

Fourth Round Housing Element and Fair Share Plan

BOROUGH OF ROCKLEIGH | BERGEN COUNTY, NEW JERSEY

ADOPTED BY THE PLANNING BOARD: JUNE 23, 2025

ENDORSED BY THE COUNCIL:

PREPARED BY:

GREGORY POLYNIAK, PE, PP, CME, CPWM

NEW JERSEY PROFESSIONAL PLANNER LICENSE NO. 33LI00588300

LYNDSAY KNIGHT, PP, AICP

NEW JERSEY PROFESSIONAL PLANNER LICENSE NO. 33LI00640100

JUNE 12, 2025



Contents

Introduction	2
Municipal Summary.....	4
Affordable Housing Obligation	4
Borough Goal.....	4
Content of Housing Element	5
Inventory of Rockleigh’s Housing Stock.....	6
Rockleigh’s Employment Demographics	15
Capacity for Fair Share	17
Land Capacity	17
Fair Share Plan.....	21
Content of Fair Share Plan.....	21
Rockleigh’s Fair Share Plan.....	21
Appendix	24
Resolution #2025-19	25
Affordable Housing Ordinance	29
Development Fee Ordinance.....	35
Affirmative Marketing Plan	39
Borough of Rockleigh Spending Plan	40
Lease Agreement.....	44
Vacant Land Analysis	45
Maps.....	48

Introduction

The Fair Housing Act of 1985 (the “FHA”), confirmed a constitutional obligation for all municipalities in the State of New Jersey to provide for their fair share of the region’s affordable housing needs. 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 Borough of Rockleigh secured Third Round COAH certification on November 13, 2009.

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

1. November 13, 2009 – The Borough 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.

As a result of the events described above, the framework for the Housing Element and Fair Share Plan was changed. The March 10, Supreme Court Decisions found that municipalities that received substantive 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 September 15, 2015, the Honorable Menelaos W. Toskos, J.S.C. directed the Court’s Special Master for the Borough, Shirley M. Bishop, PP., LLC to review the HEFSP of the Borough and identify any concerns the Special Master may have and provide the Borough an opportunity to address the said concerns. The Borough submitted a Summary of the Plan on November 12, 2015.

The Special Master reviewed the submitted Summary Plan as well as the documents granting substantive certification by COAH to the Borough on November 12, 2009. In addition, the previously prepared May 18, 2015, HEFSP was reviewed. The Borough received a Judgment of Compliance and Repose on December 20, 2016.

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

1. **Establish Present and Prospective Need Obligation Numbers – January 31, 2025.** The legislation required municipalities to adopt a Present- and Prospective Need Obligation numbers by adopting a binding resolution by January 31, 2025. The Borough of Rockleigh accomplished this step by accepting the DCA's calculations and memorializing a resolution prior to the deadline. The Borough's memorialized resolution can be found in the Appendix of this document.
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 April 1, 2025.** The Affordable housing Dispute Resolution Program will review the municipality's proposed obligation numbers and review the challenge presented. The Borough's numbers were not challenged and no settlement was required.
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 municipality'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 the statutory criteria required by the legislation to achieve conformance with this step.
5. **Challenge of Housing Element and Fair Share Plan – July 1, 2025 to August 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 Program with a recommendation then being made to the assigned Mount Laurel Judge for the county who will issue an order approving the settlement and the equivalent of a judgment of compliance and repose which is a form of continuing ` immunity from exclusionary zoning lawsuits for the Fourth Round. If there is no settlement the Program will review the plan and issue a recommendation to the assigned Mount Laurel Judge for the county who then issues a decision.
6. **Final Compliance Deadline – March 31, 2026.** Deadline for municipalities to amend its HEFSP in the event the Borough needs to make any changes pursuant to a settlement or a decision of the Court in response to a challenge, and the deadline for the Borough to adopt the implementing ordinances to align with the plan.

Municipal Summary

The Borough of Rockleigh, which is designated as a National Historic District, is in the northeast sector of Bergen County. The Borough occupies approximately 650 acres. The Borough is bounded by the Borough of Alpine on the east, the Borough of Norwood on the south, the Borough of Northvale on the west, and New York State on the north. The Borough is almost completely built out with single family residences in residential zones and limited industrial zones account for most land use types. Limited vacant parcels, public open space, and environmental constraints limit future residential and commercial growth.

Between 2010 and 2020 Rockleigh's population decreased from 531 people to 407 people, a 23.4% decreased.

Affordable Housing Obligation

On January 27, 2025, the Borough memorialized by the adoption of Resolution #2025-19 the Present Need (rehabilitation) Obligation of Zero (0) and a Prospective Need Obligation of 14 as reported by the Department of Community Affairs (DCA). The resolution reserved the Borough's rights to a vacant land adjustment, durational adjustments, and all other applicable adjustments permitted in accordance with the act and COAH regulations.

Borough Goal

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

Content of Housing Element

The Fair Housing Act requires that “the housing element be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing”. As per the MLUL, and 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 Rockleigh's Housing Stock

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

Housing Type

According to the 2023 ACS, there are 89 housing units in the Borough of Rockleigh. The Borough's housing stock includes single-family detached, single family attached (i.e., townhomes), multi-family dwellings, and mobile homes. Single-family detached dwellings total 79 or 88.76% of the Borough's housing stock. Single-family attached homes comprise 2 or 2.25% of Rockleigh's housing stock. As the chart on the right indicates there is only one two-unit dwelling and seven 5 or more-unit buildings.

Housing Type by Units in Structure		
Unit Type	Number of Units	Percent
1-unit, detached	79	88.76%
1-unit, attached	2	2.25%
2 units	1	1.12%
3 or 4 units	0	0.0%
5 to 9 units	2	2.25%
10 to 19 units	0	0.0%
20 or more units	5	5.62%
Mobile home	0	0.0%
Other	0	0.0%
Total	89	100%

Source: 2023 ACS Table DC03

Occupancy Status

According to the 2023 ACS estimates, 76% of the Borough's occupied housing stock is owner occupied while 24% is renter occupied. The Borough's housing vacancy rate is estimated to be 6.7% in 2023. Most vacant housing units fall under the "Other" category with 2 units or 33.4%. Seasonal units comprise 1 unit or 16.6%, of Rockleigh's vacant units. See the table below for additional details.

The average household size in Rockleigh is 2.919 persons, while the average family size is 3.28 persons according to the 2023 ACS. Comparing tenure, the average owner-occupied household is 2.68 persons, while the average renter-occupied household size is 3.75 persons.

Occupancy Status		
	Households	Percent
Occupied Total	83	93.3%
Owner Occupied	63	76%
Renter Occupied	20	24%
Vacant Total	6	6.7%
For rent	0	0.0%
Rented, not occupied	0	0.0%
For Sale only	3	50%
Sold, no occupied	0	0.0%
Seasonal	1	16.6%
Other	2	33.4%
Total	89	100%

Source: 2023 ACS tables DP04 & B25004

Value and Rent of Housing Stock

The ACS provides value estimates for owner-occupied housing units. Rockleigh's estimated 63 owner-occupied housing units, most homes (84.1%) are valued at over \$1,000,000 or more. Homes valued between \$500,000 and \$999,999 account for 14.3% of owner-occupied units, while homes valued between \$300,000 and \$499,999 comprised 1.6% of the owner-occupied housing stock. See the table below for details.

Value of Owner-Occupied Units		
Value	Number of Units	Percent
Less Than \$149,999	0	0.0%
\$150,000 to \$199,999	0	0.0%
\$200,000 to \$299,999	0	0.0%
\$300,000 to \$499,999	1	1.6%
\$500,000 to \$999,999	9	14.3%
\$1,000,000 or more	53	84.1%
Total	63	100.0%

Source: 2023 ACS table DP04

Over 47% of rentals in Rockleigh have rents priced as \$3,000 or more per month. Units with rents between \$1,500 and \$1,999 comprise only 11.8% of rentals in the Borough. Additionally, units with rent between \$2,000 and \$2,499 per month comprise only 11.8% of rentals in the Borough. See the table below for more information.

Cost of Rentals		
Cost	Number of Units	Percent
Less Than \$1,499	0	0.0%
\$1,500 to \$1,999	2	11.8%
\$2,000 to \$2,499	2	11.8%
\$2,500 to \$2,999	0	0.0%
\$3,000 or more	8	47.1%
Total	12	100%

Source: 2023 ACS table DP04

Condition of Housing Stock

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

The Census indicators available at the municipal level indicate a sound housing stock, as displayed by the following three (3) data tables. According to the 2023 ACS, all but 6% or 5 homes of occupied units within the Borough contain complete kitchen facilities.

Condition of Housing Stock		
	Number of Units	Percent
Lacking complete plumbing facilities	0	0.0%
Lacking complete kitchen facilities	5	6.0%
No telephone service available	0	0.0%
Lacking Adequate Heat	0	0.0%
Total	5	6%

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 0 occupied housing units within the Borough that were “overcrowded”. It should be noted that 100% of the housing units contained less than 1.00 persons per room.

Occupants Per Room		
Occupants	Number of Units	Percent
1.00 or less	83	100%
1.01 to 1.50	0	0.0%
1.51 or more	0	0.0%
Total	83	100%

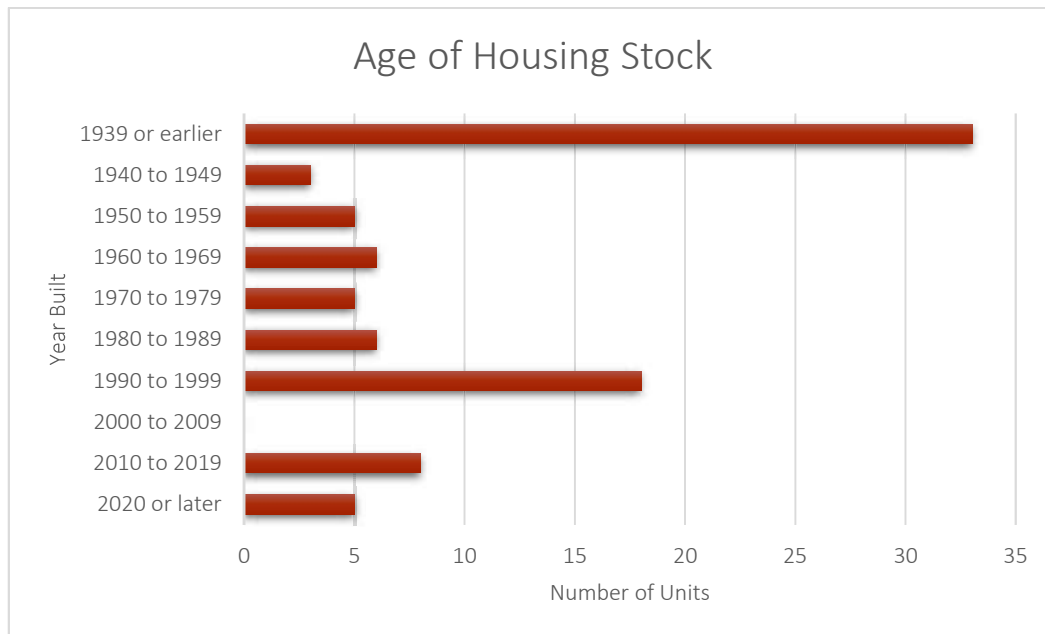
Source: 2023 ACS table DP04

Housing units built in 1975 or earlier are not flagged instead of units built in 1959 or earlier. Research has determined that units built 50 or more years ago are much more likely to be in substandard condition. Included in the rehabilitation calculation are overcrowded units and dilapidated housing. Overcrowded units are defined by the U.S. Department of Housing and Urban Development as those with more than one person living per room.

The table and bar graph on the following page provide the 2023 ACS data on the age of housing stock. Approximately 52.8% of Rockleigh’s housing stock was built before 1970. Units built before 1975 are a factor in the determination of each municipality’s rehabilitation share. Borough’s Rehabilitation obligation is 0 units, reflecting the relatively good condition of these older homes. Approximately, 33 housing units in the Borough were constructed prior to 1939. Close behind the 1939 or earlier homes, with 18 housing units are the housing units constructed in the 1990s. As the bar graph shows, building completely stopped 2000 to 2009.

Age of Housing Stock		
Year Built	Number of Units	Percent
Built 2020 or later	5	5.6%
Built 2010 to 2019	8	9.0%
Built 2000 to 2009	0	0.0%
Built 1990 to 1999	18	20.2%
Built 1980 to 1989	6	6.7%
Built 1970 to 1979	5	5.6%
Built 1960 to 1969	6	6.7%
Built 1950 to 1959	5	5.6%
Built 1940 to 1949	3	3.4%
Built 1939 or earlier	33	37.1%
Total	89	100%

Source: 2023 ACS Table DP04



Projection of Housing Stock

As per the MLUL specifically N.J.S.A 52:27D-310, a housing element must contain a projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing for the next ten years, considering, but not necessarily limited to construction permits issued, approvals of applications for development, and probable residential development of lands. Historic trends of residential CO's and demolition permits can illustrate a pattern for future development.

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

As shown in the table below, 8 new homes were built and issued COs between 2013 and 2023 while 7 were demolished. As shown in the table below, there were 0 COs issued between 2020 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	1	0	2	1	1	1	0	0	0	1	8
Demolitions	1	0	1	0	1	1	2	0	1	0	0	7
Total	2	1	1	2	2	2	3	0	1	0	1	15

Source: New Jersey Construction Reporter from the NJ DCA

Looking at historic development patterns shown in the previous table, the Borough anticipates one (1) multi-family townhome development in the next ten years. The Borough approved the plan for 16-18 Paris Avenue in 2023. The proposed project consisted of two (2) tax lots, Block 102, Lots 14 and 15 and the Applicant was approved to construct six (6) townhouse buildings ranging from three (3) to six (6) townhouses per building. The proposed townhouses consisted of twenty-one (21) three-bedroom units, three (3) two-bedroom units, and one (1) one-bedroom unit. The entire project consists of twenty (20) market-rate units and five (5) low- to moderate-income units for a total of twenty-five (25) townhouses.

Projection of Residential Development				
	'23	'24	'25	Total
Approved Development, Under Construction				
16-18 Paris Avenue*	25	-	-	25
Total	25	-	-	25

* 25 market rate units and 5 low- and moderate-income units

Low- and Moderate-Income Housing Units Previously Constructed

The Third Round Housing Element and Fair Share Plan established the Borough had a 13-unit Prospective Need Obligation. The Borough had a 3-unit rental obligation, a 3-unit age restricted cap and could receive up to 3 bonus rental credits.

The Borough addressed its Third Round Obligation with five (5) surplus group home bedrooms at the Spectrum for Living, three (3) rental bonus credits, and five (5) accessory apartment units for family housing.

All ten group home bedrooms including the five (5) bedrooms utilized to satisfy the Third Round Obligation qualify as very low-income units. This satisfied the 13% requirement for very low-income units. Therefore, requiring four (4) of the accessory apartments to be moderate income units and one (1) to be a very low-income unit.

Low- and Moderate-Income Housing Units Previously Rehabilitated

The Borough did not have a Present Need/Rehabilitation Obligation for the Third Round.

Vacant Land Adjustment

Future development opportunities in Rockleigh 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 Borough has determined that it has an **RDP of 1 affordable housing unit**.

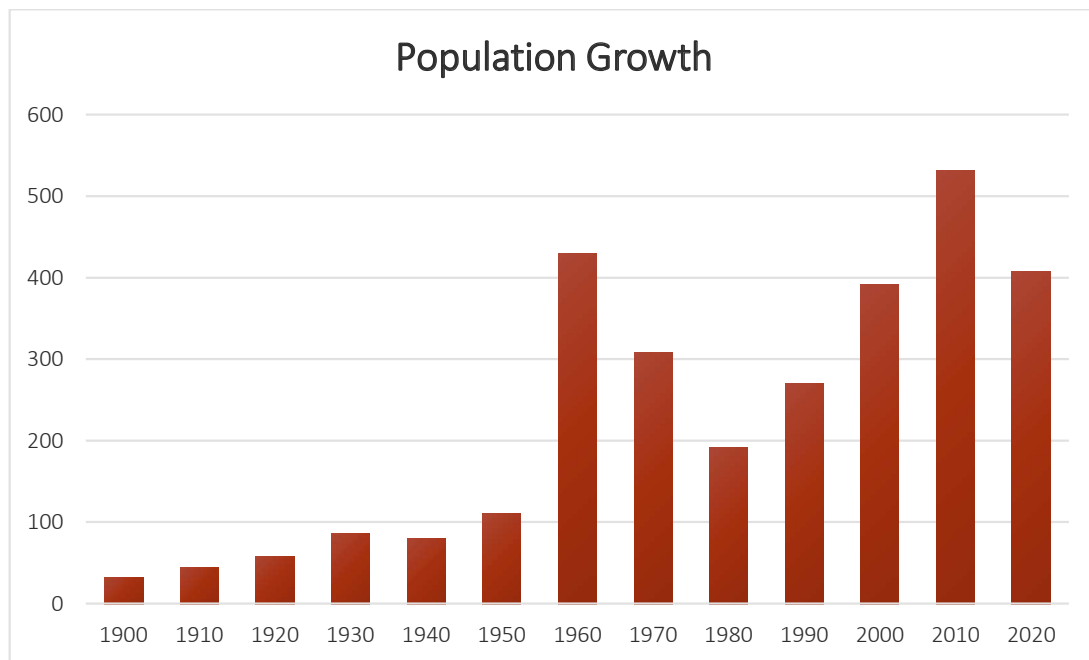
Rockleigh's Population Demographics

Rockleigh's population experienced rapid growth from 1900 until a slight decrease of 8.1% in 1940. The 1950s returned to an increase in population and the Borough saw its largest growth of 290.9% in 1960. Both the 1970s and 1980s experienced a decreased in population. From 1990 until 2010 the Borough once again experienced growth in population until a slight decrease of 23.4% in population in 2020. The 2020 US Census Bureau reports the Borough's population to be 407 people. Please see the table on the next page for additional information. It shall be noted that the five-year American Community Survey

(hereinafter “ACS”) 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 2018-2022 five-year ACS estimates.

Population Growth		
Year	Population	Percent Change
1900	32	-
1910	44	37.5%
1920	58	31.8%
1930	86	48.3%
1940	79	-8.1%
1950	110	39.2%
1960	430	290.9%
1970	308	- 28.4%
1980	192	- 37.7%
1990	270	40.6%
2000	391	44.8%
2010	531	35.8%
2020	407	- 23.4%

Source: US Census Bureau, 2000, 2010, 2020



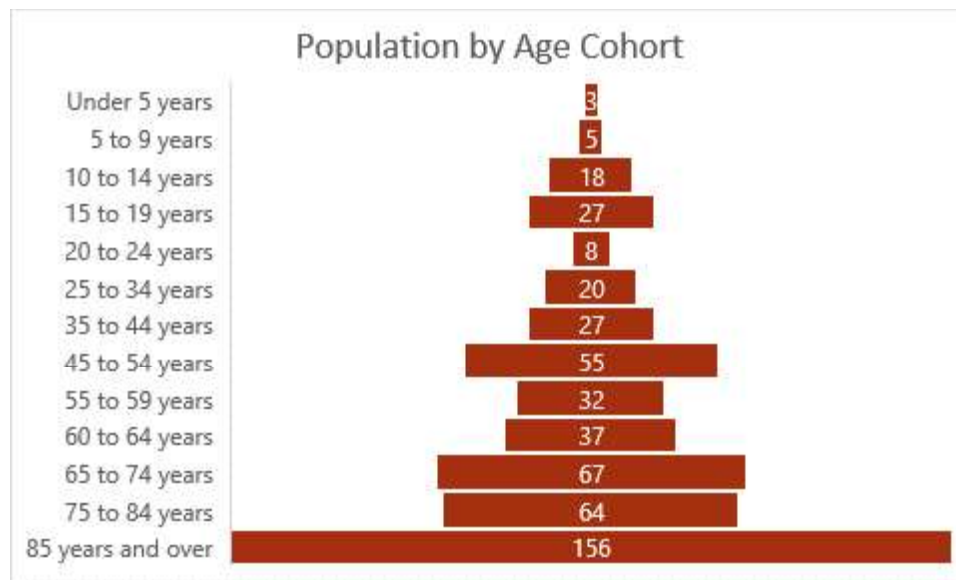
Age Distribution of Population

The 2023 ACS estimates that 55.3% of the population is 65 years or older while the percentage of children aged 19 or younger comprised 10.2% of the Borough's population. Residents aged 85 years or older comprised the largest age cohort with approximately 30.1% of residents fall in this category. The

ACS indicates that the Borough's median age was 69.6 years old. See the table and chart below for additional details.

Population By Age Cohort		
Age	Total	Percent
Under 5 years	3	0.6%
5 to 9 years	5	1.0%
10 to 14 years	18	3.5%
15 to 19 years	27	5.2%
20 to 24 years	8	1.5%
25 to 34 years	20	3.9%
35 to 44 years	27	5.2%
45 to 54 years	55	10.6%
55 to 59 years	32	6.2%
60 to 64 years	37	7.1%
65 to 74 years	67	12.9%
75 to 84 years	64	12.3%
85 years and over	156	30.1%
Total	519	100%

Source: 2023 ACS Table DP05



Household Size and Type

According to the 2023 ACS estimates, Rockleigh contains 83 households. The Borough had a total of 63 or 75.9%, family households. Married-couple families with children under 18 comprised 36.8% of households within the Borough, whereas 24.1% were non-family households in 2023. Non-family households include persons living alone or a householder who is not related to any of the other persons sharing their home.

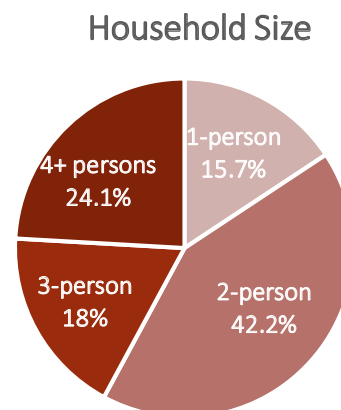
Household Type and Size		
Type	Number	Percent
Family Households	63	75.9%
Married couple family	57	90.5%
with children under 18	21	36.8%
Male Householder, no spouse	2	3.2%
Female Householder, no spouse	4	6.3%
Non-family Households	20	24.1%
Total	83	100%

Source: 2023 ACS Table S1101

As illustrated in the table below, the most common household size within Rockleigh in 2023 was a 2-person household, which totaled 42.2%. Second most common was a 4 or more-person household with 24.1% of all households. Households of 3-persons comprised 18% of all households within the Borough. The average household size in 2023 was 2.87 persons according to the ACS, which is a slight decrease from the household size of 3.51 reported in the 2020 Census.

Household Size		
Size	Total	Percent
1-person	13	15.7%
2-person	35	42.2%
3-person	15	18.0%
4 or more person	20	24.1%
Total	83	100%

Source: 2023 ACS Table S2501



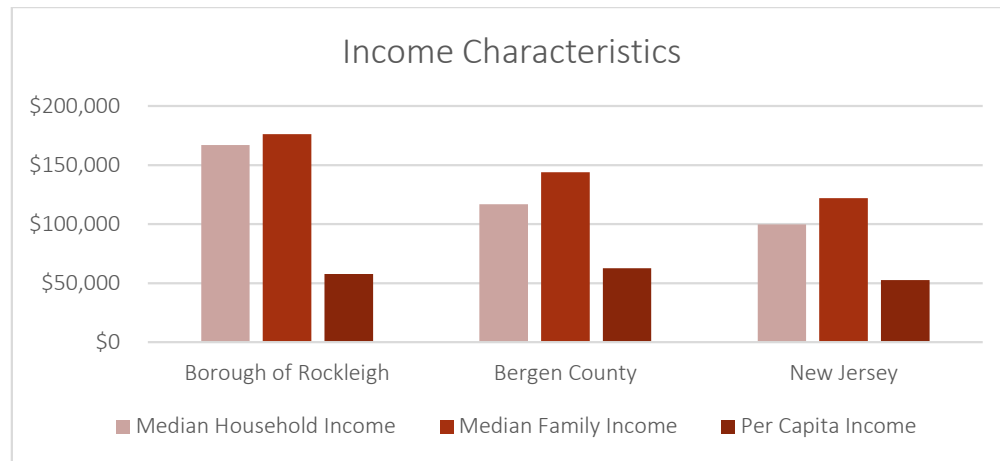
Income and Poverty Status

The ACS estimates that the median household, family, and per capita incomes for the Borough of Rockleigh well exceed the incomes for Bergen County and New Jersey. Rockleigh's median household income was \$166,875, compared to \$116,709 for the County and \$99,781 for the State. The median family income in the borough is roughly \$32,438 more than the county and approximately \$54,306 greater than the State's. The median per capita income is slightly less than the county. However, the Borough's median per capita income is greater than the State's.

Individual poverty is at 12.5% in Rockleigh compared to 6.6% in the County and 9.7% in the State. See the table and chart on the next page for additional details.

Income Characteristics			
Income type	Borough of Rockleigh	Bergen County	New Jersey
Median Household Income	\$166,875	\$116,709	\$99,781
Median Family Income	\$176,250	\$143,812	\$121,944
Per Capita Income	\$57,787	\$62,627	\$52,583
Poverty Status (Percent of People)	12.5%	6.6%	9.7%
Poverty Status (Percent of Families)	1.6%	5.1%	7.1%

Source: 2023 ACS table S1901, B19301, S1702



According to the 2023 ACS data, a majority of households (44.6%) in Rockleigh 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, 18% of households in the Borough earn \$50,000 or less per year compared to 20.5% of households in the County and 25.3% households in the State.

Household Income						
	Borough of Rockleigh		Bergen County		New Jersey	
	Total	Percent	Total	Percent	Total	Percent
Less Than \$10,000	0	0.0%	12,831	3.6%	152,153.70	4.3%
\$10,000 to \$14,999	0	0.0%	8,198	2.3%	99,076.80	2.8%
\$15,000 to \$24,999	6	7.2%	14,257.52	4.0%	180,461.30	5.1%
\$25,000 to \$34,999	4	4.8%	14,257.52	4.0%	183,999.80	5.2%
\$35,000 to \$49,999	5	6.0%	23,168.47	6.5%	279,538.10	7.9%
\$50,000 to \$74,999	2	2.4%	40,633.93	11.4%	467,076.30	13.2%
\$75,000 to \$99,999	5	6.0%	38,851.74	10.9%	410,461	11.6%
\$100,000 to \$149,999	17	20.5%	64,871.72	18.2%	640,460.07	18.1%
\$150,000 to \$199,999	7	8.4%	43,129	12.1%	403,384.10	11.4%
\$200,000 or more	37	44.6%	96,238.26	27.0%	721,845.20	20.4%
Total	83	100%	356,438	100%	3,538,457	100%

Source: 2023 ACS table S1901

Rockleigh's Employment Demographics

This chapter provides a snapshot of employment within Rockleigh, including the types of industries within the community. The 2023 ACS estimates that Rockleigh has 116 residents in the labor force. The labor force consists of approximately 100% employed persons and 0% unemployed persons.

The majority of workers within the Borough are reported to be private wage and salary workers. Just over 77 or 66.4% of those employed fall into this category. Approximately 7.8% of workers are government employees and 25.9% 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	77	66.4%
Government workers	9	7.8%
Self-employed in own not incorporated business workers	30	25.9%
Unpaid family workers	0	0.0%
Total Employed Residents	116	100%
Total Unemployed Residents	0	0.0%
Total Residents in the Workforce	116	100%

Source: 2023 ACS Table DP03

Occupational Characteristics

The ACS estimates that 69% of the Borough's residents are employed in management, business, science, and arts occupations. The sales and office occupations employ 23 residents, or 19.8%, of the working population. Service occupations employs 7.8% or 9 residents. Natural resources, construction, and maintenance occupations employs 2 residents or 1.7% and production, transportation, and material moving occupations employs 2 residents and 1.7% of the working population.

Employed Civilian Population By Occupation (Age 16 Years or Older)				
Occupation	Borough of Rockleigh		Bergen County	
	Total	Percent	Total	Percent
Management, business, science, and arts occupations	80	69.0%	263,942	53.3%
Service occupations	9	7.8%	61,574	12.4%
Sales and office occupations	23	19.8%	101,185	20.4%
Natural resources, construction, and maintenance occupations	2	1.7%	25,740	5.2%
Production, transportation, and material moving occupations	2	1.7%	42,480	8.6%
Total	116	100%	494,921	100%

Source: 2023 ACS Table DP03

Employment Projections

The NJTPA estimates that employment within the Borough will grow by 103 jobs by 2050. In order to achieve this projection, Rockleigh would need to create 2.9 new jobs per year during the 35-year period.

Employment Projections			
Year	Jobs	Change	Percent
2015	1,538	---	---
2050	1,641	103	0.2%

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

Employment by Professions

According to the 2023 ACS there were 116 persons in the labor force in the Borough of Rockleigh and none were unemployed. Professional, scientific, and management, and administrative and waste management services made up the largest component of the workforce with 44 persons or 37.9%. The second largest cohort is educational services, and health care and social assistance with 25 persons or 21.6%.

Employed Person by Profession		
Occupation	Number of Persons	Percent
Agriculture, forestry, fishing and hunting, and mining	3	2.6%
Construction	3	2.6%
Manufacturing	1	0.9%
Wholesale trade	6	5.2%
Retail trade	8	6.9%
Transportation and warehousing, and utilities	2	1.7%
Information	3	2.6%
Finance and insurance, and real estate and rental and leasing	7	6.0%
Professional, scientific, and management, and administrative and waste management services	44	37.9%
Educational services, and health care and social assistance	25	21.6%
Arts, entertainment, and recreation, and accommodation and food services	4	3.4%
Other services, except public administration	6	5.2%
Public administration	4	3.4%
Total	116	100%

Source: 2023 ACS Table DP03

Capacity for Fair Share

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

- The Borough's capacity to accommodate its housing needs.
- A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for low- and moderate-income housing.
- Lands of developers who have expressed a commitment to provide low- and moderate-income housing.
- The location and capacities of existing and proposed water and sewer lines and facilities relevant to the proposed affordable housing sites.

Land Capacity

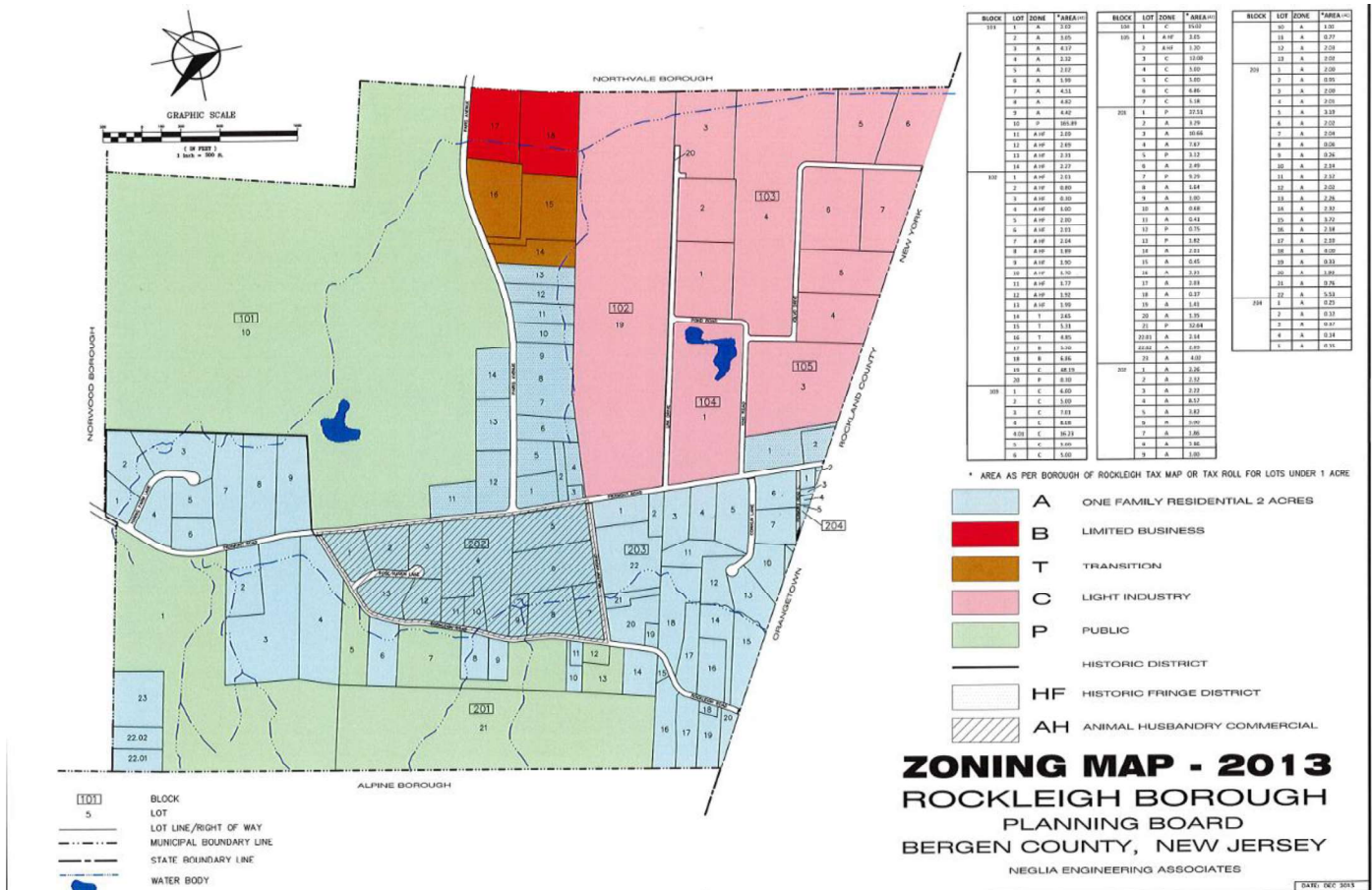
Rockleigh's capacity to construct creditable units toward satisfying its affordable housing obligation is determined by three components – available land, water capacity, and sewer capacity. Additionally, land development is limited by wetland and associated buffers, flood plains, steep slopes, contamination, open space, historical importance, parcel size, and municipal regulations.

Utility Capacity

The Borough of Rockleigh has limited access to public water and sewer utilities. Many in the Borough utilize portable wells and septic systems. To determine if infrastructure upgrades are required, the Borough would need to perform a detailed study of the affordable housing sites and their surrounding utility infrastructure. The study would need to include sanitary sewer and water service reports for each development, the condition, size, location and existing capacities and pressures would need to be determined.

Anticipated Development Patterns

Anticipated land use patterns within the Borough of Rockleigh will follow the established zoning map (shown on the following page). The Borough has a variety of zoning districts including one-family residential, business, transitional, light industry, public, historic, historic fringe, and animal husbandry commercial.



Multigenerational Family Housing Continuity

Pursuant to the Amended FHA, an analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity is required in each municipality's Housing Element and Fair Share Plan. Plans shall follow the recommendations of the Multigenerational Family Housing Continuity Commission.

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

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

The Borough of Rockleigh has a history of being committed to promoting multigenerational family continuity and will continue to do so through the Fourth Round. Rockleigh has diverse housing options in a manner consistent with the regulation.

Consistency with the State Development and Redevelopment Plan

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

Affordable Housing Trust Fund

A development fee ordinance creating a dedicated revenue source for affordable housing was amended by Rockleigh in 2016.

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

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

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

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

Monitoring

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

- February 1st of each year- The Borough will provide an annual reporting of the status of all affordable housing activity within the Borough through posting on the municipal website and certifying the account on the Department of Community Affairs' portal.

Fair Share Plan

Content of Fair Share Plan

The Fair Share Plan contains the following information:

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

Regional Income Limits

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

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

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

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

Rockleigh's Fair Share Plan

Rockleigh's Fair Share Plan describes the various projects and strategies the Borough proposes to address its affordable housing obligations. There are three components – the Borough's Rehabilitation and Fourth Round Obligations – addressed by this chapter to satisfy the Borough's affordable housing obligation. The components are as follows:

Affordable Housing Obligation		
	Present	Prospective
Obligation	0	14

Source: Department of Community Affairs

Present Need

The Borough has a 0-unit Present/Rehabilitation Obligation.

Prospective Need

The Borough of Rockleigh has agreed to a Prospective Need Obligation of 14 units pursuant to Resolution #2025-19.

Prior Round Obligation

The second-round obligation (1987-1999) consisted of eighty-four (84) units. The Borough requested and received a reduction in the Fair Share obligation pursuant to N.J.A.C. 5:93-2.16 by which the calculated need of twelve new construction units was established based on 20 percent of the Borough's housing stock in 1999.

The second-round certified plan provided a total of sixteen new construction credits including RCA with Jersey City, an alternate living arrangement facility built by Spectrum for Living, Inc. and three rental bonus credit. Exhibit A contains a letter from Spectrum for Living Group Homes Inc., dated December 4, 2008, verifying the construction of the sixteen-bedroom home, but only four of those bedrooms were used to satisfy the second round obligation, leaving a **twelve-bedrooms surplus** to be credited towards the Third Round Obligation.

For the Third Round, the Borough's Settlement Agreement with Fair Share Housing Center, dated December 20, 2016, provided that the Borough of Rockleigh had a thirteen-unit Prospective Need Obligation. With a thirteen-unit Prospective Need Obligation, the Borough had a three-unit rental obligation, a three-unit age-restricted cap and could receive up to three bonus rental credits.

The Borough addressed the 13 unit Third-Round obligation with five of the twelve surplus group home bedrooms at the Spectrum for Living (leaving seven bedrooms to be applied to future rounds), three rental bonus credits, and five accessory apartment units for family housing.

All ten group home bedrooms including the five bedrooms utilized to satisfy the obligation qualified as very low-income units. This satisfied the thirteen percent requirement for very low-income units.

The Third Round Housing Element and Fair Share Plan received a Declaratory Judgment of Compliance and Repose from the court on December 20, 2016.

Existing Credits

Rockleigh has 7 existing credits from the Third Round. These units are associated with the Spectrum for Living which utilized five surplus group home bedrooms in the previous round.

Spectrum For Living

In July of 1996, the Borough of Rockleigh and Spectrum for Living entered into a Site Option Agreement whereby Spectrum was granted the exclusive right and option to lease from Rockleigh a parcel of land owned by the Borough of Rockleigh.

A lease agreement between Spectrum and the Borough commenced on January 1, 1998 for a term for fifty (50) years and a cost of ten dollars (\$10) annually. In addition, Spectrum for Living received NJ State Division of Development Disabilities capital funding and Bergen County Community Development Block Grant Home Investment Partnership Program funding to construct a 16-person (bedroom) supervised apartment complex. In October 1998, Spectrum for Living received a certificate of occupancy and continues to operate a supervised apartment complex in Rockleigh. Sixteen (16) low-income individuals

(who receive Medicaid benefits) with developmental disabilities reside at the facility. The Borough utilized four of those bedrooms to satisfy a portion of its second-round obligation and five of those bedrooms to satisfy a portion of its third round obligation, leaving seven remaining bedrooms to satisfy a portion of its fourth and subsequent round obligations. **The Borough intends to use one bedroom as a credit for the Fourth Round, leaving six bedrooms for credit against future round obligations.**

Fourth Round

The Borough of Rockleigh adopted resolution #2025-19 on January 28, 2025. This resolution accepted the DCA's calculation of the Borough's Present and Prospective Need obligations for the Fourth Round. The Borough agreed to a Present Need Obligation of 0 and a Prospective Need Obligation of 14 units. However, as the Borough stated in this resolution, "because there has been minimal change in vacant land in Rockleigh since the approval of its VLA and RDP, and because Rockleigh provided a realistic opportunity for the satisfaction of its RDP approved by the Court in Round 3, Rockleigh is entitled to a VLA in Round 4 and a minimal RDP in Round 4 that will be fully addressed and included in the HEFSP it submits".

After performing a vacant land analysis to determine the Borough's realistic development potential, ("RDP") the Borough has a Fourth-Round prospective need obligation (RDP) of 1 unit. The full vacant land analysis can be found in the appendix of this report. The Vacant Land Analysis disclosed one (1) available vacant parcel. The parcel identified in the analysis is a Borough owned property. The Borough has retained this parcel with the intention of utilizing it for a future public purpose.

In addition, there have been zero (0) accessory apartments constructed from the ordinance adopted in the Third Round. The Borough has not had the full ten (10) years for this effort to come to fruition and seeks to continue incentivizing the accessory apartment ordinance. The Borough intends to expand the marketing of this program and incentivize the construction of these units by offering greater municipal financial assistance. The financial assistance would be in the form of compensation for each accessory apartment unit created. The funding would come from the affordable housing trust fund.

Appendix

Resolution #2025-19

Rev. 1-6-25
Rev. 1-22-25

RESOLUTION #2025-19

RESOLUTION OF THE BOROUGH OF ROCKLEIGH, COUNTY OF BERGEN, STATE OF NEW JERSEY COMMITTING TO ROUND 4 PRESENT AND PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the Borough of Rockleigh, County of Bergen, State of New Jersey, (hereinafter, "Rockleigh") has a demonstrated history of voluntary compliance with its constitutional affordable housing obligations; and

WHEREAS, on March 20, 2024, Governor Phil Murphy signed into law P.L. 2024, c.2, an Amendment to the 1985 Fair Housing Act (hereinafter "Amended FHA" or "Act"); and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to provide an estimate of the fair share affordable housing obligations of all municipalities on or before October 20, 2024 based upon the criteria on the Amended FHA; and

WHEREAS, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the fair share affordable housing obligation for all municipalities based upon its interpretation of the standards in the Act; and

WHEREAS, the DCA Report calculates Rockleigh's Round 4 (2025-2035) fair share affordable housing obligations as follows: a Present Need (Rehabilitation) Obligation of 0 and a Prospective Need (New Construction) Obligation of 14; and

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

WHEREAS, the Amended FHA gives municipalities the opportunity to propose a different fair share affordable housing obligation from those reported by the DCA on October 18, 2024 based upon the standards in Sections 6 and 7 of the Act; and

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

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

WHEREAS, Rockleigh has accepted the Present Need (Rehabilitation) Obligation of zero (0) as reported by the DCA in its October 18, 2024 Report; and

WHEREAS, Rockleigh has accepted the Prospective Need Obligation of 14 as reported by the DCA in its October 18, 2024 Report ; and

WHEREAS, the Amended FHA provides that: “the municipality’s determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7” of the Act; and

WHEREAS, Rockleigh’s calculation of need is entitled to a “presumption of validity” because it complies with Sections 6 and 7 of the Act and the October 18, 2024 DCA Report; and

WHEREAS, in addition to setting forth its Round 4 fair share affordable housing obligations for the reasons summarized above, substantial activity has occurred and is ongoing that warrants the reservation of certain rights to avoid any claim that it has waived them; and

WHEREAS, the process established by the Amended FHA creates an opportunity to object by interested parties opposing the obligations to which a municipality commits, thereby creating the potential for litigation over the obligations of the municipality; and

WHEREAS the court approved a vacant land adjustment (hereinafter, “VLA”) and a realistic development potential (hereinafter, “RDP”) for Rockleigh in Round 3; and

WHEREAS, because there has been minimal change in vacant land in Rockleigh since the approval of its VLA and RDP, and because Rockleigh provided a realistic opportunity for the satisfaction of its RDP approved by the Court in Round 3, Rockleigh is entitled to a VLA in Round 4 and a minimal RDP in Round 4 that will be fully addressed and included in the HEFSP it submits by the June 30, 2025 deadline; and

WHEREAS, the Amended FHA requires municipalities to adopt a binding resolution no later than January 31, 2025 as to its obligations; and

WHEREAS, in light of the above, Rockleigh finds that it is in its best interest to declare its obligations in accordance with this binding resolution in accordance with the Act; and

WHEREAS, in addition to the above, the Director issued Directive #14-24, dated December 13, 2024, and made the Directive available later in the week that followed; and

WHEREAS, pursuant to Directive #14-24, a municipality seeking compliance certification with the Act shall file an action in the form of a declaratory judgment complaint within 48 hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner; and

WHEREAS, Rockleigh seeks a compliance certification with the Act and, therefore, directs its Affordable Housing Counsel to file a declaratory relief action within 48 hours of the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED on this 27th day of January 2025 by the Governing Body of the Borough of Rockleigh, County of Bergen, State of New Jersey, as follows:

1. The preamble of this resolution is incorporated into the operative clauses of this resolution as if set forth in full.
2. For the reasons set forth in this resolution, Rockleigh commits to a Round 4 Present Need (Rehabilitation) Obligation of 0 and a Round 4 Prospective Need (New Construction) obligation of 14, as set forth in the October 18, 2024 DCA Report, subject to all reservations of all rights, which specifically include, without limitation, the following:
 - a) The right to a vacant land adjustment, durational adjustments, and all other applicable adjustments permitted in accordance with the Act and COAH regulations;
 - b) The right to comply with the NJILGA Legislation if enacted, including the right to adjust its fair share obligations;
 - c) The right to adjust its fair share obligation in the event of any future legislation that adjusts the fair share obligations that the DCA reported on October 18, 2024;
 - d) The right to adjust its fair share obligations based upon any ruling in the Montvale Litigation or other litigation; and
 - e) The right to adjust its fair share obligations in the event of a third-party challenge to the fair share obligations and Rockleigh's response thereto.
3. Rockleigh hereby directs its Affordable Housing Counsel to file a declaratory judgment complaint in the appropriate venue within 48 hours after adoption of this resolution attaching this resolution.
4. Rockleigh hereby authorizes its Affordable Housing Counsel to file this resolution with the Program or any other such entity as may be determined to be appropriate.

5. This resolution shall take effect immediately, according to law.

CERTIFICATION

The undersigned, Municipal Clerk for the Borough of Rockleigh, County of Bergen, State of New Jersey, hereby certifies the foregoing to be a true copy of a Resolution adopted by the Governing Body of the Borough of Rockleigh on January 27, 2025.

Marcella Giampiccolo, RMC
 Marcella Giampiccolo, Municipal Clerk

Councilmember	Motion	Second	Yes	No	Absent	Abstain
Cumiskey	✓		✓			
Mender					✓	
Hansen					✓	
Bresnak			✓			
Antine		✓	✓			
Altman			✓			

Affordable Housing Ordinance

§ 36-1.3. Affordable Housing Programs. [Ord. No. 2009-19 § 3; Ord. No. 2016-7 §§ 2-5]

The Borough of Rockleigh has determined that it will use the following mechanisms to satisfy its affordable housing obligations:

a. Accessory Apartment Program.

1. All accessory apartments shall meet the following conditions:

- (a) Accessory apartments are permitted by the Zoning Ordinance for various zoning districts, provided the units are affordable to very low- and moderate-income households. [Ord. No. 2016-7 § 2]
- (b) Accessory apartments shall comply with all applicable statutes and regulations of the State of New Jersey in addition to all building codes.
- (c) At the time of initial occupancy of the unit and for ten (10) years thereafter pursuant to N.J.A.C. 5:97-6.8c(1), the accessory apartment shall be rented only to a household which is either a very low or moderate-income household. [Ord. No. 2016-7 § 3]
- (d) Rents of accessory apartments shall be affordable to very low or moderate-income households as per COAH and UHAC regulations, or such other regulations as may be in force and in effect under applicable law. [Ord. No. 2016-7 § 3]
- (e) There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory apartment is located running with the land and limiting its subsequent rental or sale of the unit and the accessory apartment.
- (f) The appropriate utility authority must certify that there is water and sewer infrastructure with sufficient capacity to serve the proposed accessory apartment. Where the proposed location is served by an individual well and/or septic system, the additional capacity necessitated by the new unit must meet the appropriate NJDEP standards.
- (g) The Borough of Rockleigh accessory apartment program shall not restrict the number of bedrooms in any accessory apartment. In addition the Borough shall strive and use its best efforts so that an accessory apartment shall have either two (2) or three (3) bedrooms. [Ord. No. 2016-7 § 3]
- (h) No accessory apartment created as a result of this section or these regulations shall exceed the gross floor area of the existing principal dwelling on the lot.
- (i) Municipal building permit fees shall be waived in all cases involving affordable accessory apartment development under this section. An annual license and inspection fee, if required, shall be paid by unit owners.

2. The maximum number of creditable accessory apartments shall be five (5) units as may be approved by the Superior Court of New Jersey in a Judgment of Repose. [Ord. No. 2016-7 § 4]

§ 36-1.3

3. The Borough of Rockleigh shall designate an administrative entity to administer the accessory apartment program that shall have the following responsibilities:
 - (a) The Administrative Agent shall administer the accessory apartment program, including advertising, income qualifying prospective renters, setting rents and annual rent increases, maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions and monitoring reports and affirmatively marketing the affordable accessory apartment program in accordance with the UHAC.
 - (b) The administrative entity shall only deny an application for an accessory apartment if the project is not in conformance with COAH's requirements and/or the provisions of this section. All denials shall be in writing with the reasons clearly stated.
 - (c) In accordance with COAH requirements, or any successor agency or entity, the Borough of Rockleigh shall provide at least thirty-five thousand (\$35,000.00) dollars per unit to subsidize the creation of very-low income accessory apartment or twenty thousand (\$20,000.00) dollars per unit to subsidize the creation of each moderate-income accessory apartment. **[Ord. No. 2016-7 § 5]**
4. Property owners wishing to apply to create an accessory apartment shall submit to the administrative entity.
 - (a) A sketch of floor plan(s) showing the location, size and relationship of both the accessory apartment and the primary dwelling within the building or in another structure;
 - (b) Rough elevations showing the modifications of any exterior building facade to which changes are proposed; and
 - (c) A site development sketch showing the location of the existing dwelling and other existing buildings; all property lines; proposed addition, if any, along with the minimum building setback lines; the required parking spaces for both dwelling units; and any manmade conditions which might affect construction.

§ 36-1.4

§ 36-1.4. New Construction. [Ord. No. 2009-15 § 11; Ord. No. 2016-7 §§ 6, 7]

The following general guidelines apply to all newly constructed developments that contain low- and moderate-income household units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

- a. Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:
 1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units the extra unit shall be a low-income unit.
 2. In each affordable development, at least fifty (50%) percent of the restricted units within each bedroom distribution shall be low-income units.

§ 36-1.4

§ 36-1.4

3. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - (a) The combined number of efficiency and one-bedroom units shall be no greater than twenty (20%) percent of the total low- and moderate-income units;
 - (b) At least thirty (30%) percent of all low- and moderate-income units shall be two-bedroom units;
 - (c) At least twenty (20%) percent of all low- and moderate-income units shall be three-bedroom units; and
 - (d) The remaining units may be allocated among two- and three-bedroom units at the discretion of the developer.
4. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

b. Accessibility Requirements.

1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.
2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one (1) other dwelling unit shall have the following features:
 - (a) An adaptable toilet and bathing facility on the first floor;
 - (b) An adaptable kitchen on the first floor;
 - (c) An interior accessible route of travel on the first floor;
 - (d) An interior accessible route of travel shall not be required between stories within an individual unit;
 - (e) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 - (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, or evidence that the Borough has collected funds from the developer sufficient to make ten (10%) percent of the adaptable entrances in the development accessible:
 - (1) Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - (2) To this end, the building of restricted units shall deposit funds within the

§ 36-1.4

§ 36-1.4

Borough of Rockleigh's affordable housing unit trust fund sufficient to install accessible entrances in ten (10%) percent of the affordable units that have been constructed with adaptable entrances.

- (3) The funds deposited under paragraph (1) above shall be used by Rockleigh for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with disability who occupies or intends to occupy the unit and requires an accessible entrance.
- (4) The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Borough of Rockleigh.
- (5) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough of Rockleigh's affordable housing trust fund in care of the Chief Financial Officer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.
- (6) Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

c. Maximum Rents and Sales Prices.

1. In estimating rents and sales prices of affordable units, the administrative agent shall follow the procedures set forth in UHAC or any successor agency or entity, utilizing the regional income limits established by COAH or any successor agency. **[Ord. No. 2016-07 § 6]**
2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than sixty (60%) percent of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than fifty-two (52%) percent of median income.
3. The developers and/or municipal sponsors of restricted rental units shall establish at least one (1) rent for each bedroom type for both low- and moderate-income units.
 - (a) At least thirteen (13%) percent of all low- and moderate-income rental units shall be affordable to households earning no more than thirty (30%) percent of median income. **[Ord. No. 2016-07 § 7]**

§ 36-1.4

§ 36-1.4

****Note:** N.J.S.A. 52:27D-329.1 (P.L. 2008, c. 46) includes the requirement that all municipal fair share plans provide for the reservation of at least thirteen (13%) percent of the affordable units for very low-income households, i.e. households earning thirty (30%) percent or less of the median income. The new statute states that the requirement is not project-specific. Each municipality's version of this section must reflect the determinations made in the Fair Share Plan as to the percentage of units necessary for very low-income units in rental projects. Additional incentives to subsidize the creation of affordable housing available to very low-income households may be included in the zoning section of this Code or specified in a developer's or redeveloper's agreement.

4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than seventy (70%) percent of median income and each affordable development must achieve an affordability average of fifty-five (55%) percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three (3) different prices for each bedroom type, and low-income ownership units must be available for at least two (2) different prices for each bedroom type.
5. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
 - (a) A studio shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one and one-half-person household;
 - (c) A two-bedroom unit shall be affordable to a three-person household;
 - (d) A three-bedroom unit shall be affordable to a four and one-half-person household; and
 - (e) A four-bedroom unit shall be affordable to a six-person household
6. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
 - (a) A studio shall be affordable to a one-person household;
 - (b) A one-bedroom unit shall be affordable to a one and one-half-person household; and
 - (c) A two-bedroom unit shall be affordable to a two-person household or to two (2) one-person households.
7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to ninety-five (95%) percent of the purchase price and the Federal

§ 36-1.4

§ 36-1.4

Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed twenty-eight (28%) percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.

8. The initial rent for a restricted rental unit shall be calculated so as not to exceed thirty (30%) percent of the eligibility monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
9. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
10. The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine (9%) percent in any one (1) year. Rents for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.
11. Utilities. Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

The following general guidelines apply to all developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

Development Fee Ordinance

§ 34-42. DEVELOPMENT FEE REQUIREMENTS.

§ 34-42.1. Purpose. [Ord. No. 2016-08]

- a. In *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990), determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., and the New Jersey Constitution.
- b. Pursuant to N.J.S.A. 52:27D-329.2 and the Statewide Nonresidential Development Fee Act, N.J.S.A. 40:55D-8.1 through 40:55D-8.7 inclusive, municipalities are authorized to adopt and promulgate regulations for the collection, maintenance and expenditure of development fees intended to be used for the sole purpose of providing low and moderate income housing.
- c. This article establishes standards for the collection, maintenance and expenditure of development fees pursuant to the aforementioned statutory provisions.

§ 34-42.2. Approval Required. [Ord. No. 2016-08]

This article shall not be effective until the Superior Court of New Jersey or such agency or tribunal having jurisdiction approves a plan for spending such development fees and the Borough has received Third Round Substantive Certification and a Judgment of Compliance from the Superior Court of New Jersey.

§ 34-42.3. Definitions. [Ord. No. 2016-08]

As used in this article, the following terms shall have the meanings indicated:

AFFORDABLE HOUSING DEVELOPMENT — Shall mean a development included in the Housing Element and Fair Share Plan adopted by the Planning Board, which includes but is not limited to accessory apartment units for very low and moderate income persons. Such a development may also include a special needs housing inclusive development or a one-hundred-percent-affordable development.

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

DEVELOPMENT FEE — Shall mean money paid by a developer for the improvement of property as permitted by applicable law.

EQUALIZED ASSESSED VALUE — Shall mean the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5, and 6 of P.L. 1973, c.123 (N.J.S.A. 54:1-35a through 54:1-35c).

§ 34-42.4. Nonresidential Development Fees. [Ord. No. 2016-08]

- a. Imposed Fees.
 1. Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% percent of the

equalized assessed value of the land and improvements, for all new nonresidential construction on an unimproved lot or lots.

2. Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
3. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% percent shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

b. Eligible Exactions, Ineligible Exactions and Exemptions For Residential Development.

1. The nonresidential portion of mixed-use inclusionary or market rate development shall be subject to the development fee of 2.5% percent, unless otherwise exempted below.
2. The fee of 2.5% percent shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
3. Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c.46, as specified in the Form N-RDF, State of New Jersey Nonresidential Development Certification/Exemption form. Any exemption claimed by a developer shall be substantiated by that developer.
4. A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c.46, shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.
5. If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within forty-five (45) days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by Rockleigh as a lien against the real property of the owner.

§ 34-42.5. Collection Procedures. [Ord. No. 2016-08]

- a. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the Construction Official or designated municipal official responsible for the issuance of a building permit.

- b. The developer shall also be provided with a copy of Form N-RDF, State of New Jersey Nonresidential Development Certification/Exemption, to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- c. The Construction Official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
- d. Within 90 days of receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e. The Construction Official responsible for the issuance of a final certificate of occupancy notifies the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- f. Within 10 business days of a request for the scheduling of a final inspection, the Municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g. Should Rockleigh fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of Section 37 of P.L. 2008, c.46 (N.J.S.A. 40:55D-8.6).
- h. The payment of the nonresidential development fee shall be made prior to the issuance of a certificate of occupancy for such development. A final certificate of occupancy shall not be issued until such time as the fee imposed pursuant to this section has been paid by the developer.
- i. **Appeal of Development Fees.**
 - 1. A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within forty-five (45) days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by Rockleigh. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1, et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§ 34-42.6. Affordable Housing Trust Fund. [Ord. No. 2016-08]

- a. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from nonresidential developers.

§ 34-42.6

§ 34-42.9

- b. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities permitted by applicable law.

§ 34-42.7. Use of Funds. [Ord. No. 2016-08]

- a. The expenditure of all funds shall conform to a spending plan approved by the Superior Court of New Jersey or by such other agency or tribunal having jurisdiction. Funds deposited in the housing trust fund may be used for any activity approved by the applicable tribunal or agency to address Rockleigh's fair share obligation and may be set up as a grant or revolving loan program. Such activities may include, but are not limited to, providing subsidies to homeowners who make available accessory apartment units consistent with the Borough's Housing Element and Fair Share Plan.
- b. The Borough may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan consistent with applicable regulations.
- c. No more than twenty (20%) percent of all revenues collected from development fees may be expended on administration, including but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. Administrative funds may be used for income qualification of households, monitoring the turnover of units, and compliance with applicable monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

§ 34-42.8. Monitoring. [Ord. No. 2016-08]

The Borough shall complete and return to such designated agency or tribunal all required monitoring forms related to the collection of development fees from nonresidential developers.

§ 34-42.9. Ongoing Collection of Fees. [Ord. No. 2016-08]

The ability of Rockleigh to impose, collect and expend development fees shall expire with its substantive certification unless Rockleigh has prepared an adopted Housing Element and Fair Share Plan and has petitioned for substantive certification and for approval of its Development Fee Ordinance. If the Borough fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to Section 20 of P.L. 1985, c.222 (N.J.S.A. 52:27D-320). Rockleigh shall not impose a nonresidential development fee on a development that received preliminary or final site plan approval after the expiration of its substantive certification or Judgment of Compliance, nor shall Rockleigh retroactively impose a development fee on such a development. Rockleigh shall not expend development fees after the expiration of its substantive certification or Judgment of Compliance.

Affirmative Marketing Plan

Each municipality is required to establish and maintain an Affirmative Marketing Plan which is maintained in accordance with *N.J.A.C. 5:80-26*. The Affirmative Marketing Plan applies to all developments that contain low and moderate-income units. The Affirmative Marketing Plan is a regional marketing strategy design to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer/sponsor, municipality and/or designated administrative agency of affordable housing.

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

- The affirmative marketing process for available affordable units shall begin at least four (4) months prior to 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
- The advertisement will include the following:
 - The location of the units;
 - Directions to the housing units;
 - A range of prices for the housing units;
 - The size, as measured in bedrooms, of the housing units;
 - The maximum income permitted to qualify for the housing units;
 - The business hours when interested households may obtain an application for a housing unit; and;
 - Application fees, if any.
- Signs, posters or brochures of available affordable housing units or affordable housing programs should be displayed at all municipal buildings as well as libraries, and developer's sales offices.

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

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

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

Borough of Rockleigh Spending Plan

Introduction

The Borough of Rockleigh, Bergen County, New Jersey has prepared a Housing Element and Fair Share Plan in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the affordable housing regulations of the New Jersey Department of Community Affairs (the Department) (N.J.A.C. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing was adopted by the municipality on December 05, 2016 (Ordinance No. 2016-8). The ordinance establishes the Borough of Rockleigh affordable housing trust fund for which this spending plan is prepared.

Revenues for Certification Period

As of April 30, 2025, the Borough of Rockleigh has collected \$382,367.50 and expended \$0.00, resulting in a balance of \$382,367.50 as of April 30, 2025. As stated below if applicable, all development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by fees are deposited in a separate interest-bearing affordable housing trust fund in the Bank of New Jersey for the purposes of affordable housing. These funds will be spent in accordance with N.J.A.C. 5:97-8.7 to 8.9 as described in the sections that follow.

A Development Fee Ordinance creating a dedicated revenue source for affordable housing and establishing an Affordable Housing Trust Fund was adopted on December 05, 2016 (Ordinance No. 2016-8). To calculate a projection of revenue anticipated during the third round period, the Borough of Rockleigh considered the following:

Development fees:

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

Payment in lieu (PIL): Payments in lieu have not been collected or assessed.

Other funding sources: No other funds have been or are anticipated to be collected.

Projected interest:

Interest on the projected revenue in the Affordable Housing Trust Fund at the current average interest rate.

Projected Revenue												
Source of Funds	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
Development Fees – Projected Development	0	0	0	0	0	0	0	0	0	0	0	0
Payments in Lieu of Construction	0	0	0	0	0	0	0	0	0	0	0	0
Other Funds	0	0	0	0	0	0	0	0	0	0	0	0
Interest	0	9,559.19	9,798.17	10,043.12	10,294.20	10,551.55	10,815.34	11,085.72	11,362.87	11,646.94	11,938.11	107,095.21
Total	382,367.50	391,926.69	401,724.86	411,767.98	422,062.18	432,613.73	443,429.07	454,514.79	465,877.66	477,524.6	489,462.71	489,462.71

The Borough of Rockleigh does not project additional revenue to be collected during 2025. The Borough of Rockleigh has total deposits of \$ 382,367.50 available to fund and administer its affordable housing plan. All interest earned on the account shall be used only for the purposes of affordable housing.

Administrative Mechanism to Collect and Distribute Funds

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

(a) Collection of development fee revenues:

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

(b) Distribution of development fee revenues:

A maximum of twenty (20) percent of the affordable housing trust fund revenues may be utilized to address administrative costs. The remaining eighty (80) percent will be used to fund various affordable housing programs and for affordable housing assistance.

Housing trust fund revenues will be distributed under the same procedures as used for the payment of any bill or purchase by the Borough. Purchase orders will be requested and processed.

Description of Anticipated Use of Affordable Housing Funds

The following is the description of the anticipated use of affordable housing funds by the Borough of Rockleigh:

- (a) Rehabilitation and new construction programs and projects (N.J.A.C 5:97-8.7). The Borough of Rockleigh will dedicate \$425,000 to rehabilitation or new construction programs as follows:

Rehabilitation Program: \$0

New Construction Projects: Accessory Apartment Program: \$425,000 is committed for a total of 5 units. This total is based on assistance of \$75,000 for each moderate income unit and \$100,000 for each very low income unit.

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

Affordability Assistance Calculation	
Actual development fees and interest through 04/30/2025	\$0.00
Actual Interest Earned through 04/30/2015	\$0.00
Development Fees Projected 2025 – 2035	\$0.00
Interest Projected 2025 – 2035	\$107,095.21
Less Housing Activity Expenditures Through 04/30/2025	\$0.00
TOTAL	\$489,462.71
Calculate 30 Percent	\$146,838.81
Less Affordability Assistance Expenditures Through 04/30/20125	\$0.00
PROJECTED MINIMUM Affordability Assistance Requirement 04/30/2025 through 12/31/2035	\$0.00
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 12/06/2016 through 12/31/2025 (Calculate One Third)	\$90,000.00

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

Administrative Expense Calculation	
Actual development fees and interest thru April 30, 2025	\$0.00
Projected Development Fees and interest November 1, 2025 through 2035	\$489,462.71
Total for Administrative. Calculation, June 01, 2025 through 2035	\$489,462.71
20% Maximum for Administrative Expense	\$97,892.54
Less Administrative through April 30, 2025	\$0.00
Available for Administrative - May 1, 2025 Through December 31, 2035	\$97,892.54

The Borough of Rockleigh projects that a maximum of \$97,892.54 will be available from the Affordable Housing Trust Fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, include the following:

Salary and expenses for the Municipal Housing Liaison and other employees and consultants in connection with development and implementation of affordable housing assistance programs, affirmative marketing plan and other affordable housing administration activities.

Expenditures for consultant and professional fees and other expenses in connection with preparation of the Housing Element and Fair Share Plan and future amendments thereto.

Legal fees in connection with the preparation of the Housing Element and Fair Share Plan and future amendments thereto and development and implementation of affordable housing assistance programs and affirmative marketing plan, not including any legal fees related to opposition to specific affordable housing sites.

Planned Expenditures

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

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

Excess or Shortfall of Funds

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

Barrier Free Escrow

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

Summary

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

As of April 30, 2025, the Borough of Rockleigh has a balance of **\$382,367.50**. The Borough of Rockleigh will apply the balance per the guidance and recommendations of affordable housing stakeholders.

Lease Agreement

12-01-2008 14:26 TJSA 6896341265

12-01-2008 14:26 TJSA 6896341265

Spectrum for Living

Spectrum for Living Group Homes, Inc
 210 Riverdale Road, Suite 3, River Vale, N.J. 07675-6221
 201-858-8000 Fax 201-858-8080

Email: spectrum@spectrumforliving.org

December 4, 2008

BOARD OF TRUSTEES

Mayor Nicholas Langella
 Borough of Rockleigh

Mayor Nicholas Langella
 Borough of Rockleigh

Mayor Nicholas Langella
 Borough of Rockleigh

Mayor Nicholas Langella
 Borough of Rockleigh

Elizabeth Davis
 Paula Ellis
 Christine A. LaPlaca, Esq.
 Linda Long
 William Lyle
 Caroline A. Marchionde
 John Miller
 Susan Orr
 Jack Pines

MICHAEL J. PETERSON, M.D.
 President

EXECUTIVE TEAM

Caroline A. Marchionde
 President/CEO

Mark T. Michelson
 Senior VP/Operations

Ann M. Long
 VP Community Services

Sam Hirschman, M.R., LSW
 VP Housing & Client Services

Barry Hoffman
 VP Human Resources

Stephanie Thomas
 Director of Finance

Dale Bland
 Director of Quality Improvement

William Dwyer
 Director of Administrative Services

Mayor Nicholas Langella
 Borough of Rockleigh
 26 Rockleigh Road
 Rockleigh NJ 07647

Dear Mayor Langella:

This letter will confirm that in July 1996 the Borough of Rockleigh ("Rockleigh") and Spectrum for Living Group Homes, Inc. ("Spectrum") entered into a Site Option Agreement whereby Spectrum was granted the exclusive right and option to lease from Rockleigh a parcel of land owned by the Borough of Rockleigh.

A lease agreement between Spectrum and Rockleigh commenced on January 1, 1998 for a term of fifty (50) years and at a cost of ten dollars (\$10) annually. In addition, Spectrum for Living received NJ State Division of Development Disabilities capital funding of \$804,198 and \$291,000 from the Bergen County Community Development Block Grant Home Investment Partnership Program to construct a 16-person supervised apartment complex.

In October 1998, Spectrum received a Certificate of Occupancy for a barrier free supervised apartment complex for sixteen (16) individuals with developmental disabilities which would operate on the Rockleigh site.

Spectrum continues to operate a supervised apartment complex in Rockleigh. Sixteen (16) lower-income individuals (who receive Medicaid benefits) with developmental disabilities reside at the facility. At this time, Spectrum intends to continue leasing the Rockleigh property and operating our 16 unit facility.

If you need any further information, please let me know.

Sincerely,

 Caroline A. Marchionde
 President/CEO

ATTENTION: Alliance for the Employment of Children with Disabilities • Chief of Police of Bergen County • All Applications of Disability Insurance

12-01-2008 14:26 TJSA 6896341265

Vacant Land Analysis

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

Methodology

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

Underlying Assumptions for Realistic Development Potential

Inclusionary Development

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

Density and Minimum Project Size

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

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

Step 1 – Classification of Vacant Land

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

Vacant Land										
Block	Lot	Location	Class	Acreage	Wetlands	Historic	Contaminated	Habitat	FEMA	Steep Slope
101	13	1 PARIS AVE	1	2.30			X	X	X	X
102	13	14 PARIS AVE	1	2.00	X		X	X	X	
102	15	18 PARIS AVE	1	5.30			X	X	X	
203	1	34 PIERMONT RD	1	2.01		X				
203	14	37 ROCKLEIGH RD	1	2.21		X		X		X
203	8	N Y STATE LINE	1	0.06		X				
203	9	N Y STATE LINE	1	0.23		X				
204	2	PIERMONT RD E/S	1	0.07						
101	10	15 PARIS AVE	15C	165.07	X		X	X	X	X
102	19	35 PIERMONT RD	15C	50.61	X		X	X	X	
102	20	LINK RD	15C	0.30			X	X	X	
102	4	32 PIERMONT RD	15C	1.00	X		X	X		
105	1	PIERMONT RD W/S	15C	3.05						
201	1	PIERMONT RD E/S	15C	38.93	X	X	X	X	X	X
201	12	26 ROCKLEIGH RD	15C	0.68		X				X
201	13	ROCKLEIGH RD E/S	15C	1.82		X		X		X
201	21	ROCKLEIGH RD E/S	15C	32.73		X		X		X
201	5	ROCKLEIGH RD E/S	15C	3.12	X	X		X	X	
201	7	ROCK RD E/S	15C	9.29	X	X		X	X	
Legend: Green – Parklands and Open Space Red – Low Yield Property (<5 units) Yellow – Developable Lot										

Step 2 - Site Analysis

The sites were mapped using GIS and overlaid with Critical Habitat, Steep Slopes, Flood Hazard, Wetlands, Historic or Architecturally Significant, Recreational, Parklands and Open Space (noted in green), and Waterbodies. Any properties impacted by these environmental constraints have been noted in the table above and were not considered for potential development.

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

Step 3 – Determining Yield for Property

Upon reviewing the Vacant Land table and applying all of the layers which constitute an ineligible lot, the Borough was left with one (1) remaining lot. According to the Second Round Rules, it is important to “consider the character of the area surrounding each site” when crafting assumptions underlying the intensity of residential development. Block 105, Lot 1, is located in the A-One-Family Residential 2 Acres zoning district and HF-Historic Fringe Overlay District. The property directly adjacent to the north is located in the A-One-Family Residential 2 Acres District and HF-Historic Fringe Overlay District, the properties to the west and south are located in the B-Limited Business Zone, and the properties to the east across Piermont Road are located in the A-One-Family Residential 2 Acres District. The Borough’s Zoning Ordinance requires no new buildings to be erected in the A- One-Family Residential 2 Acres District with less than two acres of lot area. Applying the Borough’s ordinance to the vacant lot would result in the ability to construct 1.5 units. Rounding 1.5 up to 2 units and applying a 20% set aside for the property would result in the Borough having a realistic development potential of one (1) unit.

Vacant Land				
Block	Lot	Location	Class	Acreage
105	1	PIERMONT RD W/S	15C	3.05

Vacant Parcels with Environmental Constraints

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

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

Maps

