEY

ADOPTED BY THE PLANNING BOARD:

ENDORSED BY THE COUNCIL:

PREPARED BY:

ANTHONY KURUS, PE, PP, CME

LYNDSAY KNIGHT, PP, AICP

JUNE 5, 2025

REVISED OCTOBER 29, 2025



Contents

Introduction	2
Municipal Summary.....	4
Affordable Housing Obligation	4
Borough Goal.....	4
Content of Housing Element	5
Inventory of Municipal Housing Stock.....	6
Projection of Housing Stock	9
Analysis of the Township’s Demographic Characteristics.....	10
South Hackensack Employment Demographics	14
Capacity for Fair Share	17
Fair Share Plan.....	20
Plan Summary	20
Affirmative Marketing Plan	21
Appendices.....	22

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. At the time, COAH was directed to review the municipal Housing Element and Fair Share Plan and was empowered to grant substantive certification. The Township of South Hackensack was granted substantive certification of its 2008 Third Round Plan on August 12, 2009.

The Township of South Hackensack (the “Township”) Planning Board and the Township endorsed a Housing Element and Fair Share Plan in 2008. Since that endorsement there have been several significant events:

1. On August 12, 2009, the Township was granted Substantive Certification with respect to the COAH Third Round
2. March 10, 2015 – The Supreme Court held that the Court would dissolve exhaustion-of-administrative remedies requirement of the Fair Housing Act of 1985 (FHA), as relief for failure of COAH to adopt the third-round substantive rules for calculation of affordable housing needs and criteria for satisfaction of needs.
3. The Township filed for Declaratory Judgement on July 8, 2015, in which the Township asked the Court to exercise jurisdiction over the compliance of South Hackensack’s satisfaction of its constitutional affordable housing obligations, immunity from exclusionary zoning litigation, and a Judgement of Compliance and Repose for a period of 10 years.

As a result of the events described above, the framework for the Housing Element and Fair Share Plan was changed. The March 10, 2015, Supreme Court Decisions found that municipalities that received substantial certification under the Third Round Rules would be required to evaluate its Plan since its approval was based upon rules that had been partially invalidated. If a Plan placed reliance on the growth share formula, presumptive incentives, or rental bonus credits that were contained within the Third Round Rules but were rejected by the Supreme Court, the plan would need to be addressed.

On November 3, 2017, the Settlement agreement was signed by Mayor Frank Cagas of the Township of South Hackensack and by Kevin Walsh, Esq., for FSHC on November 1, 2017. The agreement sets forth the extent of South Hackensack’s Present Need (Rehabilitation Component), Prior Round, and Third Round fair share obligations and provides a brief description of the compliance mechanisms by which South Hackensack proposes to address those obligations.

In the Spring 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 Fourt 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. The Borough did not have any challenges filed against the present and prospective need obligations that were memorialized in the resolution.
3. **If Challenged, Numbers Reviewed and Settled – March 1, 2025 to April1, 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 – 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 Town'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, among 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 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 Township of South Hackensack has an area of approximately 0.71 square miles and is located in the southern section of Bergen County, New Jersey. The Township has a total population of 2,701 as per the 2020 Census Data. The Township of South Hackensack is somewhat unique as it is comprised of three separate, non-contiguous areas. The main section of the Township is the northeastern primarily residential section that is adjacent to Hackensack, Little Ferry, and Teterboro. The “Garfield Park” section is the small western portion of the Township that lies between Garfield, Lodi, Wallington, and Woodridge. The “Meadowlands” section is the smallest of the three areas consisting of the southernmost area of land containing industrial properties lying in the NJSEA district (formerly the NJ Meadowlands Commission) between Carlstadt, Moonachie, and Ridgefield.

Affordable Housing Obligation

On January 23, 2025, the Township memorialized Resolution #2025-71 stating the Present Need (rehabilitation) Obligation of 7 units and a Prospective Need Obligation of 174 units as reported by the Department of Community Affairs (DCA) and Neglia Group. The resolution reserved the Township’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 Township’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 probable 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), and 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 Municipal Housing Stock

An inventory of the municipality's housing stock including an analysis of housing characteristics is presented in this section of the report.

Housing Age

At this time, the Township of South Hackensack is fully developed. Most of the development activity in the Township occurred between 1950 and 1970 with development declining for the next three decades.

The following table illustrates the age of the existing housing stock by year built.

Age of Housing Stock		
Year Built	Number of Units	Percent
Built 2020 or later	0	0.0%
Built 2010 to 2019	43	4.4%
Built 2000 to 2009	89	9.2%
Built 1990 to 1999	74	7.6%
Built 1980 to 1989	63	6.5%
Built 1970 to 1979	127	13.1%
Built 1960 to 1969	232	23.9%
Built 1950 to 1959	161	16.6%
Built 1940 to 1949	69	7.1%
Built 1939 or earlier	112	11.5%
Total	970	100%

Source: 2023 ACS Table DP04

Housing Conditions

According to the 2023 ACS, there are 970 housing units in the Township of South Hackensack. The Township's housing stock includes single-family detached, single family attached (i.e. townhomes), multi-family dwellings, and mobile homes. Single-family detached dwellings total 489 or 50.4% of the Township's housing stock. Single-family attached homes comprise 95 or 9.8% of South Hackensack's housing stock. As the chart on the right indicates, there are 334 or 33.4% 2-unit dwellings. There are 14, 10-to-19-unit dwellings and 38, 20 or more unit dwellings.

Housing Type by Units in Structure		
Unit Type	Number of Units	Percent
1-unit, detached	489	50.4%
1-unit, attached	95	9.8%
2 units	334	34.4%
3 or 4 units	0	0.0%
5 to 9 units	0	0.0%
10 to 19 units	14	1.4%
20 or more units	38	3.9%
Mobile home	0	0.0%
Other	0	0.0%
Total	970	100%

Source: 2023 ACS Table DC03

The condition of units is generally good and according to the Census data there were no units lacking complete plumbing facilities, 8 units lacking complete kitchen facilities, and only 3 units lacking telephone service. The majority of the units (82.6%) 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	0	0.0%
Lacking complete kitchen facilities	8	0.9%
No telephone service available	3	0.3%
House Heating Fuel		
Utility gas	770	82.6%
Bottled, tank, or LP gas	5	0.5%
Electricity	100	10.7%
Fuel oil, kerosene, etc.	45	4.8%
Coal or coke	0	0.0%
Wood	0	0.0%
Solar energy	0	0.0%
Other fuel	6	0.6%
No fuel used	6	0.6%
Total	932	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 89 occupied housing units within the Township that were “overcrowded”. There were 65 units with 1.01 to 1.50 occupants per room and 24 units with 1.51 or more occupants per room.

Occupants Per Room		
Occupants	Number of Units	Percent
1.00 or less	843	90.4%
1.01 to 1.50	65	7.0%
1.51 or more	24	2.6%
Total	932	100%

Source: 2023 ACS table DP04

Occupancy Status

According to the 2023 ACS estimates, 51.4% of the Township’s occupied housing stock is owner occupied while 48.6% is renter occupied. The Township’s housing vacancy rate is estimated to be 3.9% in 2023. A majority of vacant housing units fall under the “Other” category with 25 units or 65.7%. For sale units comprise 13 units or 34.3%, of South Hackensack’s vacant units. See the table on the next page for additional details.

Occupancy Status		
	Households	Percent
Occupied Total	932	96.1%
Owner Occupied	479	51.4%
Renter Occupied	453	48.6%
Vacant Total	38	3.9%
For rent	0	0.0%
Rented, not occupied	0	0.0%
For Sale only	13	34.3%
Sold, no occupied	0	0.0%
Seasonal	0	0.0%
Other	25	65.7%
Total	89	100%

Source: 2023 ACS tables DP04 & B25004

Purchase and Rental Values

The ACS provides value estimates for owner-occupied housing units. The majority of South Hackensack's estimated 479 owner-occupied housing units are valued at \$500,000 to \$999,999. Homes valued between \$300,000 and \$499,999 account for 32.6% of owner-occupied units, while homes valued between \$200,000 and \$399,999 comprised 8.6% 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	13	2.7%
\$50,000 to \$99,999	10	2.1%
\$100,000 to \$149,999	8	1.7%
\$150,000 to \$199,999	0	0.0%
\$200,000 to \$299,999	41	8.6%
\$300,000 to \$499,999	156	32.6%
\$500,000 to \$999,999	251	52.4%
\$1,000,000 or more	0	0.0%
Total	479	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 37% of rentals in South Hackensack have rents priced between \$1,500 to \$1,999 per month. Units with rents between \$2,000 and \$2,499 comprise only 21.9% of rentals in the Township. Additionally, units \$3,000 or more per month comprise 21.1% of rentals in the Township. The median gross rent paid for occupied units paying rent was \$1,906.

See the table on the next page for more information.

Cost of Rentals		
Cost	Number of Units	Percent
Less Than \$500	10	2.6%
\$500 to \$999	29	7.5%
\$1,000 to \$1,499	36	9.3%
\$1,500 to \$1,999	147	37.8%
\$2,000 to \$2,499	85	21.9%
\$2,500 to \$2,999	0	0.0%
\$3,000 or more	82	21.1%
Total	389	100%

Source: 2023 ACS table DP04

Projection of Housing Stock

As per N.J.S.A. 52:27D-310, a housing element must contain a projection of the municipality's housing stock, including the probability of 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 probability of residential development of lands.

The Department of Community Affairs's 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 Township's historic development trends. The information provided in the chart below illustrate the trends since the last adopted Housing Element.

As shown in the table below, 22 new homes were built and issued COs between 2013 and 2023 while 11 units were demolished. As shown on the table below, a majority of the housing units constructed (6) were issued COs in 2017 and 2022.

Historic Trends of Residential COs and Demolition Permits												
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
COs Issued	1	0	3	4	6	0	0	0	2	6	0	22
Demolitions	0	0	1	1	7	0	0	1	1	0	0	11
Total	1	0	4	5	13	0	0	1	3	6	0	33

Source: New Jersey Construction Reporter from the NJ DCA

Looking at historical development patterns shown in the previous table, the Township anticipates one multi-family development between now and 2035. The Township anticipates the project to have 20% reservation for units for low- to moderate income households.

Low- and Moderate-Income Housing Units Previously Constructed

The Third Round Housing Element and Fair Share Plan established a Realistic Development Potential of 29 units. The Township addressed this obligation through 7 affordable age restricted units at the Madeline/BCUW 100% affordable housing development, 14 family rental units as part of a proposed

development on the Condemi Site, and 8 rental bonus credits attributed to 8 of the proposed family rentals units at the Condemi Site.

Low- and Moderate-Income Housing Units Previously Rehabilitated

The Township addressed its 35 units Third Round Present Need obligation through participation in the Bergen County housing rehabilitation program.

Projection of Housing Stock for the Next 10 Years

During the period of 2013 to 2023, South Hackensack issued 22 certificates of occupancy. Due to the fully developed character of the Township, current trends are expected to continue. Based upon these long-standing trends and the documented lack of vacant land in South Hackensack, projections for increase in the Township's housing stock during the next ten-year period are anticipated to be minimal.

Vacant Land Adjustment

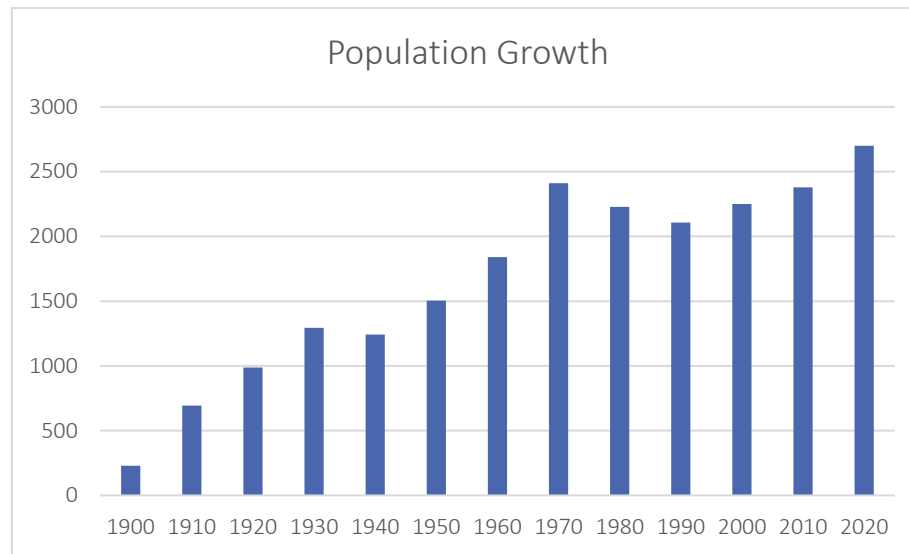
Future development opportunities in South Hackensack were assessed as part of a vacant land adjustment and the imposition of a realistic development potential (RDP) analysis that was undertaken pursuant to COAH's Second Round regulations. As discussed in more details in the Fair Share Plan section of this report. The Township has determined that it has a RDP of 4 units.

Analysis of the Township's Demographic Characteristics

South Hackensack's population experienced rapid growth from 1900 until a slight decrease of 4.1% in 1940. The 1950s returned to an increase in population until a slight decrease in the 19980's and 19990's. From 2000 until present the Township continued to grow in population. The 2020 US Census Bureau reports the Township's population to be 2,701 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
1900	229	-
1910	693	202.6%
1920	987	42.4%
1930	1,294	31.1%
1940	1,241	-4.1%
1950	1,503	21.2%
1960	1,841	22.5%
1970	2,412	31.0%
1980	2,229	-7.6%
1990	2,106	-5.5%
2000	2,249	6.8%
2010	2,378	5.7%
2020	2,701	13.6%

Source: US Census Bureau, 2000, 2010, 2020



Age Distribution of Population

The 2023 ACS estimates that 44.4% of the population is between the ages of 25 and 54 years, while the percentage of children aged 19 or younger comprised 22% of the Township's population. Residents aged 85 years or older comprised the second smallest age cohort with approximately 2.1% of residents fall in this category. The ACS indicates that the Township's median age was 36.8 years old. The racial composition of South Hackensack's population is predominantly white, accounting for 71% of the Township'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
Under 5 years	150	6.3%	38	1.4%
5 to 9 years	132	5.6%	182	6.6%
10 to 14 years	140	5.9%	205	7.4%
15 to 19 years	148	6.2%	184	6.6%
20 to 24 years	140	5.9%	96	3.5%
25 to 34 years	332	13.9%	464	16.7%
35 to 44 years	349	14.7%	437	15.8%
45 to 54 years	350	14.7%	330	11.9%
55 to 59 years	140	5.9%	167	6.0%
60 to 64 years	118	5.0%	146	5.3%
65 to 74 years	194	8.2%	314	11.3%
75 to 84 years	126	5.3%	150	5.4%
85 years and over	59	2.5%	58	2.1%
Total			2,771	100%

Source: 2023 ACS Table DP05

Racial Characteristics		
Race	# of Persons	Percent
One Race	1,967	71.0%
White	1,285	46.4%
Black or African American	66	2.4%
American Indian and Alaska Native	0	0.0%
Asian	195	7.0%
Native Hawaiian and Other Pacific Islander	27	1.0%
Some Other Race alone	394	14.2%
Two or More Races	804	29.0%

Source: 2023 ACS Table S1101

Household Demographics

The Township of South Hackensack is primarily a fully developed one- and two-family residential community. There were 922 occupied housing units as compared to only 28 vacant housing units. There were 479 owner occupied housing units compared to 432 renter occupied housing units. In addition, 81.5% or 760 of the housing units were occupied by family households as compared to 18.45% or 172 non-family households.

Household Type and Size		
Type	Number	Percent
Family Households	760	81.5%
Married couple family	448	58.9%
with children under 18	219	48.8%
Male Householder, no spouse	162	21.3%
Female Householder, no spouse	150	19.8%
Non-family Households	172	18.45%
Total	932	100%

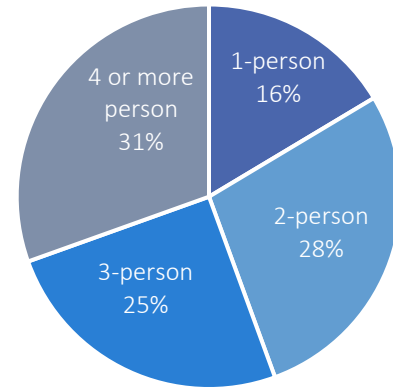
Source: 2023 ACS Table S1101

The average household size of these units was 2.97 persons per household and the average family size was slightly higher at 3.25 persons per family. The tables on the next page illustrate the Household Size for the Township.

Household Size

Household Size		
Size	Total	Percent
1-person	153	16.4%
2-person	261	28.0%
3-person	234	25.1%
4 or more person	284	30.5%
Total	932	100%

Source: 2023 ACS Table S2501



Income and Poverty Status

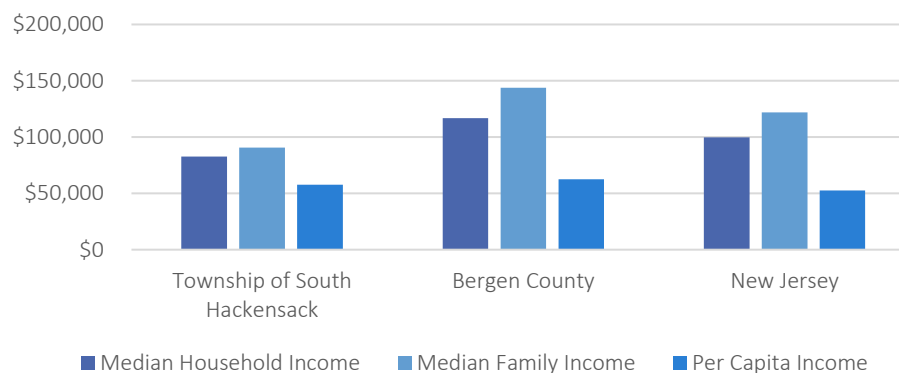
The ACS estimates that the median household, family, and per capita incomes for the Township of South Hackensack was below the median household and family incomes for Bergen County and New Jersey. South Hackensack's median household income was \$82,750, compared to \$116,709 for the County and \$99,781 for the State. The median family income in the Township is roughly \$53,269 less than the county and approximately \$31,401 less than the State's. The median per capita income is slightly less than the county. However, the Township's median per capita income is slightly greater than the State's.

Individual poverty is at 15.3% in South Hackensack compared to 6.6% in the County and 9.7% in the State. See the table and chart below for additional details.

Income Characteristics			
Income type	Township of South Hackensack	Bergen County	New Jersey
Median Household Income	\$82,750	\$116,709	\$99,781
Median Family Income	\$90,543	\$143,812	\$121,944
Per Capita Income	\$57,787	\$62,627	\$52,583
Poverty Status (Percent of People)	15.3%	6.6%	9.7%
Poverty Status (Percent of Families)	11.8%	5.1%	7.1%

Source: 2023 ACS table S1901, B19301, S1702

Income Characteristics



According to the 2023 ACS data, a majority of households (19%) in South Hackensack 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, 1.5% of households earn \$10,000 to \$14,999 per year compared to 2.3% in the County and 2.8% in the State.

Household Income						
	Township of South Hackensack		Bergen County		New Jersey	
	Total	Percent	Total	Percent	Total	Percent
Less Than \$10,000	63	6.8%	12,831	3.6%	152,153.70	4.3%
\$10,000 to \$14,999	14	1.5%	8,198	2.3%	99,076.80	2.8%
\$15,000 to \$24,999	68	7.3%	14,257.52	4.0%	180,461.30	5.1%
\$25,000 to \$34,999	64	6.9%	14,257.52	4.0%	183,999.80	5.2%
\$35,000 to \$49,999	133	14.3%	23,168.47	6.5%	279,538.10	7.9%
\$50,000 to \$74,999	96	10.3%	40,633.93	11.4%	467,076.30	13.2%
\$75,000 to \$99,999	74	7.9%	38,851.74	10.9%	410,461	11.6%
\$100,000 to \$149,999	140	15.0%	64,871.72	18.2%	640,460.07	18.1%
\$150,000 to \$199,999	103	11.0%	43,129	12.1%	403,384.10	11.4%
\$200,000 or more	177	19.0%	96,238.26	27.0%	721,845.20	20.4%
Total	932	100%	356,438	100%	3,538,457	100%

Source: 2023 ACS table S1901

South Hackensack Employment Demographics

This chapter provides a snapshot of employment within South Hackensack, including the types of industries within the community. The 2023 ACS estimates that South Hackensack has 1,511 residents in the labor force. The labor force consists of approximately 64.8% employed person and 1.9% unemployed persons.

The majority of works within the Township are reported to be private wage and salary workers. Just over 1,238 or 81.9% of those employed fall into this category. Approximately 10.3% of workers are government employees and 7.7% are self-employed. The ACS estimates 0 workers are unpaid family workers.

Class of Worker		
Class of Worker	Number of Workers	Percent
Private wage and salary workers	1,238	81.9%
Government workers	156	10.3%
Self-employed in own not incorporated business workers	117	7.7%
Unpaid family workers	0	0.0%
Total Employed Residents	1,511	64.8%
Total Unemployed Residents	45	1.9%

Source: 2023 ACS Table DP03

Occupational Characteristics

The ACS estimates that 28.1% of the Township's residents are employed in management, business, science, and arts occupations. The service occupation employs 387 residents, or 25.6%, of the working population. Sales and office occupations employs 22.8% or 344 residents. Natural resources, construction, and maintenance occupations employs 193 residents or 12.8% and production, transportation, and material moving occupations employs 162 residents and 10.7% 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	425	28.1%	263,942	53.3%
Service occupations	387	25.6%	61,574	12.4%
Sales and office occupations	344	22.8%	101,185	20.4%
Natural resources, construction, and maintenance occupations	193	12.8%	25,740	5.2%
Production, transportation, and material moving occupations	162	10.7%	42,480	8.6%
Total	1,511	100%	494,921	100%

Source: 2023 ACS Table DP03

Employment by Professions

According to the 2023 ACS there were 1,511 persons in the labor force in the Township of South Hackensack and only 45 persons were unemployed. Educational services, and healthcare and social assistance made up the largest component of the workforce with 368 persons or 24.5%. The remainder of the workforce was generally uniformly divided amongst the fields of construction, manufacturing, retail trade, transportation and warehousing and utilities, information, finance and insurance and real estate and rental and leasing, professional, scientific, and management, and administrative and waste management services, 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	0	0.0%
Construction	136	9.0%
Manufacturing	85	5.6%
Wholesale trade	58	3.8%
Retail trade	132	8.7%
Transportation and warehousing, and utilities	38	2.5%
Information	41	2.7%
Finance and insurance, and real estate and rental and leasing	67	4.4%
Professional, scientific, and management, and administrative and waste management services	199	13.2%
Educational services, and health care and social assistance	368	24.5%
Arts, entertainment, and recreation, and accommodation and food services	203	13.4%
Other services, except public administration	66	4.4%
Public administration	118	7.8%
Total	1,511	100%

Source: 2023 ACS Table DP03

Other Regional or Community Factors Impacting Upon Future Township Employment

There is no single primary regional factor impacting upon future local employment. The developed character of South Hackensack together with a minimal availability of vacant land act to curtail opportunities for future development. And additional local employment opportunities.

Determination of Present and Prospective Need

The Township of South Hackensack approved Resolution 2025-01A on January 23, 2025. This resolution formally accepted the present and prospective need of the Township as laid out in the DCA's Report and the report prepared by Neglia Group. Per Resolution 2025-01A, the Township of South Hackensack has a Present Need or Rehabilitation Need of 7 units and a Prospective Need of New Construction Obligation of 174 units. Both Resolution and Neglia Group's report can be found in the Appendix of this Report.

Capacity for Fair Share

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

- The Township'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

The Township of South Hackensack capacity to construct creditable units towards satisfying its affordable housing obligation is determined by available land. Additionally, land development is limited by environmental constraints and the Township's proximity to Teterboro airport which consists of strict height restrictions.

Utility Capacity

The proposed development on 2 & 8 Grove Street has access to water and sewer utilities. There is sufficient overall water and sewer capacity to serve the proposed development for this site. However, to determine if infrastructure upgrades are required, the Township would need to perform a detailed study of the site and the surrounding utility infrastructure. The study would need to include sanitary sewer and water service reports for the development, the condition, size, location, and existing capacity and pressure 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 anticipated projects:

1. 2 & 8 Grove Street – this site is comprised of Block 3, Lots 17.02 and 19. The Township plans to adopt an ordinance amendment to rezone this property to permit 25 housing units with a 20% required set aside for affordable housing units.

Potential Affordable Housing Developers

This section below details the developers who have formally intervened or requested rezoning to build affordable housing within the Township. The Township has only received one formal from a developer as detailed below:

1. 2 & 8 Grove Street – Both lots are currently owned by Eletherios Sakellaris and consist of Foodies Restaurant and a Two-Family residential dwelling. The owner of the property has approached the Township with an interest in developing the property with a multi-family residential dwelling. The Township is looking to assist the developer with constructing 25 units inclusive of a 20% set aside resulting in 5 affordable housing units.

Anticipated Development Patterns

Anticipated land use patterns within the Township of South Hackensack will follow the established zoning map (shown on the following page). The Township has a variety of zoning districts including residential district, senior citizen multi-family residential district, mixed district, industrial district, commercial district, and an affordable housing overlay.

Multigenerational Family Housing Continuity

The Township has not received any correspondence with the Multigenerational Family Housing Continuity Commission. However, the Township is open to any recommendations from the commission to enable senior citizens to reside at the homes of their extended families.

Consistency with the State Development and Redevelopment Plan

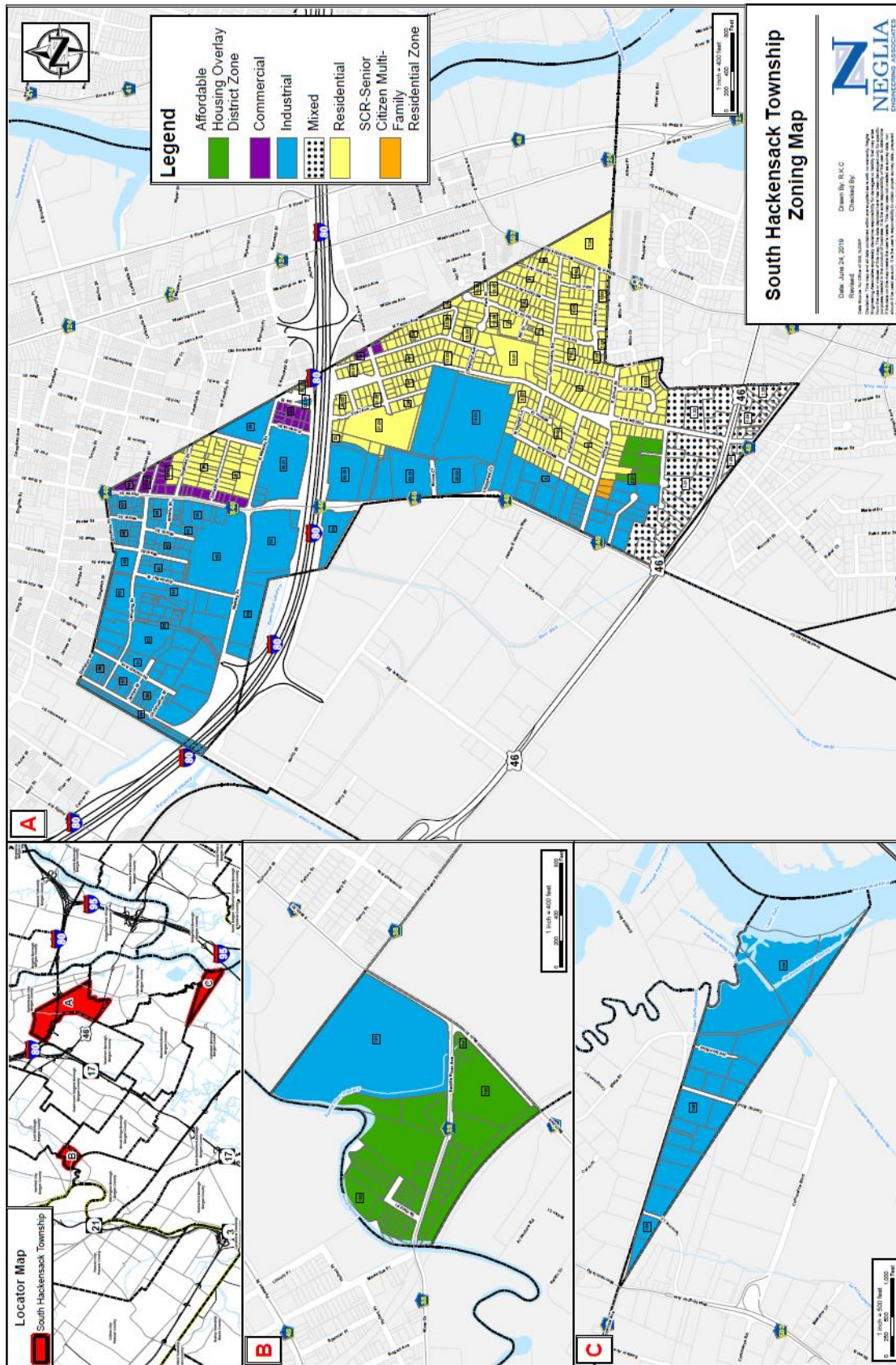
The State Plan and Redevelopment Plan is in the process of being updated. The Plan is currently in the Cross-Acceptance process comparing statewide planning policies at government levels to attain a high level of consistency among municipal, county, regional, and State plans and the State Plan. This process allows various stakeholders to partner to create a more meaningful and viable State Plan to ensure municipal, county, and regional master plans are taken into consideration during the process.

The State Plan will reflect current planning principles and best practices in the areas of land use, transportation, housing and environmental protection and enhancement, economic development, provision of public infrastructure, historic preservation, social justice, and adaption to global climate change.

The Goals of the updated SDRP are:

1. Promote Economic Growth that Benefits all Residents of New Jersey
2. Provide an Adequate Supply of Housing For Residents of All Ages and Incomes in Communities of Their Choosing That Meet Their Needs and Offer Ready Access to the Full Range of Supportive Goods and Services
3. Economic Opportunity Through nation-leading Infrastructure
4. Revitalize and Recenter the State's Underutilized Developed Areas
5. Effectively Address the Adverse Impacts of Global Climate Change
6. Protect, Maintain, and Restore the State's Natural and Water Resources and Ecosystems
7. Protect the Environment; Prevent and Clean Up Pollution
8. Protect, Enhance, and Improve Access to Areas with Exceptional Archeological, Historic, Cultural, Scenic, Open Space, and Recreational Value
9. Implement Equitable Planning Practices to Promote Thriving Communities for all New Jerseyans
10. Foster Sound and Integrated Planning and Implementation at all Levels Statewide

Once it is finalized, this section shall be updated to include the consistencies with the Township of South Hackensack and the adopted SDRP. In addition, the Township will seek guidance and technical assistance from the State Planning Commission.



Fair Share Plan

Plan Summary

The Fair Share Plan identifies the manner in which the Township's fair share affordable housing obligations – inclusive of a 7-unit Present Need (Rehabilitation) obligation and 174-unit Fourth Round Prospective Need obligation are to be addressed. This is summarized below.

1. Present Need – The Township has a Present Need obligation of 7 units. To satisfy its rehabilitation obligation, the Township will participate in the Bergen County Housing Rehabilitation Program.
2. Fourth Round Prospective Need Obligation – South Hackensack has a Fourth Round RDP of 5 units and 169 units of Unmet Need from the Fourth Round. The Township proposes an amendment to the existing Affordable Housing Overlay District. This amendment will enable a developer in the “Grove Street Overlay” to construct a multi-family dwelling with a 20% affordable housing set aside. The project would consist of a total of 25 units inclusive of affordable units.

Plan Components

This section of the plan details the projects, mechanisms and funding sources which will be used to meet the Township's affordable housing obligations as discussed above.

1. Present Need – The Township has a rehabilitation share of 7 units. The Township will complete the rehabilitation of 7 affordable housing units through its participation with the Bergen County Home Improvement Program.
2. Prospective Need – As detailed above, South Hackensack's Fourth Round Prospective Need obligation is based upon an RDP of 5 units (as established by the Township's Vacant Land Analysis). Leaving the Township with a remaining unmet need of 169 units.
3. Unmet Need – The difference between the Township's Fourth Round Prospective Need number and its RDP obligation is what is known as Unmet Need. Whereas RDP is an obligation that must be affirmatively addressed, Unmet Need is more aspirational. As discussed previously, the Township's RDP is 5 units leaving only Unmet Need. The Township proposes to address the Unmet Need through the established Affordable Housing Overlay Zone and extending the overlay to other areas of the Township.
 - a. Affordable Housing Overlay District - South Hackensack has an established Affordable Housing Overlay District. The district currently requires: “Low- and moderate-income housing requirements. Neither the Planning Board, Zoning Board of Adjustment or Township Committee on appeal of decisions of either board or in the adoption of a redevelopment plan or zone shall approve any application for residential development or mixed-use development which contains five or more residential dwelling units unless there is a set-aside of at least 15% of said units for affordable housing units for every such unit constructed in the Garfield Park overlay district. The residential development within the Garfield Park overlay zone which received development approvals prior to the adoption of this chapter and commonly known as the Condemni Site and Block 102 Lot 40 on the Township Tax Assessment Map shall be subject to a 10% set-aside and shall be allowed a permitted density of 40 units per acre. Any residential development in the

Route 46 Overlay Zone subject to this chapter shall be subject to a 10% set-aside of all proposed residential dwelling units and a density of 30 units per acre.”

- b. Additional sites to be added to the Overlay District – The Township proposes to amend the ordinance to include two additional lots to the Overlay District. Block 3, Lots 17.02 and 19 shall be included in the Overlay District. In addition, the ordinance shall be amended to allow up to 25 units with a 20% affordable unit set aside for these lots.

Affirmative Marketing Plan

Each municipality is required to establish and maintain an Affirmative Marketing Plan which is maintained in accordance with NJAC 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 months prior to expected 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
- This advertisement will include the following:
 - The location of the units;
 - Direction to the housing units;
 - A range of prices for the housing units;
 - The size, as measure in bedrooms, of the housing units;
 - The maximum income permitted to qualify 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.
 - Available affordable housing units can also be advertised on the Municipality’s various social media channels (i.e. Facebook, Instagram, YouTube, etc.)
- The Affirmative Marketing Program should reach out to local religious groups and civic organizations that are likely to apply, or help members applying 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 developments.
- 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.

Appendices

A-1 Vacant Land Adjustment

A-2 Draft Overlay District Amendment

A-3 Draft Overlay Zone Mapping

A-4 Spending Plan

A-5 Fourth Round Obligation Report

Appendix 1 (A-1)

Township of South Hackensack

Vacant Land Inventory

BLOCK	LOT	Property Location	Owner's name	Class	GIS Acreage	Above .83 Acres	Notes
1.04	8	364 PHILLIPS AVE	WHITE DOVE INVESTMENTS INCORPORATED	1	0.11	No	Lot too small to qualify for RDP Analysis
1.05	4	ROUTE 46	NJ BELL TELEPHONE PROP TAX DEPT.	1	0.00	No	Lot too small to qualify for RDP Analysis
102	40	71 SADDLE RIVER AVE	CONDEMI INTERNATIONAL CO., INC.	1	4.92	Yes	Lot to be used to fulfill Third Round Obligation
102	62	1 SADDLE RIVER AVE.	D'AMICO,JOSEPH & CAROLE	1	0.05	No	Lot too small to qualify for RDP Analysis
13.01	6.11	4 ROSSI COURT	M & S SOUTH HACKENSACK LLC	1	0.13	No	Lot too small to qualify for RDP Analysis
13.01	6.12	6 ROSSI COURT	M & S SOUTH HACKENSACK LLC	1	0.14	No	Lot too small to qualify for RDP Analysis
13.01	6.13	18 PARK STREET	M & S SOUTH HACKENSACK LLC	1	0.17	No	Lot too small to qualify for RDP Analysis
13.02	10	530 HUYLER ST.	HUYLER STRATEGIES LLC	1	1.97	Yes	
13.04	1.09	GORE	UNKNOWN	1	0.02	No	Lot too small to qualify for RDP Analysis
13.04	1.10	TAYLOR AVE	LACAP, ELLER & JENNIFER	1	0.01	No	Lot too small to qualify for RDP Analysis
13.07	8.02	REAR PARK ST	MUNOZ, MANUEL ANTONIO	1	0.01	No	Lot too small to qualify for RDP Analysis
14	3	436 TAYLOR AVE.	CONTI,SALVATORE,& CONCETTA	1	0.03	No	Lot too small to qualify for RDP Analysis
14	4	432 TAYLOR AVE	COLONNELLI, UMBERTO	1	0.02	No	Lot too small to qualify for RDP Analysis
14	5	ASSESSED IN HACKENSACK	UNKNOWN	1	0.00	No	Lot too small to qualify for RDP Analysis
15	13	399 TAYLOR AVE	ROMERO, JENNIFER	1	0.08	No	Lot too small to qualify for RDP

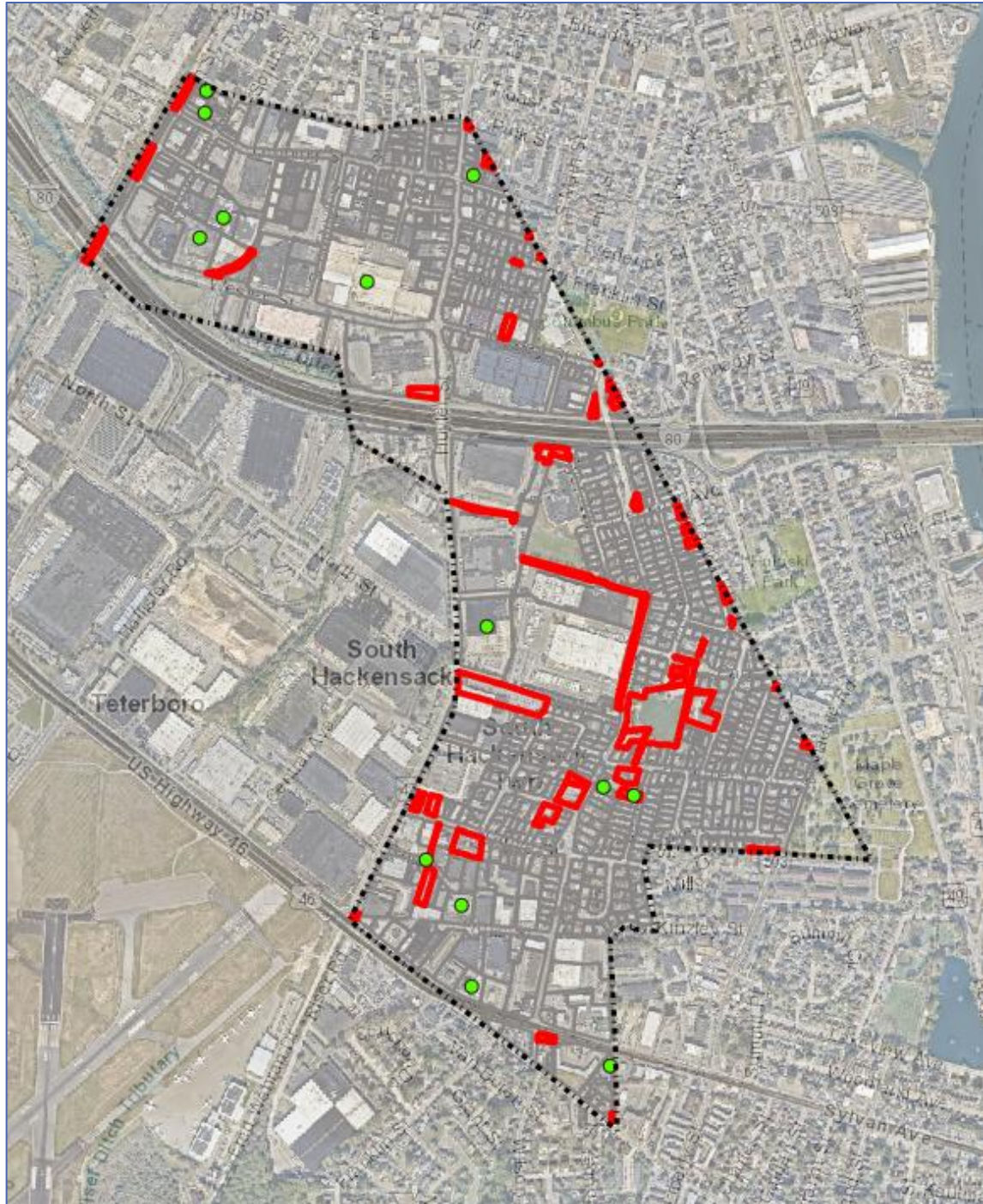
BLOCK	LOT	Property Location	Owner's name	Class	GIS Acreage	Above .83 Acres	Notes
							Analysis
15	5	VREELAND AVE	GUAMAN, KLEVER K & KEVIN K	1	0.04	No	Lot too small to qualify for RDP Analysis
15	9	TAYLOR AVE	JANB, AMAL M. ABOU	1	0.05	No	Lot too small to qualify for RDP Analysis
2.01	14.01	29 RUTA CT.	PLATI REALTY CO II LLC	1	0.34	No	Lot too small to qualify for RDP Analysis
20.02	34	CHESTNUT AVE	QUEZADA,GEURIS A ETAL	1	0.07	No	Lot too small to qualify for RDP Analysis
20.02	36	CHESTNUT AVE	DE RISO CARMEN & ELENOR	1	0.05	No	Lot too small to qualify for RDP Analysis
20.02	38	CHESTNUT AVE	SALAS, E. & A. & LUMBA VINCENT	1	0.04	No	Lot too small to qualify for RDP Analysis
20.03	40	20 ISE ST.	19-21 ISE STREET LLC	1	0.10	No	Lot too small to qualify for RDP Analysis
21.03	38.02	DYER AVE	BLDG PHILLIPS LLC	1	0.34	No	Lot too small to qualify for RDP Analysis
25	2	EAST WESLEY ST.	UNKNOWN	1	0.00	No	Lot too small to qualify for RDP Analysis
3	17.02	8 GROVE ST	SAKELLARIS, ELETHERIOS	1	0.12	No	Lot too small to qualify for RDP Analysis
3	17.03	18 GROVE ST	GROVE STREET REALTY	1	0.17	No	Lot too small to qualify for RDP Analysis
32	3	19 WESLEY ST	TRECO ENTERPRISES	1	0.24	No	Lot too small to qualify for RDP Analysis
37	40	40 E WESLEY ST	REALEXE CANADA INC.	1	0.18	No	Lot too small to qualify for RDP Analysis
38	13.02	REAR DINALLO ST	UNKNOWN	1	0.02	No	Lot too small to qualify for RDP Analysis
38	16.02	225 S. MAIN STREET	BRUNO, RALPH & VINCENZA	1	0.01	No	Lot too small to qualify for RDP Analysis
45.01	7.02	HOFFMAN ST	ASSESSED IN HACKENSACK	1	0.01	No	Lot too small to qualify for RDP Analysis

BLOCK	LOT	Property Location	Owner's name	Class	GIS Acreage	Above .83 Acres	Notes
46	1	158 SO STATE ST	CAGAS, RITA	1	0.02	No	Lot too small to qualify for RDP Analysis
46	7	58 MICHAEL ST	TINEO, ANDRES &LUIS F.& COSTE J.	1	0.05	No	Lot too small to qualify for RDP Analysis
46	8	67 MICHAEL ST.	CARDOZA, JOEL D. & CRUZ, FIOR	1	0.00	No	Lot too small to qualify for RDP Analysis
53	1.03	130 WESLEY ST.	PPF JERSEY LLC	1	0.21	No	Lot too small to qualify for RDP Analysis
59	1.07	235 GREEN ST	235 GREEN ST LLC	1	0.12	No	Lot too small to qualify for RDP Analysis
59	1.08	245 GREEN ST	235 GREEN ST LLC	1	0.07	No	Lot too small to qualify for RDP Analysis
59	1.10	215 GREEN ST	CASTRONOVA,BEVERLY A	1	0.03	No	Lot too small to qualify for RDP Analysis
59	1.11	211 GREEN ST	FRATELLI BERETTA USA,INC.	1	0.03	No	Lot too small to qualify for RDP Analysis
59	1.12	207 GREEN ST	FRATELLI BERETTA USA,INC.	1	0.09	No	Lot too small to qualify for RDP Analysis
59	1.13	GREEN ST	UNKNOWN	1	0.01	No	Lot too small to qualify for RDP Analysis
6	3	15 AGAR PL	15 AGAR PLACE LLC	1	0.16	No	Lot too small to qualify for RDP Analysis
7.03	1	473 MOONACHIE RD	GILMARTIN, LISA	1	0.07	No	Lot too small to qualify for RDP Analysis
8	19	MOONACHIE ROAD	FAVA,LOUIS	1	0.04	No	Lot too small to qualify for RDP Analysis
59.00	1.04			15C	0.00	No	Lot too small to qualify for RDP Analysis
100	15	GARFIELD PLACE PARK	INHABITANTS OF GARFIELD PARK	15C	0.11	No	Lot too small to qualify for RDP Analysis
103	12.01	SADDLE RIVER AVE	TOWNSHIP OF SOUTH HACKENSACK	15C	0.03	No	Lot too small to qualify for RDP Analysis
106	2.05	EMPIRE BLVD	MEADOWLANDS CONSERV	15C	0.81	No	Lot too small to

BLOCK	LOT	Property Location	Owner's name	Class	GIS Acreage	Above .83 Acres	Notes
			TRUST				qualify for RDP Analysis
106	3.01	EMPIRE BLVD	MEADOWLANDS CONSERV TRUST	15C	14.13	Yes	Meadowlands
106	4.01	EMPIRE BLVD HM	MEADOWLANDS CONSERV TRUST	15C	5.88	Yes	Meadowlands
106	4.02	EMPIRE BLVD	MEADOWLANDS CONSERV TRUST	15C	0.04	No	Meadowlands
12	1	TAYLOR & 4TH AVE	TOWNSHIP OF SOUTH HACKENSACK	15C	0.87	Yes	Active Recreation Site
13.01	3.01	PHILIPS AVE	TOWNSHIP OF SOUTH HACKENSACK	15C	3.19	Yes	Active Recreation Site
13.01	4.03	PHILLIPS AVE	TOWNSHIP OF SOUTH HACKENSACK	15C	0.36	No	Lot too small to qualify for RDP Analysis
13.02	12	PHILLIPS AVE	TOWNSHIP OF SOUTH HACKENSACK	15C	0.06	No	Lot too small to qualify for RDP Analysis
13.02	4	PHILIPS AVE	TOWNSHIP OF SOUTH HACKENSACK	15C	0.47	No	Lot too small to qualify for RDP Analysis
13.04	1.08	CHESTNUT AVE	TOWNSHIP OF SOUTH HACKENSACK	15C	0.02	No	Lot too small to qualify for RDP Analysis
13.06	15	PARK ST	TOWNSHIP OF SOUTH HACKENSACK	15C	0.05	No	Lot too small to qualify for RDP Analysis
18	16	DYER AVE	TOWNSHIP OF SOUTH HACKENSACK	15C	0.03	No	Lot too small to qualify for RDP Analysis
2.01	12.03	GROVE ST	TOWNSHIP OF SOUTH HACKENSACK	15C	0.06	No	Lot too small to qualify for RDP Analysis
2.01	13.03	HUYLER ST.	TOWNSHIP OF SOUTH HACKENSACK	15C	0.02	No	Lot too small to qualify for RDP Analysis
2.01	9	43 GROVE ST	TOWNSHIP OF SOUTH HACKENSACK	15C	0.67	No	Lot too small to qualify for RDP Analysis
20.01	3	VREELAND AVE	TOWNSHIP OF SOUTH HACKENSACK	15C	0.09	No	Lot too small to qualify for RDP Analysis
21.03	36.02	9 DYER AVE.	STATE OF NJ.DEPT OF TRANSPRTATN	15C	0.14	No	Lot too small to qualify for RDP Analysis
22	1	CHARLES ST	STATE OF NEW JERSEY	15C	0.22	No	Lot too small to qualify for RDP Analysis
33.02	12.04	HUYLER ST	C MELTEL LLC	15C	0.18	No	Lot too small to

BLOCK	LOT	Property Location	Owner's name	Class	GIS Acreage	Above .83 Acres	Notes
							qualify for RDP Analysis
4	18	79 FRANKLIN ST	TOWNSHIP OF SOUTH HACKENSACK	15C	0.29	No	Lot too small to qualify for RDP Analysis
5.01	4.02	219 PHILLIPS AVE	TOWNSHIP OF SOUTH HACKENSACK	15C	0.17	No	Lot too small to qualify for RDP Analysis
5.01	5	227 PHILLIPS AVE	TOWNSHIP OF SOUTH HACKENSACK	15C	0.51	No	Lot too small to qualify for RDP Analysis
59	1.04	GREEN ST	STATE OF NEW JERSEY	15C	0.19	No	Lot too small to qualify for RDP Analysis
6	31	17 CALICOONECK RD	SOUTH HACKENSACK HOSE CO.NO.ONE	15C	0.32	No	Lot too small to qualify for RDP Analysis

Color Codes
Disqualified for active recreational site
Disqualified for too small to qualify for RDP Analysis
Disqualified for environmentally sensitive area
Disqualified since in RDP from Third Round
Disqualified since "False" vacant as property has improvements on it



Map illustrating all properties classified by the Tax Assessor as 1 or 15C

Conclusion

The preceding analysis demonstrates that the Township lacks sufficient vacant, suitable land to fully address its prospective need obligation of 174 units and the Township's "realistic development potential" is 4 units based on the redevelopment of a property owned by a developer.

TOWNSHIP OF SOUTH HACKENSACK
COUNTY OF BERGEN

ORDINANCE NO. 2025-xx

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 208 OF THE CODE OF THE TOWNSHIP OF
SOUTH HACKENSACK ENTITLED "ZONING"

BE IT ENACTED AND ORDAINED, by the Township Committee of the Township of South Hackensack that Chapter 208 "Zoning" be amended and supplemented as follows:

SECTION 1. Chapter 208-8.2 "AHOD - Affordable Housing Overlay District" shall be amended to include new section D. to read as follows:

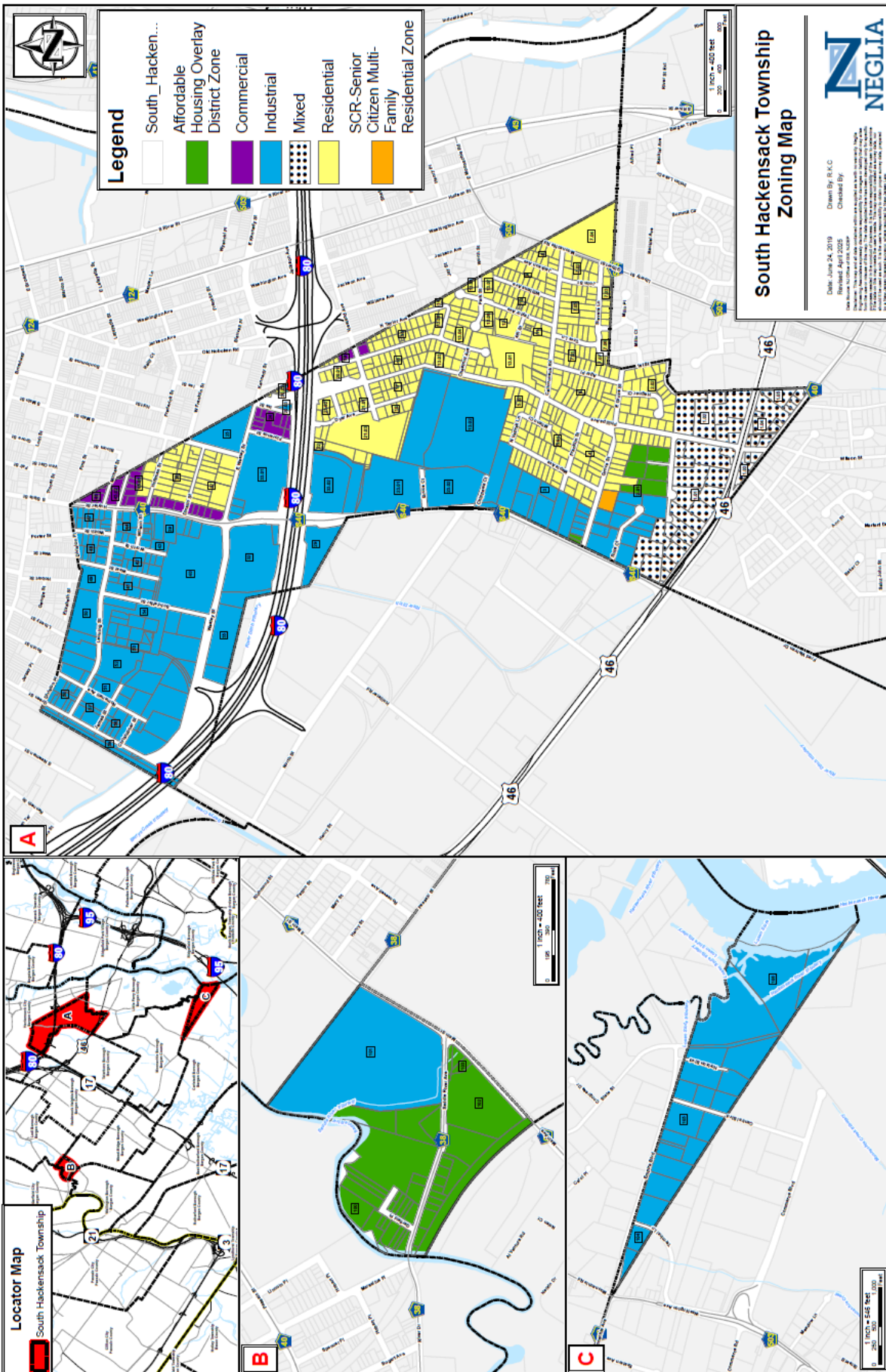
208-8.2B . Geographic scope. All those portions of land located within the "Garfield Park" section, excluding the exempted cemetery, and those certain properties known and designated on the Tax Assessment as Lots 4.01, 4.02, 6.03, 6.04, 8.02 and 8.04 within Block 2.01 to be hereafter known as the "Route 46 District" shall hereafter be designated as the South Hackensack Affordable Housing Overlay District. Additionally, Block 3, Lots 17.02 & 19 to be hereafter known as "Grove Street Overlay"

208-8.2C . Low- and moderate-income housing requirements. Low- and moderate-income housing requirements. Neither the Planning Board, Zoning Board of Adjustment or Township Committee on appeal of decisions of either board or in the adoption of a redevelopment plan or zone shall approve any application for residential development or mixed-use development which contains five or more residential dwelling units unless there is a set-aside of at least 15% of said units for affordable housing units for every such unit constructed in the Garfield Park overlay district. The residential development within the Garfield Park overlay zone which received development approvals prior to the adoption of this chapter and commonly known as the Condemni Site and Block 102 Lot 40 on the Township Tax Assessment Map shall be subject to a 10% set-aside and shall be allowed a permitted density of 40 units per acre. Any residential development in the Route 46 Overlay Zone subject to this chapter shall be subject to a 10% set-aside of all proposed residential dwelling units and a density of 30 units per acre. The residential development or mixed-use development which contains five or more residential dwelling units unless there is a set-aside of at least 20% of said units for affordable housing units for every such unit constructed in the Grove Street Overlay district. The residential development within the Grove Street overlay zone shall be allowed a permitted density of 25 units. In addition, the structure may exceed the permitted height to accommodate a four-story building not to exceed 40 feet.

SECTION II: All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of said inconsistency.

SECTION III: If any portion of this ordinance is found to be invalid or unconstitutional by court of competent jurisdiction the remainder of this ordinance shall remain in full force and effect.

SECTION IV: This ordinance shall take effect after referral to the South Hackensack Planning Board as required by the law and upon passage and publication as required by law.



APPENDIX 4 (A-4)

Township of South Hackensack

DRAFT Affordable Housing Trust Fund Spending Plan

INTRODUCTION

The Township of South Hackensack, Bergen County, has prepared a Housing Element and Fair Share Plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and the Fair Housing Act (N.J.S.A. 52:27D-301). A development fee ordinance creating a dedicated revenue source for affordable housing and establishing the Township of South Hackensack affordable housing trust fund.

1. REVENUES FOR CERTIFICATION PERIOD

- (a) Development Fees: The Township of South Hackensack has collected development fees for its Affordable Housing Trust Fund, and is anticipated to continue these fees through the Fourth Round.
- (b) Payment in lieu or Other Factors: The Township of South Hackensack does not anticipate the contribution of any payment in lieu or other funds towards the municipal affordable housing trust fund during the period of the Fourth Round substantive certification.
- (c) Project Interest: The Township of South Hackensack anticipates that the project revenue in the municipal housing trust fund will continue to accrue interest between 2025 and 2035.

2. ADMINISTRATIVE MECHANISMS TO COLLECT AND DISTRIBUTE FUNDS

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

- (a) Collection of development fee revenues: Collection of development fee revenues shall be consistent with the Township's development fee ordinance for both residential and non-residential development.
- (b) Distribution of development fee revenues: The release of funds requires adoption of a governing body resolution. Once a request is approved by resolution the Chief Financial Officer releases the requested revenue from the trust fund for the specific use approved in the governing body's resolution.

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

- (a) Rehabilitation. The Township will dedicate funding to rehabilitate 7 housing units in conjunction with the Bergen County Home Improvement Program.
- (b) Affordability Assistance. Pursuant to N.J.A.C. 5:93-8.16(c), the Township will commit to spend at least 30% of the revenues collected from development fees towards affordability assistance to low- and moderate-income households, one-third of which will be spent towards affordability assistance to very low-income households. The Township's affordability assistance program will include down payment assistance, special condominium assessment assistance, emergency repair assistance, emergency/hardship mortgage payment assistance, and rental assistance.
- (c) Administrative Expenses. Per N.J.A.C. 5:93-8.16(c), no more than 20% of the revenue collected from the development fees shall be expended on administration. Projected administration

expenditures, subject to the 20% cap, include the salaries and benefits for municipal employees, consultant fees necessary to develop and implement the following:

1. An updated Housing Element and Fair Share Plan.
2. A rehabilitation program.
3. An affirmative marketing program.
4. An affordability assistance program.

4. EXPENDITURE SCHEDULE

The Township of South Hackensack intends to use affordable housing trust fund revenues towards its mandated affordability assistance program and administrative costs and to support administrative costs.

5. EXCESS OR SHORTFALLS OF FUNDS

Implementation of the affordable housing program in the Spending Plan will satisfy South Hackensack'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 Township 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.

6. SUMMARY

The Township of South Hackensack 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 program outlined in the Housing Element and Fair Share Plan and described in this Spending Plan subject to limited amendments.

Any shortfall of funds will be offset by municipal bonding if necessary, based upon actual projected revenues and interest received. The municipality will dedicate any excess funds or remaining balance toward any future rounds and additional affordability assistance funding. It shall be noted that the additional affordability assistance funding would be allocated to security deposit assistance, rental assistance, and emergency repair assistance.



TOWNSHIP OF SOUTH HACKENSACK HOME REHABILITATION PROGRAM MANUAL



INTRODUCTION

This Rehabilitation Program Operating Manual has been prepared to assist in the administration of the Township of South Hackensack Rehabilitation Program. It will serve as a guide to the program staff and applicants.

This manual describes the basic content and operation of the program, examines program purposes and provides the guidelines for implementing the program. It has been prepared with a flexible format allowing for periodic updates of its sections, when required, due to revisions in regulations and/or procedures.

This manual explains the steps in the rehabilitation process. It describes the eligibility requirements for participation in the program, program criteria, funding terms and conditions, cost estimating, contract payments, record keeping and overall program administration.

The following represents the procedures developed to offer an applicant the opportunity to apply to the program.

A. Fair Housing and Equal Housing Opportunities



It is unlawful to discriminate against any person making application to participate in the rehabilitation program or rent a unit with regard to race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, disability, nationality, sex, gender identity or expression or source of lawful income used for mortgage or rental payments.

For more information on discrimination or if anyone feels they are a victim of discrimination, please contact the New Jersey Division on Civil Rights at 1-866-405-3050 or <http://www.state.nj.us/lps/dcr/index.html>.

SECTION I. ELIGIBLE PARTICIPANTS

A. Categories of Participants

Both owner-occupied and renter-occupied housing units are eligible to receive funding for rehabilitation provided that the occupants of the units are determined to be low- or moderate-income households and that the units are determined to be substandard. Owners of rental properties do not have to be low- or moderate-income households. If a structure contains two or more units and an owner, who is not income eligible, occupies one unit funding may be provided for the rehabilitation of the rest of the units if income-eligible households occupy those units. Rents must be affordable to low- or moderate-income households.

B. Income Limits for Participation

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. The New Jersey Department of Community Affairs (DCA) provides 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. Northvale is located in Region 1, which contains Bergen, Hudson, Passaic, and Sussex County.

Using the 2025 regional income limits, a four-person household moderate-income is capped at \$101,760. Two-person households could make up to \$81,440 and be considered a moderate-income household or make up to \$50,900 and be considered a low-income household. See the table below for greater detail.

2025 Regional Income Limits for Region 1				
Income	Household Size			
	1 Person	2 Person	3 Person	4 Person
Median	\$89,100	\$101,800	\$114,500	\$127,200
Moderate	\$71,280	\$81,440	\$91,600	\$101,760
Low	\$44,550	\$50,900	\$57,250	\$63,600
Very Low	\$26,730	\$30,540	\$34,350	\$38,160

Source: https://www.cjhrc.org/images/New_Jersey_State_Income_Limits.pdf

C. Program Area

This is a municipal-wide program. The rehabilitation property must be located in the Township of South Hackensack.

D. Certification of Substandard

Program Purpose and Scope

The purpose of this housing rehabilitation program is to eliminate substandard housing conditions and bring homes into compliance with applicable health, safety, and building codes, thereby preserving and improving the affordable housing stock within the Township.

Definition of Substandard Housing:

A substandard housing unit is one that requires repair or replacement of at least one major building system or features one or more code violations that significantly impair habitability or safety.

Major Systems Covered:

Rehabilitation efforts focus on correction or replacement of one or more of the following major systems:

1. Roof
2. Plumbing (including potable water supply systems such as wells)
3. Heating, ventilation, and air conditioning systems (HVAC)
4. Electrical systems (including wiring, fixtures, and service panels)
5. Sanitary systems (including sewer connections and septic systems)
6. Load-bearing structural components (foundation, beams, columns, walls)
7. Lead-based paint hazard identification and abatement, in accordance with federal and state lead safety regulations
8. Weatherization improvements to enhance energy efficiency, such as insulation of attics, walls, or crawl spaces; replacement or installation of siding; and replacement of windows, doors, storm windows, and storm doors

Inspections and Eligibility:

All rehabilitation work eligibility and scope of work are based on findings from inspections conducted by licensed building inspectors or certified housing code enforcement officers. These inspections determine specific deficiencies and code violations, establishing the priority and necessity of repairs.

SECTION II. AVAILABLE BENEFITS**A. Program Financing**

Up to \$24,900.00 per unit may be available for improvements to eligible owner-occupied and renter-occupied units. The minimum average per unit rehabilitation hard costs shall be \$10,000.00 in accordance with N.J.A.C. 5:92-5.2 (h)(2). If a particular unit requires more than \$24,900.00, The Township will approve on a case-by-case basis - keeping with the requirement dictating that the minimum average per unit rehabilitation hard cost shall be \$10,000.00.

Financing of rehabilitation programs for both owner-occupied and renter-occupied shall be structured in the form of a loan, forgivable after 10 years. If a housing unit is sold or titled transferred prior to the end of 10 years, the loan is subject to repayment according to the scheduled listed in mortgage document signed with the Township of South Hackensack

B. Program Affordability Controls

All units receiving assistance must have affordability controls securing occupancy by eligible low- or moderate-income households for a minimum period of 10 years, consistent with Uniform Housing Affordability Controls (UHAC) and applicable program regulations.

C. Owner-Occupied Affordability Controls

Owner-occupied units are secured via recorded liens on the property deed to ensure

compliance with affordability restrictions and loan repayment provisions during the control period.

D. Renter-Occupied Affordability Controls

Rental units have affordability restrictions recorded as deeds or use restrictions, often including liens. If a rental unit becomes vacant during the affordability period, it must be rented to an income-eligible household at an affordable rent price. Affirmative marketing in accordance with NJ Administrative Code requirements (N.J.A.C. 5:80 et seq.) is required, and allowable rent increases are limited to prescribed guidelines.

SECTION III. ELIGIBLE PROPERTY IMPROVEMENTS

A. Eligible Improvements

Housing rehabilitation funds may be used only for repairs or system replacements necessary to bring a substandard unit into compliance with municipal health, safety and building codes, applicable code violations, as well as any other cosmetic work that is reasonable and deemed necessary or is related to the necessary repairs.

At least one major system must be replaced or included in the repairs, which include one of the following:

- Roof
- Plumbing (including wells)
- Heating
- Electrical
- Sanitary plumbing (including septic systems)
- Load bearing structural systems
- Lead paint abatement
- Weatherization (building insulation for attic, exterior walls and crawl space, siding to improve energy efficiency, replacement storm windows and storm doors and replacement windows and doors)

The related work may include, but not be limited to the following:

- Interior trim work,
- Interior and/or exterior doors
- Interior and/or exterior hardware
- Window treatment
- Interior stair repair
- Exterior step repair or replacement
- Porch repair
- Wall surface repair
- Painting
- Exterior rain carrying system repair

B. Ineligible Improvements

Work not eligible for program funding includes but is not limited to luxury improvements (improvements which are strictly cosmetic), additions, conversions (basement, garage, porch, attic, etc.), repairs to structures separate from the living units (detached garage, shed, barn, etc.), furnishings, pools and landscaping. If determined unsafe, stoves may be replaced. The replacement or repair of other appliances is prohibited. Rehabilitation work performed by property owners shall not be funded under this program.

C. Rehabilitation Standards

Upon rehabilitation, housing deficiencies shall be corrected and the unit shall comply with the New Jersey State Housing Code, N.J.A.C. 5:28. For construction projects that require the issuance of a construction permit pursuant to the Uniform Construction Code, the unit must also comply with the requirements of the Rehabilitation Subcode (N.J.A.C. 5:23-6). In these instances, the more restrictive requirements of the New Jersey State Housing Code or the Rehabilitation Subcode shall apply. For projects that require construction permits, the rehabilitated unit shall be considered complete at the date of final approval pursuant to the Uniform Construction Code.

D. Certification of Standard

All code deficiencies noted in the inspection report must be corrected and rehabilitated units must be in compliance with the standards proscribed in sub-section C above upon issuance of a certificate of completion or occupancy. The licensed inspector must certify any structure repaired in whole or in part with rehabilitation funds to be free of any code violations.

E. Emergency Repairs

A situation relating to a safety and/or health hazard for the occupants would constitute an emergency. A municipal inspector will confirm the need for such work. In emergency cases, the formal solicitation process will not be followed. A minimum of three (3) estimates will be obtained when possible for the “emergency” work. However, eligibility, as stated in Section I, subsection B, must be determined prior to soliciting estimates. Application for additional non-emergency work may be made in accordance with the procedures outlined in this Operating Manual. The funding for the emergency work and any additional rehabilitation may not exceed the program financing provisions in Section II, sub-section A.

SECTION IV. OVERVIEW OF ADMINISTRATIVE PROCEDURES

A. Application/Interview

Property owners interested in participating in the housing rehabilitation program may submit preliminary applications to the program staff. Preliminary applications are available at the following locations:

*Township of South Hackensack Municipal Complex
227 Phillips Avenue
South Hackensack, New Jersey 07606*

Upon request, the program staff will mail a preliminary application to an interested property owner.

If after the program staff reviews a preliminary application an owner-occupant appears to be income eligible, an interview will be arranged with the applicant for a formal application to the program. At the time of the interview, the applicant must present required documentation. Applicants for rental rehabilitation funding must provide a list of tenants and the rents paid by each. The program staff will contact the tenants to provide evidence of income eligibility of the occupants of the units. **Applications will be processed in the order of receipt.**

B. Income Eligibility and Program Certification

For the households seeking a determination of income eligibility, both owner-occupants and renter-occupants, all wage earners 18 years of age or older in the household must submit appropriate documentation to document the household income, as further described below.

Property owners of both owner-occupied and renter-occupied units must submit the following documentation:

- Copy of the deed to the property.
- Proof that property taxes and water and sewer bills are current.
- Proof of property insurance, including liability, fire and flood insurance where necessary.

If after review of the income documentation submitted an applicant is determined to be ineligible, the applicant will receive a letter delineating the reasons for the determination of ineligibility. An applicant may be determined ineligible if the applicant's or each tenants' income exceeds DCA income limits or, for owner occupied units, if the carrying costs of the unit (taxes, mortgage, insurance) exceed DCA's criteria (less than 33% of gross income for families, less than 40% of gross income for seniors).

The program staff will arrange for a title search of all properties entering the program.

After the initial interview and the program staff has substantiated that the occupant is income-eligible, and the title search is favorable, the Eligible Certification Form will be completed and signed.

Upon confirmation of income eligibility of the applicant or the applicant's tenants, the program staff will send a letter, including the Eligible Certification Form, to the applicant certifying the applicant's and or tenant's eligibility. Eligibility will remain valid for six months. If the applicant has not signed a contract for rehabilitation within six months of the date of the letter of certifying eligibility, the applicant will be required to reapply for certification.

C. Housing Inspection/Substandard Certification

Once determined eligible, the program staff will arrange for a qualified, licensed, housing/building code inspector to inspect the entire residential property.

The licensed inspector will inspect the house, take photographs, and certify that at least one major system is substandard. All required repairs would be identified.

D. Ineligible Properties

If after review of the property documentation submitted and the inspection report and/or work write-up an applicant's property is determined to be ineligible, the program staff will send a letter delineating the reasons for the determination of ineligibility. An applicant's property may be determined ineligible for any one of the following reasons:

- Title search is unfavorable.
- Property does not need sufficient repairs to meet eligibility requirements.
- Real estate taxes are in arrears.
- Proof of property insurance not submitted.
- Property is listed for sale.
- Property is in foreclosure.
- Total debt on the property will exceed the value of the property.

If after review of the property documentation submitted and the inspection report and/or work write-up an applicant's property is determined to be eligible, the inspector will then certify that the dwelling is substandard by completing and signing the Certificate of Substandard Form and submitting this to the program staff.

E. Cost Estimate

The program staff will prepare or cause to be prepared a Work Write-up and Cost Estimate. This estimate will include a breakdown of each major work item by category as well as by location in the house. It will contain information as to the scope and specifics on the materials to be used. A Cost Estimate will be computed and included within the program

documentation. The program staff will review the Preliminary Work Write-up with the property owner.

Only required repairs to units occupied by income eligible households will be funded through the housing rehabilitation program. If the property owner desires work not fundable through the program, including work on an owner-occupied unit of a rental rehabilitation project, work on a non-eligible rental unit in a multi-unit building or improvements not covered by the program, such work may be added to the work write-up if the property owner provides funds to be deposited in the municipality's Housing Trust Fund prior to the commencement of the rehabilitation of the property equivalent to 110 percent of the estimated cost of the elective work. Such deposited funds not expended at the time of the issuance of a certificate of completion/occupancy will be returned to the property owner with accrued interest.

F. Contractor Bidding Negotiations

After the unit and the unit occupant have been certified as eligible, the program staff will provide a list of approved, pre-qualified trade contractors for bidding. The property owner reviews this list and selects a minimum of three and a maximum of five contractors from whom to obtain bids. The program staff and property owner will then review these bids. The lowest responsible trade contractor shall then be selected. If the property owner wishes to use a contractor other than the lowest responsible bidder, the property owner shall pay the difference between the lowest bid price and the bid price of the selected contractor. Eligible bids will be those that:

- Satisfy the specifications of the Work Write-up
- Have no math errors
- Have been submitted by an eligible contractor
- Are no more than 10% above or 20% below the Program Cost Estimator's final cost estimate for the work unless an exception has been recommended by the Cost Estimator and approved by the Program Director.
- Have been submitted by a contractor who, in the opinion of the Program Director, has the ability to perform the designated tasks with a responsible period of time as is specified in the Contract documents.

G. Contract Signing/Pre-Construction Conference

Program staff will meet with the property owner to review all bids by the various trades. This review will include a Final Work Write-up and Cost Estimate. The Contractor Agreement will be prepared by the program staff, as well as the Property Rehabilitation Agreement covering all the required terms and conditions.

The program staff will then call a Pre-Construction Conference. Documents to be executed at the Pre-construction Conference include: Contractors Agreement(s), Right of Entry Document, a Restricted Covenant, Mortgage and Mortgage Note. The property owner, program staff representative, contractor and bank representative will execute the appropriate documents and copies will be provided as appropriate. A staff member will outline project procedures to which property owner must adhere. A Proceed to Work Order, guaranteeing that the work will commence within fifteen (15) calendar days of the date of the conference and be totally completed within ninety (90) days from the start of work, will be issued to each contractor at this Conference.

H. Progress Inspections

The program staff will make periodic inspections to monitor the progress of property improvements. This is necessary to ensure that the ongoing improvements are in accordance with the scope of work outlined in the work write-up. It is the contractor's responsibility to notify the Building Inspector before closing up walls on plumbing and electrical improvements.

I. Change Orders

If it becomes apparent during the course of construction that additional repairs are necessary or the described repair needs to be amended, the program staff will have the qualified professional(s) inspect the areas in need of repair and prepare a change order describing the work to be done. The applicant and the contractor will review the change order with the program staff and agree on a price. Once all parties approve of the change order and agree on the price, they will sign documents amending the contract agreement to include the change order. Additionally, if the applicant is not funding the additional cost, new financing documents will be executed reflecting the increase.

J. Payment Schedule

The contract will permit three progress payments if the project costs less than \$20,000 or four progress payments if the project costs more than \$20,000. For example: \$24,000 project has four payments, with the first payment of \$10,000 and the remaining payments are divided equally. First payment is made when the project is one-quarter completed. Second payment is made when the project is one-half completed. Third at three quarters completed. Fourth and final payment upon completion.

The contractor will submit a payment request. The applicant will sign a payment approval if both the applicant and housing/building inspector, and Township Committee are satisfied with the work performed. The municipality will then release the payment.

Final payment will be released once all final inspections are made, a Certificate of Occupancy is issued (if applicable) and the program staff receives a Property Owner Sign-off letter.

The contractor's performance bond will be released within three months after the final payment is made to the contractor.

K. Appeal Process

If an applicant does not approve a payment that the housing/building inspector has approved, the disputed payment will be appealed to the Building Inspector for a hearing. The Building Inspector will decide if the payment shall be released to the contractor or the contractor must complete additional work or correct work completed before the release of the payment. The Building Inspector's decision will be binding on both the applicant and the contractor.

L. Final Inspection

Upon notification by the contractor that all work is complete and where required a Certificate of Occupancy has been issued, a final inspection shall be conducted and photographs taken. The program staff (or a representative), the property owner, and the necessary contractors shall be present at the final inspection to respond to any final punch list items.

M. Record Restricted Covenant and Mortgage Documentation

Program staff will file the executed Restricted Covenant and Mortgage with the County Clerk.

N. File Closing

After the final payment is made, the applicant's file will be closed by the program staff.

SECTION V. PROCEDURE FOR INCOME-ELIGIBILITY CERTIFICATION

A. Complete a Household Eligibility Determination Form

The program staff shall require each member of an applicant household who is 18 years of age or older to provide documentation to verify their income, pursuant to the Uniform Housing Affordability Controls at N.J.A.C. 5:80-16.1 et seq. (except for the asset test).¹ Income verification documentation should include, but is not limited to the following for each and every member of a household who is 18 years of age or older:

- Four current consecutive pay stubs [including both the check and the stub], including bonuses, overtime or tips, or a letter from the employer stating the present annual income figure or if self-employed, a current Certified Profit & Loss Statement and Balance Sheet.

¹ Asset Test - N.T.A.C. 5:80-26.16(b)3 which provides that if an applicant household owns a primary residence with no mortgage on the property valued at or above the regional asset limit as published annually by DCA, a certificate of eligibility shall be denied by the administrative agent, unless the applicant's existing monthly housing costs exceed 38 percent of the household's eligible monthly income.

- Copies of Federal and State income tax returns for each of the preceding three tax years - A Form 1040 Tax Summary for the past three tax years can be requested from the local Internal Revenue Service Center or by calling 1-800-829-1040.
- A letter or appropriate reporting form verifying monthly benefits such as
 - Social Security or SSI – Current award letter or computer print out letter
 - Unemployment – verification of Unemployment Benefits
 - Welfare -TANF² current award letter
 - Disability - Worker’s compensation letter or
 - Pension income (monthly or annually) – a pension letter
- A letter or appropriate reporting form verifying any other sources of income claimed by the applicant, such as alimony or child support – copy of court order or recent original letters from the court or education scholarship/stipends – current award letter.
- Current reports of savings and checking accounts (bank statements and passbooks) and income reports from banks or other financial institutions holding or managing trust funds, money market accounts, certificates of deposit, stocks or bonds (In brokerage accounts – most recent statements and/or in certificate form – photocopy of certificates).
- Evidence or reports of income from directly held assets, such as real estate or businesses.
- Interest in a corporation or partnership – Federal tax returns for each of the preceding three tax years.
- Current reports of assets – Market Value Appraisal or Realtor Comparative Market Analysis and Bank/Mortgage Co. Statement indicating Current Mortgage Balance. For rental property attach copies of all leases.

The following is a list of various types of wages, payments, rebates and credits. Those that are considered as part of the household’s income are listed under Income. Those that are not considered as part of the household’s income are listed under Not Income.

Income

1. Wages, salaries, tips, commissions

² TANF – Temporary Assistance for Needy Families

2. Alimony
3. Regularly scheduled overtime
4. Pensions
5. Social security
6. Unemployment compensation (verify the remaining number of weeks they are eligible to receive)
7. TANF
8. Verified regular child support
9. Disability
10. Net income from business or real estate
11. Interest income from assets such as savings, certificates of deposit, money market accounts, mutual funds, stocks, bonds
12. Imputed interest (using a current average annual rate of two percent) from non-income producing assets, such as equity in real estate. Rent from real estate is considered income, after deduction of any mortgage payments, real estate taxes, property owner's insurance.
13. Rent from real estate is considered income
14. Any other forms of regular income reported to the Internal Revenue Service

Not Income

1. Rebates or credits received under low-income energy assistance programs
2. Food stamps
3. Payments received for foster care
4. Relocation assistance benefits
5. Income of live-in attendants
6. Scholarships
7. Student loans
8. Personal property such as automobiles

9. Lump-sum additions to assets such as inheritances, lottery winnings, gifts, insurance settlements
10. Part-time income of dependents enrolled as full-time students
11. Court ordered payments for alimony or child support paid to another household shall be deducted from gross annual income

To calculate income, the current gross income of the applicant is used to project that income over the next 12 months.

Student Income

Only full-time income of full-time students is included in the income calculation. A full-time student is a member of the household reported to the IRS as a dependent who is enrolled in a degree seeking program for 12 or more credit hours per semester; and part-time income is income earned on less than a 35-hour workweek.

Income from Real Estate

If real estate owned by an applicant for affordable housing is a rental property, the rent is considered income. After deduction of any mortgage payments, real estate taxes, property owner insurance and reasonable property management expenses as reported to the Internal Revenue Service, the remaining amount shall be counted as income.

If an applicant owns real estate with mortgage debt, which is not to be used as rental housing, the Administrative Agent should determine the imputed interest from the value of the property. The Administrative Agent should deduct outstanding mortgage debt from the documented market value established by a market value appraisal. Based on current money market rates, interest will be imputed on the determined value of the real estate.

B. Records Documenting Household Composition and Circumstances

The following are various records for documenting household information:

- Social Security records or cards. Either individual Social Security card or letter from Social Security Administration
- Adoption papers, or legal documents showing adoption in process
- Income tax return
- Birth Certificate or Passport
- Alien Registration Card

C. Certify the income eligibility of low- and moderate-income households by completing the application form. Provide the household with the original and keep a copy in the project files.

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D. Appeals

Appeals from all decisions of an Administrative Agent shall be made in writing to the New Jersey Housing and Mortgage Finance Agency (NJHMFA) in accordance with N.J.A.C. 5:80-26, or as otherwise provided by the municipality's adopted procedures under the Uniform Housing Affordability Controls (UHAC). The NJHMFA, or its designated review officer, will issue a written decision in response to such appeal, which shall constitute the agency's final administrative action.

SECTION VI. CONTRACTOR RELATED PROCEDURES**A. Contractor Selection**

Contractors must apply to the program staff to be placed on the pre-approved contractors list. Contractors seeking inclusion on the list must submit references from at least three recent general contracting jobs. Contractors also must submit documentation proving financial stability and the ability to obtain performance bonds, as performance bonds will be required on every rehabilitation project. If it is ever necessary for the municipality or administrative agent to access the performance bond in order to complete a project, the contractor will be removed from the pre-approved contractors list. Contractors must carry workmen's compensation coverage and liability insurance of at least \$100,000/\$300,000 for bodily injury or death and \$50,000 for property damage. Only licensed tradesmen will be permitted to perform specialty work such as plumbing, heating and electrical.

B. Number of Proposals Required

The property owner will select a minimum of three general contractors from a list of pre-approved contractors. Property owners may not select contractors who do not appear on the list.³ The approved work write-up will be submitted to the selected contractors by the program staff. Contractors must visit the property and submit bids within 14 days. The contract will be awarded to the lowest bidder⁴, provided that the housing/building inspector or the professional who drafted the work write-up certify that the work can be completed at the price bid and that the bid is reasonably close to the cost estimate. Bids must fall within 10 percent of the cost estimate.

C. Contractor Requirements

³ The program may permit a property owner to seek proposals from non-program participating contractors. However, the municipality must pre-approve the contractor prior to submitting a bid.

⁴ If the property owner wishes to use a contractor other than the lowest responsible bidder, the property owner shall pay the difference between the lowest bid price and the bid price of the selected contractor.

Upon notification of selection, the contractor shall submit all required insurance certification to the program staff. A contract signing conference will be called by the program staff to be attended by the property owner and contractor. At the time of Agreement execution, the contractor shall sign a Certification of Work Schedule prepared by the program staff.

SECTION VII. MAINTENANCE OF RECORDS

A. Files To Be Maintained on Every Applicant

The program staff will maintain files on every applicant. All files will contain a preliminary application. If an applicant's preliminary application is approved, and the applicant files a formal application, the file will contain at a minimum:

- Application Form
- Tenant Information Form (Rental Units Only)
- Income Verification
- Letter of Certification of Eligibility or Letter of Determination of Ineligibility

B. Files of applicants approved for the program will also contain the following additional documentation:

- Housing Inspection Report
- Photographs - Before
- Certification of Property Eligibility or Determination of Ineligibility
- Proof of Homeowners Insurance
- Copy of Deed to Property

C. For properties determined eligible for the program where the applicants choose to continue in the program, the files shall contain the following:

- Work Write-Up/Cost Estimate
- Copies of Bids
- Applicant/Contractor Contract Agreement
- Recorded Mortgage/Lien Documents
- Copies of All Required Permits
- Contractor Requests for Progress Payments
- Progress Payment Inspection Reports
- Progress Payment Vouchers
- Change Orders (If needed)
- Final Inspection Report
- Photographs - After
- Certification of Completion
- Certification of Release of Contractor's Bond

Individual files will be maintained throughout the process.

D. Rehabilitation Log

A rehabilitation log will be maintained by the program staff that depicts the status of all applications in progress.

E. Monitoring

For each unit the following information must be retained to be reported annually:

- Street Address
- Block/Lot/Unit Number
- Owner/Renter
- Income: Very Low/Low/Mod
- Final Inspection Date
- Funds expended on Hard Costs
- Development Fees expended
- Funds Recaptured
- Major Systems Repaired
- Unit Below Code & Raised to Code
- Effective date of affordability controls
- Length of Affordability Controls (yrs)
- Date Affordability Controls removed
- Reason for removal of Affordability Controls

SECTION VIII. PROGRAM MARKETING

The municipality will conduct a public meeting announcing the implementation of the housing rehabilitation program. For the term of the program, the municipality will include flyers once a year with the tax bills. Program information will be available at the municipal building, library, and senior center and on the municipal website. Posters regarding the program will be placed in retail businesses throughout the municipality.

Prior to commencement of the program and periodically thereafter, the municipality will hold informational meetings on the program to all interested contractors. Each contractor will have the opportunity to apply for inclusion of the municipal contractor list.