

BOROUGH OF WOOD-RIDGE MASTER PLAN HOUSING ELEMENT AND FAIR SHARE PLAN

Prepared for:

Planning Board
Borough of Wood-Ridge
85 Humboldt Street
Wood-Ridge, New Jersey 07075

Prepared by:

Phillips Preiss Grygiel Leheny Hughes LLC
Planning and Real Estate Consultants
70 Hudson Street, Suite 5B
Hoboken, New Jersey 07030

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The original of this report was signed and
sealed in accordance with N.J.S.A. 13:41-1.2

A handwritten signature in black ink, appearing to read "Paul Grygiel", is written over a horizontal line.

Paul Grygiel, AICP, PP
New Jersey Professional Planner License # 5518

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I. Introduction

This Housing Element and Fair Share Plan has been prepared on behalf of the Borough of Wood-Ridge, Bergen County, in accordance with the New Jersey Municipal Land Use Law per N.J.S.A. 40:55D-28b(3) and the Fair Housing Act (N.J.S.A. 52:27D-301, et seq.).

The Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., requires that a municipal master plan include a Housing Element in order for the municipality to exercise the power to zone and regulate land use. The Housing Element and Fair Share Plan is adopted by the Borough Planning Board and endorsed by the governing body. It is intended to achieve the goal of meeting the Borough's obligations to plan and regulate land use to provide for a fair share of the regional need for affordable housing.

Wood-Ridge remains committed to meeting its constitutional obligation to provide through its land use regulations a realistic opportunity for a fair share of the region's present and prospective needs for housing for low- and moderate-income families. This Housing Element and Fair Share Plan document outlines how the Borough will address its affordable housing obligations.

II. Affordable Housing in New Jersey

In 1975 the Supreme Court of New Jersey in South Burlington County N.A.A.C.P. v. Township of Mount Laurel, 67 N.J. 151 (1975), ruled that the developing municipalities in the State of New Jersey exercising their zoning power, in general, had a constitutional obligation to provide a realistic opportunity for the construction of their fair share of the region's low- and moderate-income housing needs. In 1983, the Supreme Court refined that constitutional obligation in South Burlington County N.A.A.C.P. v. Township of Mount Laurel, 92 N.J. 158 (1983), to apply to those municipalities having any portion of their boundaries within the growth area as shown on the State Development Guide Plan. In 1985, the New Jersey Legislature adopted, and the Governor signed, the Fair Housing Act N.J.S.A. 52:2D-301, et seq. ("FHA") which transformed the judicial doctrine that became known as the "Mount Laurel doctrine" into a statutory one and provided an alternative administrative process in which municipalities could elect to participate in order to establish a Housing Element and Fair Share Plan ("HEFSP") that would satisfy its constitutional obligation by creating an administrative agency known as the Council on Affordable Housing ("COAH") to develop regulations to define the obligation and implement it. COAH proceeded to adopt regulations for First Round obligations applicable from 1987 to 1993 and Second Round obligations that created a cumulative obligation from 1987 to 1999.

COAH first proposed Third Round substantive and procedural rules in 2003, but due to multiple legal challenges, these rules were not adopted until 2008. However, the Third Round rules adopted in 2008 were challenged in an appeal entitled In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 416 N.J. Super. 462 (App. Div. 2010) (the "2010 Case"). In October 2010, the Appellate Division determined, among other things, that the methodology in the rules adopted in 2008 was invalid and that COAH should adopt regulations utilizing methodologies similar to the ones utilized in the First and Second Rounds, i.e. 1987-1999. In 2013, the Supreme Court of New Jersey affirmed the Appellate Division's invalidation of the third iteration of the Third Round regulations, sustained their determination that the growth share methodology was invalid, and directed COAH to adopt new regulations based upon the methodology utilized in the First and Second Rounds, In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 215 N.J. 578 (2013) (the "2013 Case"). COAH proceeded to propose such regulations in accordance with the schedule established by the New Jersey Supreme Court in the 2013 Case. On October 20, 2014, COAH deadlocked with a 3-3 vote and failed to adopt the revised Third Round regulations.

Due to COAH's failure to adopt the revised regulations and subsequent inaction, Fair Share Housing Center ("FSHC"), a party in the 2010 Case and the 2013 Case, filed a motion with the New Jersey Supreme Court to enforce litigant's rights. On March 10, 2015 the New Jersey Supreme Court issued its decision on FSHC's motion. The Supreme Court found that the COAH administrative process had become non-functioning and, as a result, returned primary jurisdiction over affordable housing matters to the trial courts. In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (the "2015 Case"). In doing so, the Supreme Court declined to adopt a specific methodology or formula to calculate the Third Round affordable housing obligations of the municipalities. The Court did provide some guidance by reiterating its endorsement of the

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previous methodologies employed in the First and Second Round Rules as the template to establish Third Round affordable housing obligations.

In light of the unsettled landscape described above, in 2008 the Borough of Wood-Ridge, its Planning Board and Wood-Ridge Redevelopment, LLC entered into a Settlement Agreement with FSHC regarding the provision of affordable housing on the Curtiss-Wright site, a large industrial complex in the western portion of the Borough. Wood-Ridge initiated the process of substantive certification¹ from COAH. This process involved the preparation and adoption of the Housing Plan Element and Fair Share Plan. Through no fault of its own, New Milford, like a number of other municipalities, did not receive substantive certification of its 2008 plan due to inaction by COAH and subsequent legal challenges. While the 2015 Case shifted the jurisdiction of affordable housing certification compliance to the courts, Wood-Ridge already had a settlement agreement in place with FSHC.

On March 20, 2024, Governor Phil Murphy signed a package of affordable housing bills (the “2024 Affordable Housing Laws”). One of these overhauled the FHA and eliminated COAH, and set forth the process of determining Fourth Round (2025 to 2035) affordable housing obligations. The New Jersey Department of Community Affairs (DCA) calculated statewide and regional affordable housing needs, including its non-binding determination of each municipality’s Fourth Round affordable housing obligations. Municipalities were able to either the accept the DCA determination of their obligation, or to provide their own municipal determination of their Fourth Round obligation. This Housing Element and Fair Share Plan has been prepared pursuant to applicable law and regulations and addresses Wood-Ridge’s affordable housing compliance.

¹ A determination by the Council approving a municipality’s housing element and fair share plan in accordance with the provisions of N.J.S.A 52:27D-322. A grant of substantive certification shall be valid for a period of 6 years.

III. Housing Element/ Fair Share Plan Requirements

In accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.), a municipal Master Plan must include a housing element as the foundation for the municipal zoning ordinance. Pursuant to the Fair Housing Act, a municipality's housing element must be designed to provide access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing. The housing element must contain at least the following, as per the FHA at N.J.S.A. 52:27D-310:

- An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated;
- A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development, and probable residential development of lands;
- An analysis of the municipality's demographic characteristics, including, but not necessarily limited to, household size, income level, and age;
- An analysis of the existing and probable future employment characteristics of the municipality;
- A determination of the municipality's present and prospective fair share of low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share of low- and moderate-income housing; and
- A consideration of the lands most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing; and
- An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, pursuant to N.J.S.A. 52:27D-329.20f.(1); and
- An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

Administrative Directive #14-24 issued on December 13, 2024 by the Administrative Office of the Courts promulgates procedures and guidelines implementing the Affordable Housing Alternative Dispute Resolution Program ("the Program") established pursuant to section 5 of P.L.2024, c.2 (N.J.S.A. 52:27D-313.2). Additional required elements of a Housing Element and Fair Share Plan (HEFSP) are appended to this Directive and include the following:

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- Detailed site suitability analyses, based on the best available data, for each of the un-built inclusionary or 100 percent affordable housing sites in the plan as well as an identification of each of the sites that were proposed for such development and rejected, along with the reasons for such rejection.
- The concept plan for the development of each of the selected sites should be overlaid on the most up to date environmental constraints map for that site as part of its analysis to see what changes will be needed (either to the selected sites or to their zoning) to ensure that all of the units required by the settlement agreement will actually be produced.
- Documentation of the creditworthiness of all of the existing affordable housing units in its HEFSP and to demonstrate that it has followed all of the applicable requirements for extending expiring controls, including confirmation that all of the units on which the controls have been extended are code-compliant or have been rehabilitated to code-compliance, and that all extended controls cover a full 30-year period beginning with the end of the original control period. Documentation as to the start dates and lengths of affordability controls applicable to these units and applicable Affordable Housing Agreements and/or deed restrictions is also required. Additionally, the income and bedroom distributions and continued creditworthiness of all other existing affordable units in the HEFSP must be provided.
- An analysis of how the HEFSP complies with or will comply with all of the terms of the executed settlement agreement.

The HEFSP must also include (in an Appendix) all of the adopted ordinances and resolutions needed to implement the HEFSP, including:

- All zoning amendments (or redevelopment plans, if applicable).
- An Affordable Housing Ordinance that includes, among other required regulations, its applicability to 100 percent affordable and tax credit projects, the monitoring and any reporting requirements set forth in the settlement agreement, requirements regarding very low income housing and very low income affordability consistent with the FHA and the settlement agreement, provisions for calculating annual increases in income levels and sales prices and rent levels, and a clarification regarding the minimum length of the affordability controls (at least 30 years, until the municipality takes action to release the controls).
- The adoption of the mandatory set aside ordinance, if any, and the repeal of the existing growth share provisions of the code.
- An executed and updated Development Fee Ordinance that reflects the court's jurisdiction.
- An Affirmative Marketing Plan adopted by resolution that contains specific directive to be followed by the Administrative Agent in affirmatively marketing affordable housing units, with an updated COAH form appended to the Affirmative Marketing Plan, and with both documents specifically reflecting the direct notification requirements set forth in the settlement agreement.
- An updated and adopted Spending Plan indicating how the municipality intends to allocate development fees and other funds, and detailing (in mini manuals) how the municipality

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proposes to expend funds for affordability assistance, especially those funds earmarked for very low-income affordability assistance.

- A resolution of intent to fund any shortfall in the costs of the municipality's municipally sponsored affordable housing developments as well as its rehabilitation program, including by bonding if necessary.
- Copies of the resolution(s) and/or contract(s) appointing one or more Administrative Agent(s) and of the adopted ordinance creating the position of, and resolution appointing, the Municipal Affordable Housing Liaison.
- A resolution from the Planning Board adopting the HEFSP, and, if a final Judgment is sought before all of the implementing ordinances and resolutions can be adopted, a resolution of the governing body endorsing the HEFSP.

IV. Housing Stock and Demographic Analysis

The following information was taken from the 2023 American Community Survey 5-Year Estimates. Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, the decennial census is the official source of population totals for April 1st of each decennial year. In between censuses, the Census Bureau's Population Estimates Program produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units and the group quarters population for states and counties. Data is based on a sample and is subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error. The effect of nonsampling error is not represented in these tables. Users must consider potential differences in geographic boundaries, questionnaire content or coding, or other methodological issues when comparing ACS data from different years. Statistically significant differences shown in ACS Comparison Profiles, or in data users' own analysis, may be the result of these differences and thus might not necessarily reflect changes to the social, economic, housing, or demographic characteristics being compared.

Housing Stock Inventory

In 2023, there were 3,888 housing units in Wood-Ridge Borough, of which 67, or 1.7 percent, were vacant. Of the 3,821 occupied units, 65 percent were owner occupied and 35 percent were renter occupied. Table 1, Housing Units by Occupancy Status, 2023, illustrates this occupancy status.

Table 1. Housing Units by Occupancy Status, 2023

	Housing Units	Owner Occupied	Renter Occupied
Occupied	3,821	2,469	1,352
Vacant	67	-	-
Total	3,888	-	-

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

Less than half of the total housing stock consists of single-family detached units. Structures with three or more units make up approximately 32 percent of the total housing stock. See Table 2, Housing Units by Number of Units in Structure, 2023, for a detailed explanation of the Borough's housing units.

The unit counts in the "1, Attached" category are attributed to traditional style 3-story townhomes, almost all of which are located in the Wesmont Station neighborhood. The unit counts in the "2" category are attributable to two-family homes (Note: 1 two-family home equals 2 housing units) which are located throughout the Borough as well as to residential units in small mixed-use buildings almost

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all of which are located on Valley Boulevard and Hackensack Street. The unit counts in the “3 or 4” and “5 to 9” categories are mostly attributable to the stacked townhouse models found in the Wesmont Station neighborhood, but are also attributable to the small condominium and apartment buildings and mixed-use buildings that are prevalent on Valley Boulevard and Hackensack Street. The unit counts in the “10 to 19” and “20+” categories are attributable to condominium and apartment buildings and garden apartment complexes which are located on Valley Boulevard, Hackensack Street, Moonachie Avenue, Rosie Square and Avalon Drive.

Table 2. Housing Units by Number of Units in Structure, 2023

Number of Units	Total Number of Housing Units	Percent
1, Detached	1,891	48.6%
1, Attached	509	13.1%
2	240	6.2%
3 or 4	360	9.3%
5 to 9	205	5.3%
10 to 19	214	5.5%
20+	469	12.1%
Mobile Home	0	0.0%
Other	0	0.0%
Total	3,888	100.0%

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

Table 3, Housing Units by Age, 2023, illustrates the age of the Borough’s housing stock. As one would expect from a smaller, largely built-out community, relatively few housing units, 1.6 percent, were built after 2020. A major influx in housing units, 21% of all housing in the Borough, occurred between 2010 and 2019. Before 2010, the majority of housing units were constructed prior to 1940, indicating fast growth at the turn of the century.

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Table 3. Housing Units by Age, 2023

Year Built	Total Units	Percent
2020 or later	62	1.6
2010-2019	815	21.0
2000-2009	267	6.9
1990-1999	55	1.4
1980-1989	332	8.5
1970-1979	197	5.1
1960-1969	345	8.9
1950-1959	682	17.5
1940-1949	321	8.3
Before 1940	812	20.9
Total	3,888	100.0%

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

Table 4, Housing Units by Number of Rooms for the Borough of Wood-Ridge and Bergen County, 2023, shows that in Wood-Ridge, approximately 25 percent of housing units have between one and three rooms; 39 percent have between four and six rooms; and 55 percent have seven or more rooms. In Bergen County, 15 percent of housing units have between one and three rooms; 46 percent have between four and six rooms; and 35 percent have seven or more rooms. The mean number of rooms per housing unit in Wood-Ridge and Bergen County are equal at 5.6, indicating that the Borough has unit sizes that are consistent with the County. Note that in this table a room is counted as a separate room only if it is separated from another room by a partition wall that extends from floor to ceiling. Therefore, in any housing unit (regardless of style: apartment, condominium, townhome, detached home, etc.) with an open floorplan in which the kitchen, living room and dining area share a single open space, the open space would constitute 1 room in this table.

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Table 4. Housing Units by Number of Rooms for the Borough of Wood-Ridge and Bergen County, 2023

Rooms	Number of Units in Wood-Ridge	Percent of Units in Wood-Ridge	Number of Units in Bergen County	Percent of Units in Bergen County
1	191	4.9%	10,297	2.8%
2	161	4.1%	13,741	3.7%
3	646	16.6%	45,353	12.2%
4	426	11.0%	55,571	15.0%
5	460	11.8%	55,034	14.9%
6	640	16.5%	51,102	13.8%
7	487	12.5%	42,525	11.5%
8	538	13.8%	39,219	10.6%
9+	339	8.7%	57,622	15.6%
Total	3,888	100.0%	370,464	100.0%
Mean Rooms per Unit	5.6		5.6	

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

Tables 5 and 6, Housing Values, Owner Occupied, 2013 and 2023, respectively, show that the median housing value of owner-occupied housing in Wood-Ridge increased by 35 percent between 2013 and 2023. During this same time, the median value in Bergen County increased by 41 percent. In 2013, Wood-Ridge's median housing value of \$395,400 was 10 percent lower than that of Bergen County (i.e., \$435,100). In 2023, Wood-Ridge's median housing value of \$532,900 was 15 percent lower than that of Bergen County (i.e., \$615,300). Note that the count for housing units valued at "Less than \$50,000" are attributable to transactions made between related parties for nominal consideration, often of \$1.00.

Table 5. Housing Values, Owner Occupied, 2013

Housing Value	Number in Wood-Ridge	Percent in Wood-Ridge	Number in Bergen County	Percent in Bergen County
Less than \$50,000	34	1.5%	7,460	3.4%
\$50,000 to \$99,999	0	0.0%	1,897	0.9%
\$100,000 to \$149,999	0	0.0%	3,074	1.4%
\$150,000 to \$199,999	59	2.5%	6,042	2.8%
\$200,000 to \$299,999	285	12.2%	23,592	10.8%
\$300,000 to \$499,999	1,466	62.6%	97,503	44.7%
\$500,000 to \$999,999	496	21.2%	64,254	29.4%
\$1,000,000 or more	0	0.0%	14,478	6.6%
Total	2,340	100.0%	218,300	100.0%
2013 Median Value	\$395,400		\$435,100	

Source: American Community Survey, 2009-2013 (Table DP04 Selected Housing Characteristics)

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Table 6. Housing Values, Owner Occupied, 2023

Housing Value	Number in Wood-Ridge	Percent in Wood-Ridge	Number in Bergen County	Percent in Bergen County
Less than \$50,000	41	1.7%	4,098	1.8%
\$50,000 to \$99,999	0	0.0%	2,827	1.2%
\$100,000 to \$149,999	0	0.0%	2,032	0.9%
\$150,000 to \$199,999	0	0.0%	2,309	1.0%
\$200,000 to \$299,999	78	3.2%	10,304	4.5%
\$300,000 to \$499,999	1,008	40.8%	54,311	23.5%
\$500,000 to \$999,999	1,283	52.0%	123,522	53.5%
\$1,000,000 or more	59	2.4%	31,660	13.7%
Total	2,469	100.0%	231,063	100.0%
2023 Median Value	\$532,900		\$615,300	

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

Monthly rental costs in Wood-Ridge are, on average, higher than monthly rental costs County-wide, with almost 97 percent of Borough renters paying \$1,000 or more per month in rent versus 92 percent in Bergen County. In Wood-Ridge, the largest percentage of renters, 72 percent, pay \$1,500 or more. See Table 7, Comparison of the Borough of Wood-Ridge and Bergen County, Monthly Rental Cost, 2023 for additional details.

Table 7. Comparison of the Borough of Wood-Ridge and Bergen County, Monthly Rental Cost, 2023

Monthly Rent	Number in Wood-Ridge	Percent in Wood-Ridge	Number in Bergen County	Percent in Bergen County
Less than \$500	0	0.0%	3,595	3.0%
\$500 to \$999	44	3.3%	6,103	5.0%
\$1,000 to \$1,499	326	24.5%	21,914	18.0%
\$1,500 to \$1,999	383	28.8%	39,382	32.4%
\$2,000 to \$2,499	221	16.6%	20,033	16.5%
\$2,500 to \$2,999	267	20.1%	12,117	10.0%
\$3,000 or more	90	6.8%	18,316	15.1%
Total	1,331	100.0%	121,460	100.0%
Median Rent	\$1,886		\$1,870	

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

In 2023, about 24 percent of Wood-Ridge owner occupied households contributed 30 percent or more of their income towards monthly housing costs, and approximately 50 percent of Wood-Ridge owner occupied households put less than 20 percent of their income towards monthly housing costs. See Table 8, Monthly Housing Costs as Percentage of Household Income in the Past 12 Months – Owner Occupied Housing Units, 2023, for additional information.

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Table 8. Monthly Housing Costs as Percentage of Household Income in the Past 12 Months – Owner Occupied Housing Units, 2023

	Less than 20 percent	20 to 29 percent	30 percent or more
Less than \$20,000	0.0%	0.0%	4.0%
\$20,000 - \$34,999	0.0%	0.0%	1.0%
\$35,000 - \$49,999	0.0%	0.0%	5.3%
\$50,000 - \$74,999	1.0%	2.0%	3.0%
\$75,000 or more	49.1%	24.4%	10.2%
Zero or Negative Income	0.0%		

Source: American Community Survey, 2019-2023 (Table S2503 Financial Characteristics)

In 2023, 43 percent of Wood-Ridge renter occupied households contributed less than 20 percent, whereas only 36.5 percent of Wood-Ridge renter occupied households contributed 30 percent or more of their income towards monthly housing costs. See Table 9, Monthly Housing Costs as a Percentage of Household Income in the Past 12 Months – Renter Occupied Housing Units, 2023, for further information.

Table 9. Monthly Housing Costs as a Percentage of Household Income in the Past 12 Months – Renter Occupied Housing Units, 2023

	Less than 20 percent	20 to 29 percent	30 percent or more
Less than \$20,000	0.0%	0.0%	5.0%
\$20,000 - \$34,999	0.0%	0.0%	5.2%
\$35,000 - \$49,999	0.0%	3.3%	8.4%
\$50,000 - \$74,999	0.0%	0.9%	17.9%
\$75,000 or more	43.0%	12.2%	0.0%
Zero or Negative Income	2.7%		
No Cash Rent	1.6%		

Source: American Community Survey, 2019-2023 (Table S2503 Financial Characteristics)

Wood-Ridge has no housing units that lack complete plumbing facilities or lack complete kitchen facilities. The Borough has 121 units that are overcrowded (defined as having 1.01 or more persons per room) and 44 units that have no telephone service available. See Table 10, Selected Quality Indicators, Occupied Housing Stock, 2023, for further information. Note that the count for units that are overcrowded (defined as having 1.01 or more persons per room) is likely impacted by the criteria used to define a room (as described on Page 10 in Table 4) by which a room is counted as a separate room only if it is separated from another room by a partition wall that extends from floor to ceiling. This definition causes studio apartments occupied by 2 people to be deemed as overcrowded. It also causes 1-bedroom apartments with an open floorplan for the kitchen, living room, and dining area to be counted as a 2-room housing unit, which, if it is occupied by a couple with a baby, would be deemed as overcrowded.

Note that for the count of units that have no telephone service available, the data source contains a disclaimer that the data may not be accurate and may reflect units in which landline telephone service was discontinued.

Table 10. Selected Quality Indicators, Occupied Housing Stock, 2023

	Overcrowded	No Telephone Service Available	Lacking Complete Plumbing	Lacking Complete Kitchen Facilities
Units	121	44	0	0

Source: American Community Survey, 2019-2023 (Table DP04 Selected Housing Characteristics)

General Population Characteristics

There has been an overall increase in Wood-Ridge's population in the years since 1980, from 2010 to 2020 (i.e., +32.9 percent) in particular. There was a slight increase in Wood-Ridge's population between 1990 and 2000 and a minor decrease in population between 2000 and 2010. The County's population experienced an overall increase between 1990 and 2020; however, such increases are significantly miniscule compared to the large jump in Wood-Ridge's population between 2010 and 2020. See Table 11, Population Change, 1980-2010, for more information.

Table 11. Population Change, 1980-2010

	1990	2000	Percent Change (1990-2000)	2010	Percent Change (2000-2010)	2020	Percent Change (2010-2020)
Wood-Ridge	7,506	7,644	1.8%	7,626	-0.2%	10,137	32.9%
Bergen County	825,380	884,118	7.1%	905,116	2.4%	955,732	5.6%

Source: 1990, 2000, 2010, and 2020 U.S. Census

From 2010 to 2020, there were shifts in Wood-Ridge's age distribution. The age group 15 through 24 increased from 812 persons to 1,100 persons (i.e., 36 percent). The age group 25 through 34 more than doubled over the decade from 787 persons to 1,589 persons (i.e., 102 percent). The age group 65 through 74 increased from 516 persons to 873 persons (i.e., 69 percent), and the age group 75 and older decreased from 607 persons to 542 persons (i.e., -11 percent). See Table 12, Age Distribution, 2010-2020, for additional details.

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Table 12. Age Distribution, 2010-2020

Age Group	2010	Percent	2020	Percent	Percent Change
Under 5	376	4.9%	654	6.5%	73.9%
5-14	970	12.7%	996	9.9%	2.7%
15-24	812	10.6%	1,100	10.9%	35.5%
25-34	787	10.3%	1,589	15.7%	101.9%
35-44	1,196	15.7%	1,599	15.8%	33.7%
45-54	1,312	17.2%	1,384	13.6%	5.5%
55-64	1,050	13.8%	1,400	13.8%	33.3%
65-74	516	6.8%	873	8.6%	69.2%
75+	607	8.0%	542	5.4%	-10.7%
Totals	7,626	100.0%	10,137	100.0%	-

Source: 2010 and 2020 U.S. Census

Household Characteristics

A household is defined by the U.S. Census Bureau as those persons who occupy a single room or group of rooms constituting a housing unit; however these persons may or may not be related. As a subset of households, a family is identified as a group of persons including a householder and one or more persons related by blood, marriage or adoption, all living in the same household. In 2023, there were 3,821 households in Wood-Ridge, with an average of 2.64 persons per household and an average of 3.16 persons per family. Approximately 59 percent of the households are comprised of married couples with or without children. Almost 28 percent of the Wood-Ridge households are non-family households, which includes individuals (Source: ACS 2019-2023, Table S1101).

Income Characteristics

Persons residing in Wood-Ridge have, on average, higher incomes than that of Bergen County as a whole. Annual median income for Borough households in 2023 was \$131,412, whereas annual median income for Bergen County households was \$123,715. Table 13, Household and Family Income by Income Brackets for Wood-Ridge and Bergen County, 2023, further illustrates these findings by noting the number of households in each of the income categories.

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Table 13. Household and Family Income by Income Brackets for Wood-Ridge and Bergen County, 2023

	Wood-Ridge		Bergen County	
	Households	Percent	Households	Percent
Less than \$5,000	61	1.6%	7,259	2.1%
\$5,000 to \$9,999	27	0.7%	3,942	1.1%
\$10,000 to \$14,999	26	0.7%	7,234	2.0%
\$15,000 to \$19,999	88	2.3%	6,577	1.9%
\$20,000 to \$24,999	10	0.3%	6,705	1.9%
\$25,000 to \$34,999	85	2.2%	15,240	4.3%
\$35,000 to \$49,999	287	7.5%	23,079	6.5%
\$50,000 to \$74,999	402	10.5%	39,916	11.3%
\$75,000 to \$99,999	426	11.1%	35,056	9.9%
\$100,000 to \$149,999	767	20.1%	62,751	17.8%
\$150,000 or more	1,642	43.0%	145,548	41.2%
Total	3,821	100.0%	353,307	100.0%
Median Income	\$131,412		\$123,715	

Source: American Community Survey, 2019-2023 (Table S2503 Financial Characteristics)

Although the Census data does not provide a breakdown of household income by household size, the 2024 Regional Income Limits prepared by the Affordable Housing Professionals of New Jersey¹ for Bergen, Hudson, Passaic and Sussex Counties (Region 1) indicate the median household income for a household of one person was \$84,288. As such, the moderate-income threshold for a household of one person was \$67,430 (i.e., 80 percent of \$84,288). In attempting to approximate the number of low- and moderate-income households in the Borough, using a household size of one is a conservative approach that represents just a minimum threshold. Table 13 above shows that the percentage of households in the Borough for which income was below the closest breakpoint to this minimum threshold (i.e. \$50,000-\$74,999) was approximately 10.5 percent.

The percentage of persons and household below the poverty level, as defined by the 2023 American Community Survey, equates to 6.5 percent of all Wood-Ridge residents. This is slightly lower than the County as a whole, wherein 6.7 percent of County residents were living below the poverty level in 2023.

Employment Characteristics

Table 14, Employment Status, 2023, indicates the number of Borough residents 16 years and over who are in the labor force, the type of labor force (i.e., civilian or armed forces) and employment status. Approximately 73 percent of Wood-Ridge residents 16 and over are in the in the labor force and, among those in the labor force, all are in the civilian labor force. Of the residents in the civilian labor force, approximately 95 percent are employed and approximately 5 percent are unemployed.

Table 14. Employment Status, 2023

	Number in Wood-Ridge	Percent in Wood-Ridge
Population 16 years and over	8,378	-
In Labor Force	6,097	72.8%
Civilian Labor Force	6,097	72.8%
<i>Employed</i>	5,813	69.4%
<i>Unemployed</i>	284	3.4%
Armed Forces	0	0.0%
Not in Labor Force	2,281	27.2%

Source: American Community Survey, 2019-2023 (Table DP03 Selected Economic Characteristics)

Table 15, Employment by Occupation, Wood-Ridge, 2023, identifies the occupations of employed persons. While Wood-Ridge residents work in a variety of industries, 56 percent of employed residents work in Management, Business, Science, and Arts occupations; 19 percent are employed in Sales and Office occupations; and approximately 18 percent work in Service-related occupations.

Table 15. Employment by Occupation, Wood-Ridge, 2023

Sector Jobs	Number	Percent
Management, Business, Science, and Arts Occupations	3,260	56.1%
Service	1,081	18.6%
Sales and Office	1,103	19.0%
Natural Resources, Construction, and Maintenance	173	3.0%
Production, Transportation, and Moving	196	3.4%
Total	5,813	100.0%

Source: American Community Survey, 2019-2023 (Table DP03 Selected Economic Characteristics)

Table 16, Distribution of Employment by Industry, Borough Residents, 2023, shows the distribution of employment by industry for employed Wood-Ridge residents. The four industries to capture the largest segments of the population were the Educational, Health and Social Services sector at 17 percent; the Professional, Scientific, Management, Administrative, and Waste Management Services sector at 16 percent; the Financing, Insurance, Real Estate, Renting, and Leasing sector at 14 percent; and the Retail Trade sector at 13 percent.

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Table 16. Distribution of Employment by Industry, Borough Residents, 2023

Sector Jobs	Number	Percent
Agriculture, Forestry, Fishing and Hunting, and Mining	0	0.0%
Construction	312	5.4%
Manufacturing	285	4.9%
Wholesale Trade	173	3.0%
Retail Trade	741	12.7%
Transportation and Warehousing, and Utilities	133	2.3%
Information	297	5.1%
Financing, Insurance, Real Estate, Renting, and Leasing	798	13.7%
Professional, Scientific, Management, Administrative, and Waste Management Services	905	15.6%
Educational, Health and Social Services	1026	17.7%
Arts, Entertainment, Recreation, Accommodation and Food Services	342	5.9%
Public Administration	305	5.2%
Other	496	8.5%
Total	5,813	100.0%

Source: American Community Survey, 2019-2023 (Table DP03 Selected Economic Characteristics)

Of employed Borough residents, approximately 79 percent are private wage and salary workers; 16 percent are government workers; and 5 percent are self-employed. See Table 17, Distribution by Class of Worker, 2023, for additional details.

Table 17. Distribution by Class of Worker, 2023

	Number in Wood-Ridge	Percent in Wood-Ridge
Private Wage and Salary Workers	4618	79.4%
Government Workers	903	15.5%
Self-employed in own not incorporated business workers	292	5.0%
Unpaid family workers	0	0.0%
Total	5,813	100.0%

Source: American Community Survey, 2019-2023 (Table DP03 Selected Economic Characteristics)

The New Jersey Department of Labor and Statistics tracks covered employment throughout the State. See Table 18, Employment in Wood-Ridge by Industry Sector, 2012, 2017, 2022, for additional details. According to the New Jersey Department of Labor and Statistics, there were 1,551 private sector jobs in Wood-Ridge in 2022. Whole Sale Trade; Manufacturing; and Retail Trade were the largest sectors of in-town employment, with 331, 294 and 186 jobs, respectively. Table 18 also shows the number of employees by sector in Wood-Ridge in 2012 and 2017. The private sector workforce saw a decrease

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in employment with a 3 percent decrease between 2012-2017 and a 6 percent decrease between 2017-2022. Overall, between 2012 and 2022, the Borough saw an 8 percent decrease in private sector employees. Though the Borough had a general decrease in the private workforce, individual job categories saw slight increases over these 10 years. The sector which saw the largest increase in private employment between 2012 and 2022 was the Wholesale Trade sector, with an increase of 70 jobs (or 27 percent). The Professional, Scientific and Technical sector saw the largest decrease in local employment during the same time period, with a loss of 69 jobs (or 62 percent).

Table 18. Employment in Wood-Ridge by Industry Sector, 2012, 2017, 2022

	2012		2017		2022	
PRIVATE SECTOR JOBS	COUNT	SHARE	COUNT	SHARE	COUNT	SHARE
Agriculture, Forestry, Fishing and Hunting, and Mining	0	0.0%	0	0.0%	0	0.0%
Mining, Quarrying and Oil and Gas Extraction	0	0.0%	0	0.0%	0	0.0%
Utilities	0	0.0%	0	0.0%	0	0.0%
Construction	168	9.9%	124	7.5%	113	7.3%
Manufacturing	361	21.3%	411	25.0%	294	19.0%
Wholesale Trade	261	15.4%	266	16.2%	331	21.3%
Retail Trade	217	12.8%	224	13.6%	186	12.0%
Transportation and Warehousing	93	5.5%	66	4.0%	140	9.0%
Information	0	0.0%	7	0.4%	11	0.7%
Finance and Insurance	28	1.7%	15	0.9%	28	1.8%
Real Estate/Rental & Leasing	16	0.9%	32	1.9%	43	2.8%
Professional, Scientific and Technical Services	112	6.6%	117	7.1%	43	2.8%
Management of Companies and Enterprises	1	0.1%	1	0.1%	0	0.0%
Administration & Support, Waste Management and Remediation	30	1.8%	35	2.1%	41	2.6%
Educational Services	3	0.2%	5	0.3%	0	0.0%
Health Care and Social Assistance	77	4.6%	82	5.0%	69	4.4%
Arts, Entertainment and Recreation	60	3.5%	38	2.3%	26	1.7%
Accommodation and Food Services	227	13.4%	172	10.5%	168	10.8%
Other Services (Excluding Public Administration)	38	2.2%	48	2.9%	58	3.7%
Public Administration	0	0.0%	0	0.0%	0	0.0%
TOTAL PRIVATE SECTOR	1,692	100.0%	1,643	100.0%	1,551	100.0%

Source: State of New Jersey Department of Labor and Workforce Development Local Employment Dynamics; <http://onthemap.ces.census.gov/>

Growth Trends and Projections

Residential Trends and Projections

According to the New Jersey Construction Reporter, between 2013 and 2023, Wood-Ridge issued 636 certificates of occupancy for newly constructed housing units that did not replace existing housing units. Most of these newly constructed housing units are attributable to the redevelopment of the former Curtiss-Wright industrial complex into the Wesmont Station neighborhood. See Table 19, Residential Certificates of Occupancy, 2013-2023, for additional details. Note that under the category of “1 & 2 Family” the data source does not break out separate counts between 1-Family and 2-Family homes. The records of the Borough’s construction code official indicate that 100% of the certificates of occupancy in this category were for 1-Family homes.

Table 19. Residential Certificates of Occupancy, 2013-2023

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
1 & 2 Family	1	58	108	123	118	4	6	0	0	0	0	418
Multifamily	0	0	48	0	5	77	5	3	1	26	0	165
Mixed-Use	0	0	0	1	13	14	1	3	3	18	0	53
Total	1	58	156	124	136	95	12	6	4	44	0	636

Source: New Jersey Construction Reporter

The Borough has seen the construction of primarily one-family homes over the last decade, however, there has been a clear decrease in such unit type within the last four years. Nearly all of this development was concentrated on the former Curtiss-Wright industrial complex, which became available for redevelopment in recent years. This site is located in the West Side Wood-Ridge Redevelopment Area, and is referred to as the Wesmont Station development, which is the name of the New Jersey Transit railroad station built adjacent to this redevelopment area. A redevelopment plan was adopted for this area in 2003 (the West Side Redevelopment Plan). Due to changes in market conditions and other factors, a new Wesmont Station Redevelopment Plan was adopted in 2012. This plan was subsequently amended in 2019. Given the lack of vacant, developable land in the municipality, it is not anticipated there will be much new housing development in coming years other than redevelopment of existing developed properties.

Nonresidential Trends and Projections

According to the New Jersey Construction Reporter, between 2003 and 2013, Wood-Ridge issued certificates of occupancy for a total of ±147,346 square feet of non-residential building space. See Table 20, Non-Residential Certificates of Occupancy, 2003-2013, for additional details. The majority of the non-residential growth can be attributed to:

- 59,550 square feet of office space, for which certificates of occupancy were issued in 2003, 2006-2009 and 2010,
- 37,251 square feet of educational space, for which certificates of occupancy were issued in 2004, 2007 and 2013, and

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- 34,171 square feet of assembly space (i.e., libraries, restaurants, lecture halls, art galleries), for which certificates of occupancy were issued in 2004, 2008 and 2012.

Table 20. Non-Residential Certificates of Occupancy, 2013-2023

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
Office	0	8,771	0	0	0	0	0	0	0	0	0	8,771
Retail	0	0	0	0	0	0	0	0	0	0	0	0
A-1	0	0	0	0	0	0	0	0	0	0	0	0
A-2	0	0	0	0	0	0	0	0	0	0	0	0
A-3	0	0	0	0	0	0	0	0	0	0	0	0
A-4	0	0	0	0	0	0	0	0	0	0	0	0
A-5	0	0	0	0	0	0	0	0	0	0	0	0
Multifamily/ Dormitories	240,000	15	55,019	0	9,312	168,334	10,745	6,447	2,149	45,819	0	537,840
Hotel/ Motel	0	0	0	4,651	30,222	34,641	3,775	6,447	107,861	35,924	0	223,521
Education	0	0	0	0	0	0	0	0	0	0	0	0
Industrial	0	0	0	0	0	0	0	0	0	0	0	0
Hazardous	0	0	0	0	0	0	0	0	0	0	0	0
Institutional	0	0	0	0	0	0	0	0	0	0	0	0
Storage	0	0	0	0	0	0	193,889	0	0	0	0	193,889
Signs, Fences, Utility and Misc.	0	0	342	0	0	0	0	0	0	0	0	342
TOTAL	240,000	8,786	55,361	4,651	39,534	202,975	280,409	12,894	110,010	81,743	0	964,363

Source: New Jersey Construction Reporter

Capacity for Growth

The Borough of Wood-Ridge has long been an essentially fully developed municipality. The Vacant Land Analysis in the following chapter addresses this issue in detail, and demonstrates the lack of available developable land within the Borough. The only realistic development opportunity is the reuse of existing developed properties for residential use, as was the case with the redevelopment of portions of the Curtiss-Wright industrial complex. Therefore, any existing vacant or potentially redeveloped parcels have been taken into account in this document.

V. Fair Share Plan

Affordable Housing Obligations

Introduction

The New Jersey Department of Community Affairs (DCA) has calculated statewide and regional affordable housing needs, including municipal obligations. These non-binding determination of each municipality's Fourth Round (2025 to 2035) affordable housing obligations were released on October 18, 2024. A deadline of January 31, 2025 was set for municipalities to adopt a binding resolution setting forth either their acceptance of the DCA determination of their obligations or the municipal determination of their Fourth Round obligations. Wood-Ridge's Mayor and Council adopted a resolution on January 15, 2025 accepting the Borough's Fourth Round obligations proposed by DCA. This resolution was filed with the State's Affordable Housing Dispute Resolution Program within 48 hours of adoption and was published on the Borough's website as required. Each of these obligations is discussed below.

Present Need

Present Need, also known as the rehabilitation obligation, is defined as the number of substandard existing deficient housing units in the municipality currently occupied by low- and moderate-income (LMI) households. DCA proposed a non-binding Present Need obligation for Wood-Ridge of 17. The Borough of Wood-Ridge has accepted this obligation.

Prospective Need

Municipal Prospective Need obligations are calculated as a share of the region in which the municipality is located (Wood-Ridge's region includes Bergen, Hudson, Passaic and Sussex Counties). The total Prospective Need for this region for Round 4 is 27,743, with this need allocated to municipalities throughout the region. However, "Qualified Urban Aid Municipalities" are exempt from addressing Prospective Need, which increases the remaining municipalities' obligations. Regional Prospective Need is then allocated across the non-qualified urban aid municipalities in the region by applying three factors. DCA's proposed non-binding Prospective Need obligation for Wood-Ridge is 130. The Borough of Wood-Ridge has accepted this obligation.

The Prospective Need obligation is cumulative. The new construction number consists of the Prior Round obligations for Rounds 1 and 2, the Prospective Need obligation for Round 3 and the Prospective Need obligation for Round 4.

The following table provides an overview of the Borough's affordable housing obligations for 1987-2025 published by Econsult Solutions in accordance with the methodology set forth in Judge Mary C. Jacobson's March 8, 2018 opinion on fair share obligations in Mercer County.

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Prior Round Obligation (1987-1999)	38
Gap Present Need (1999-2015)	79
Third Round Prospective Need (2015-2025)	91
TOTAL	208

Although the Jacobson decision only directly affected Mercer County, its methodology has been cited in court cases in counties throughout New Jersey and is a reasonable source for what a municipality's obligations are pursuant to case law. Based on this source, Wood-Ridge's cumulative Prospective Need is 338.

Vacant Land Analysis

Wood-Ridge is seeking a "vacant land adjustment" to determine the Borough's "realistic development potential" (RDP), which has been prepared in accordance with the procedures in the Second Round Substantive Rules of the New Jersey Council on Affordable Housing (COAH) in N.J.A.C. 5:93-4.2.

The tables and figures in Appendix 2 show a vacant land inventory (VLI) based on the most up-to-date quantitative and qualitative data and information available to the Borough. Subsection (c) allows for small properties to be excluded from the VLI if their size would not accommodate five dwelling units, based on presumptive density requirements. Subsection (e) permits a municipality to eliminate a site of part thereof the VLI if it falls within wetlands, flood hazard areas, sites with slopes exceeding 15%, C1 waterbody buffers, and open water. Other sites that may be eliminated from the VLI include historic and architecturally important sites; active recreational lands; properties designated for conservation, parklands, and open space, or Borough community services; properties subject to conservation or utility easements, and properties that are unsuitable for low and moderate income development.

The assessment also reviewed farm (Property Class 3B), public property (Property Class 15C), and other potentially developable sites. Our analysis yielded no developable sites for Property Classes 1, 3B, and 15C, as indicated in the appended tables. However, the "other" sites category includes properties that fall outside those property class designations and can potentially be developed for affordable housing if conditions permit and opportunity for such development becomes available (i.e., redevelopment areas, properties in affordable housing overlay zones, etc.). The inventory lists the amount of acreage that is suitable for development and the amount that is constrained for one or more of the above permitted reasons in N.J.A.C. 5:93-4.2.

Based on Wood-Ridge's established development patterns, there are limited developable parcels and no uses such as active golf courses, farms, or driving ranges that could be considered.

As Wood-Ridge has an RDP of zero units, the Borough's Fourth Round "unmet need" is 130 units.

Proposed Compliance Mechanisms

Present Need

Wood-Ridge will actively participate in the Bergen County Home Improvement Program.

Prior Rounds and Prospective Need

As noted above, the Borough has a combined 1987-2035 fair share Prospective Need of 338, and a Realistic Development Potential of zero.

The Borough of Wood-Ridge has long been an essentially fully developed municipality. However, the former Curtiss-Wright industrial complex became available for redevelopment as discussed in the prior chapter. The Borough, its Planning Board and Wood-Ridge Redevelopment, LLC entered into a Settlement Agreement with FSHC in 2008 regarding the provision of affordable housing on the Curtiss-Wright site (the “Wesmont Station Settlement Agreement”).

The Borough’s 2008 settlement agreement with FSHC states that Phase I of the Wesmont Station redevelopment can include 500 market rate units and 80 affordable units. Of the 80 units, 73 are credited to the Third Round and 7 are applied to the Second Round (i.e. Prior Round). The settlement agreement allowed bonus credits to be granted, subject to the limitations of COAH’s rules. The settlement agreement required an additional 14 rental affordable units in a “later phase” of the development, which would be applied to the Borough’s Second Round obligation. These numbers are also incorporated in Wood-Ridge’s 2008 Housing Plan Element and Fair Share Plan, which provided potential compliance mechanisms to address the remainder of the Borough’s Third Round obligation (two group homes for a total of eight credits and an overlay zone or additional age-restricted units in the Wesmont project for 16 credits).

The actual number of affordable units constructed in the Wesmont Station redevelopment project exceeds these figures, as 151 affordable units have been constructed and occupied to date. According to the 2019 Wesmont Station Redevelopment Plan, none of the units are age restricted. All affordable units are located within a one-half radius from the NJ Transit Bergen County/Main Line Wesmont Station. Table 21 shows the breakdown of the affordable rental units within the redevelopment area.

Table 21. Affordable Units in Wesmont Station Redevelopment Project

	Address	Year Constructed	Units
Avalon Bay Complex	100 Rosie Square	2012	47
The Willows at Wesmont Station/ Ingerman	100 Johnson Drive	2015	104
TOTAL UNITS			151

The map in Appendix 1 shows the location of these sites.

In conjunction with the provisions of the Wesmont Station Settlement Agreement, the Borough initiated the process of substantive certification² from COAH. This process involved the preparation and adoption of the Housing Plan Element and Fair Share Plan. However, the Borough never ended up obtaining the substantive certification as the COAH process was thrown into a state of confusion described above.

² A determination by the Council approving a municipality’s housing element and fair share plan in accordance with the provisions of N.J.S.A. 52:27D-322. A grant of substantive certification shall be valid for a period of 6 years.

In 2015, a New Jersey Supreme Court decision shifted the jurisdiction of affordable housing certification compliance to the courts and created a new process. Wood-Ridge already had a settlement agreement in place with FSHC at this time and thus did not go through the judicial certification process.

Wood-Ridge has 151 units of affordable housing that can be applied to its Second and Third Round Prospective Need obligations. In addition, the Borough can claim additional for rental bonuses, which prior to the Fourth Round is one bonus credit per rental unit, up to a maximum of 25 percent of the Borough's Second and Third Round obligations (208) or 42 credits.

Therefore Wood-Ridge has a total of 193 credits to address cumulative Prospective Need.

Fourth Round Bonus Credits

The bonuses included in the amended FHA for the Fourth Round, which would be applicable to any units that address the Fourth Round obligations and beyond, are as follows:

- Supportive/Special Needs: One unit of credit and one bonus credit for each unit of low- or moderate-income housing for individuals with special needs or permanent supportive housing, as those terms are defined in section 2 of P.L. 2004, c.70 (C.34:1B-21.24)
- Ownership Units Created with Non-Profit: One unit of credit and one-half bonus credit for each low- or moderate-income ownership unit created in partnership sponsorship with a non-profit housing developer
- Transit: One unit of credit and one-half bonus credit for each unit of low- or moderate-income housing located within a one-half mile radius (or one-mile radius for projects located in a Garden State Growth Zone), surrounding a New Jersey Transit Corporation, Port Authority Transit Corporation, or Port Authority Trans-Hudson Corporation rail, bus, or ferry station, measured from the closest point on the outer perimeter of the station, including any associated park-and-ride lot, to the closest point of the housing project property
- Age-Restricted: One unit of credit and one-half bonus credit for a unit of age-restricted housing, provided that a bonus credit for age-restricted housing shall not be applied to more than 10 percent of the units of age-restricted housing constructed in compliance with the Uniform Housing Affordability Controls promulgated by the New Jersey Housing and Mortgage Finance Agency in a municipality that count towards the municipality's affordable housing obligation for any single 10-year round of affordable housing obligations
- Additional Three-Bedroom Units: One unit of credit and one-half bonus credit for each unit of low- or moderate-income family housing with at least three bedrooms above the minimum number required by the bedroom distribution
- Former Retail, Office, Commercial: One unit of credit and one-half bonus credit for a unit of low- or moderate-income housing constructed on land that is or was previously developed and utilized for retail, office, or commercial space
- Extension of Controls: One unit of credit and one-half bonus credit for each existing low- or moderate-income rental housing unit for which affordability controls are extended for a new

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term of affordability, in compliance with the Uniform Housing Affordability Controls, and the municipality contributes funding towards the costs necessary for this preservation

- **Municipal Contribution to 100% Affordable:** One unit of credit and one bonus credit for each unit of low- or moderate-income housing in a 100 percent affordable housing project for which the municipality either contributes property without which the project would not be feasible, or makes contributions from the municipal affordable housing trust fund that cover no less than 3 percent of the project cost
- **Additional Very Low-Income Units:** One unit of credit and one-half bonus credit for each unit of very low-income housing for families above the 13 percent of units required to be reserved for very low-income housing pursuant to section 7 of P.L.2008, c.46 (C.52:27D-329.1)
- **Market to Affordable:** One unit of credit and one bonus credit for each unit of low- or moderate-income housing created by transforming an existing rental or ownership unit from a market rate unit to an affordable housing unit

For the Fourth Round and beyond, a municipality shall not receive more than one type of bonus credit for any unit, and a municipality shall not be permitted to satisfy more than 25 percent of its prospective need obligation through the use of bonus credits.

Satisfaction of Prospective Need

Wood-Ridge's Prior Round and Fourth Round RDP is zero. As discussed above, the Borough has 193 credits for affordable housing created since 2012, inclusive of applicable bonus credits. Therefore, these credits can be applied to the Fourth Round Unmet Need.

Unmet Need

Wood-Ridge's Fourth Round Unmet Need obligation of 130 units will be addressed through the following compliance mechanisms:

New Construction: The 193 credits discussed above can be applied to Unmet Need.

Inclusionary Zoning Requirements: While there are no other large vacant parcels available for redevelopment at this time, it is possible that existing developed areas may be proposed for redevelopment. This ordinance is proposed to be added to the Zoning Ordinance of the Borough of Wood-Ridge by creating the following new section:

Inclusionary Housing Requirements for Rezonings and Variances. Any multifamily residential development consisting of five or more dwelling units shall produce low- and moderate-income housing on-site or elsewhere in the Borough. The number of affordable units to be provided or shall be equal to 20 percent of the residential units in the development, or 15 percent for affordable rental units.

A draft of this ordinance is included in Appendix 4.

Consideration of Lands and Buildings for Low- and Moderate-Income Housing

Wood-Ridge is an essentially fully developed municipality with limited vacant land. As documented by the VLA discussed above, most of the vacant land in the Borough is not developable due to environmental constraints or other factors. All development in recent years that has resulted in the construction of new affordable housing units has been the result of redevelopment of previously developed properties. This trend is expected to continue in coming years.

As of the date of this plan, there have not been any developers who have expressed a commitment to provide low- and moderate-income housing.

Spending Plan

The Borough of Wood-Ridge has a development fee ordinance which provides a dedicated revenue source for affordable housing. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund for the purposes of affordable housing. These funds shall be spent for purposes including a housing rehabilitation program, costs associated with affordable housing construction, providing affordability assistance to low-income households and professional services related to the planning for affordable housing. The proposed Spending Plan is included in Appendix 3.

VI. Relationship to Multigenerational Family Housing Continuity

Multigenerational housing is becoming a desired housing option in the State due to rising housing costs and an aging population. Housing for multigenerational families is necessary to offer a diverse housing stock and to account for population trends. Multigenerational housing can provide an opportunity for residents to age in place, save on costs associated with housing, and provide in-house care for an older adult or persons with disabilities. Additionally, multigenerational housing is a more sustainable approach to meeting housing obligations as there is no need for the construction of new homes in order to provide housing for additional individuals.

In addition to an aging population, recent trends show it is not uncommon for post-graduate college students to return to their parent or guardians' home, given the rise in housing costs over the past few years. As such, it is important to approach multigenerational housing with all ages in mind to accommodate multiple generations on both sides of the spectrum.

One possible approach to providing multigenerational housing that Wood-Ridge could integrate into its housing stock is multifamily residential that offers resources and amenities for elderly, young adults, middle-aged parents, and young children alike to support all ages and all generations potentially living together. Providing amenities such as ADA compliant parking spaces, ramps, and public spaces, as well as on-site playgrounds and daycares, public office space, and meeting rooms facilities cohesive living for all ages.

VII. Consistency with the State Development and Redevelopment Plan

The New Jersey State Development and Redevelopment Plan (SDRP) was originally adopted in 1992. The purpose of the SDRP according to the State Planning Act at N.J.S.A. 52:18A-200(f) is to:

Coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination.

The State Plan is not a regulation, but a policy guide, and is meant to coordinate planning activities and development throughout the state. At the municipal level, master plans are required to be evaluated and, if necessary, modified to reflect policies of the State Plan. The State Plan is also important when the State makes infrastructural and other investment decisions, i.e., in determining where available State funds should be expended.

A revised version of the plan was adopted by the State Planning Commission in 2001. While required by the State Planning Act to be revised and re-adopted every three years, the SDRP has only been readopted once during the 32 years since its original adoption. A new State Strategic Plan (SSP) was proposed in 2011 as the revision to the 2001 SDRP, but it has not been advanced in recent years. The State Office of Planning Advocacy started the process of preparing a new State Plan in 2023 and the State Planning Commission has been engaging with stakeholders. As part of the update process, the State Planning Commission approved the Preliminary State Development and Redevelopment Plan on December 4, 2024, and is now undertaking the Cross-Acceptance process (i.e. review of the plan at the county level).

Spatially, the last adopted State Plan utilizes planning areas, centers, and environs as a framework for implementing Statewide goals and policies. The State Plan Map indicates that the Borough of Wood-Ridge is located within the Metropolitan Planning Area (PA1). For the Metropolitan Planning Area, the State Plan has four major aims, as follows: (1) to provide for much of the state's future redevelopment; (2) to revitalize cities and towns and promote growth in compact forms; (3) to stabilize older suburbs and redesign areas of sprawl; and (4) to protect the character of existing stable communities.

The land use policy objectives of the Metropolitan Planning Area are to:

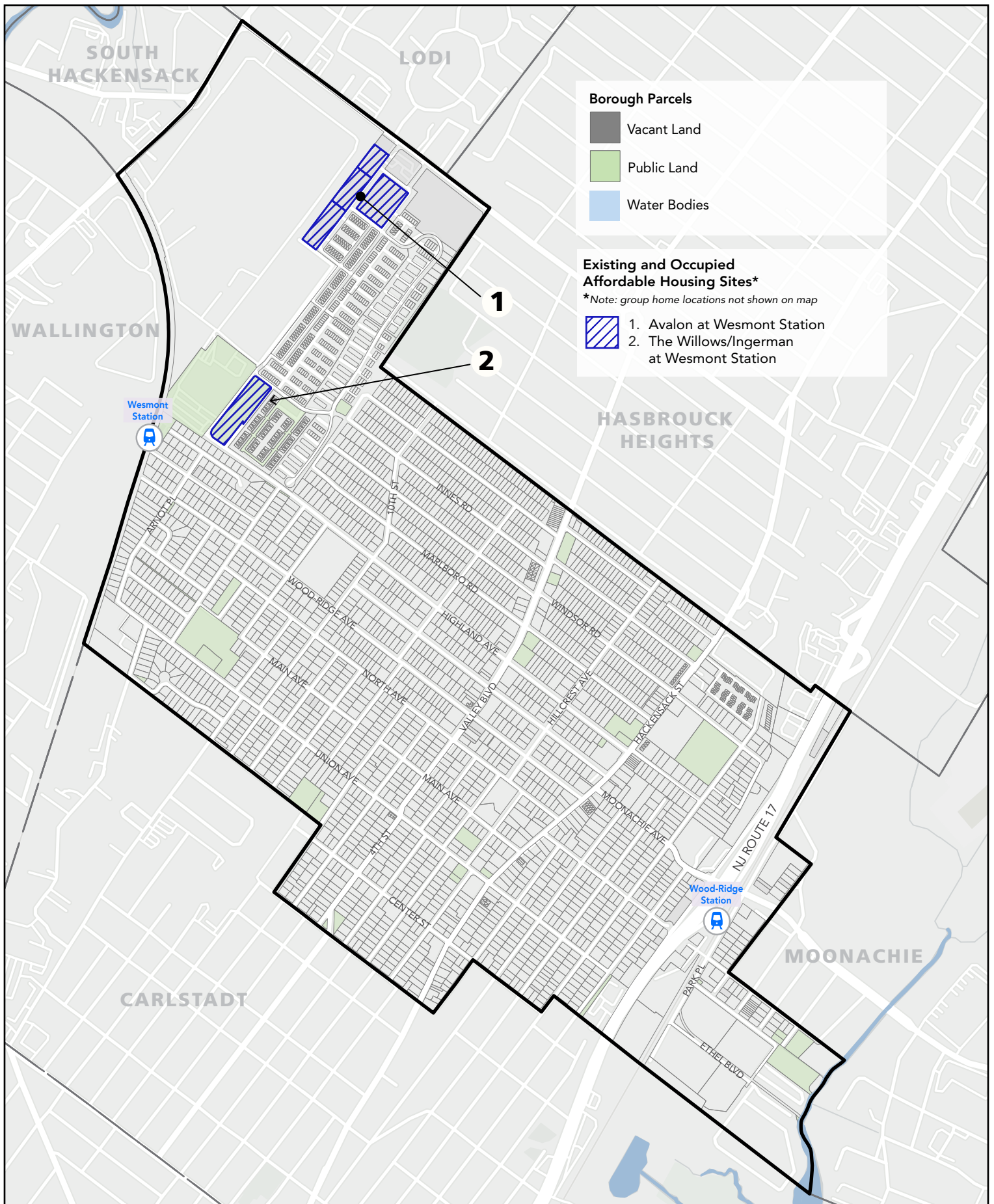
1. Promote redevelopment and development in cores and neighborhoods through cooperative regional planning efforts;
2. Promote diversification of land uses, including housing where appropriate, in single-use developments and enhance their linkages to the rest of the community; and
3. Ensure efficient and beneficial utilization of scarce land resources throughout the Planning Area to strengthen its existing diversified and compact nature.

**Borough of Wood-Ridge Master Plan
2025 Housing Element and Fair Share Plan**

The Wood-Ridge Master Plan recognizes the need to encourage development and redevelopment on the limited developable land in the Borough. This Housing Plan promotes higher density compact forms of housing and mixed-use development in appropriate locations served by existing infrastructure and proximate to transit, stores and services, and is therefore consistent with the State Plan.

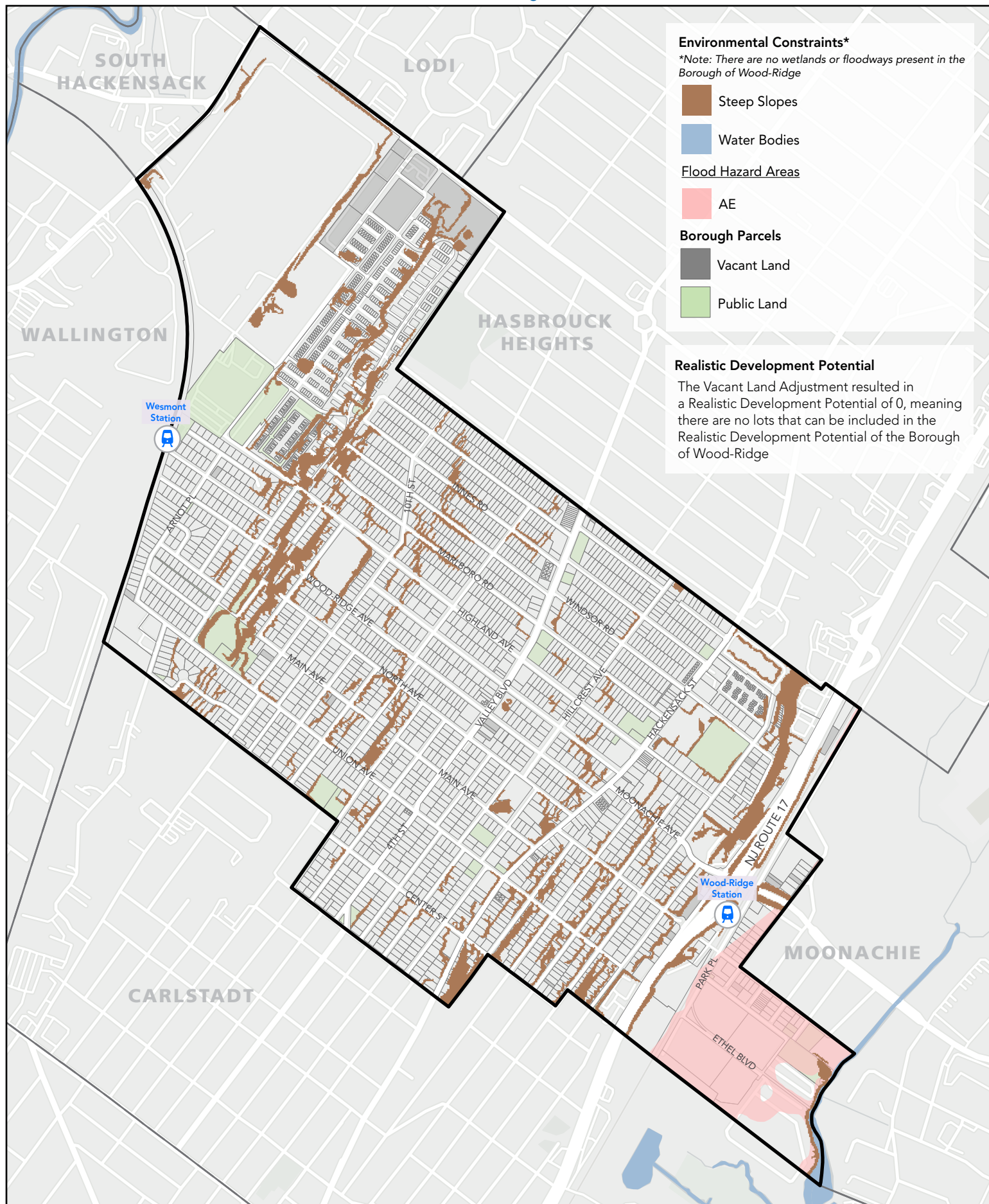
Appendices

- Appendix 1: Existing Affordable Housing Sites map
- Appendix 2: Vacant Land Adjustment Data and Map
- Appendix 3: Spending Plan
- Appendix 4: Draft Ordinances



Appendix 1: Existing Affordable Housing Sites

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community



Appendix 2: Vacant Land & Environmental Constraints

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community

Wood-Ridge 2025 Vacant Land Adjustment															
Block	Lot	Property Class	Property Location	Owner's Name	Zone	SDRP Plan Area	Sewer Service Area	Listed Acreage	Constrained Acreage	Remaining Acreage	Remaining Acreage ≥ 0.83 acres?	Developable Acreage	Affordable Units	Constraint Notes	Additional Notes
200	1	15C	FOURTH ST & FRITSCH AVE	BOROUGH OF WOOD-RIDGE	R1	PA1	Yes	0.044	0.044	0.000	N	0.000	0.000	Designated Park- Public Community Facility in 2016 Master Plan Reexamination	Pocket Park with Gazebo
203	12	15C	FOURTH ST	BOROUGH OF WOOD-RIDGE	R1	PA1	Yes	0.223	0.223	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
206	2.02	1	CENTER ST	KANDOLA REAL ESTATE LLC	R1	PA1	Yes	0.062	0.062	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
207	7.02	1	HACKENSACK ST	SOTO, NATALIE & RENNIE, JEFFREY	R2	PA1	Yes	0.057	0.057	0.000	N	0.000	0.000	0.012 acres listed on the New Jersey or National Registers of Historic Places	Lot too small
208	23	1	ARNOT PLACE	STARFIRE LIGHTING, L.L.C.	LIP	PA1	Yes	0.121	0.121	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
209	31	15C	FLORAL LANE	BOROUGH OF WOOD-RIDGE	R1	PA1	Yes	0.045	0.045	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
210	13	1	216 FLORAL LANE	PHILIPS, ATEF F. & MONA K.	R1	PA1	Yes	0.002	0.002	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
214	7	15C	SIXTH ST	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	0.918	0.918	0.000	N	0.000	0.000	Designated Park- Public Community Facility in 2016 Master Plan Reexamination	Wood-Ridge-Moonachie Little League Field
215	7	15C	SIXTH ST	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	0.492	0.492	0.000	N	0.000	0.000	Designated Park- Public Community Facility in 2016 Master Plan Reexamination	Wood-Ridge-Moonachie Little League Field
220	1	15C	UNION & HUMBOLDT	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	0.230	0.230	0.000	N	0.000	0.000	Designated Public and Quaso-Public Community Facility in 2016 Master Plan Reexamination	Borough Hall/Police and Fire Departments
220	2	15C	83 HUMBOLDT ST	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	0.115	0.115	0.000	N	0.000	0.000	Designated Public and Quaso-Public Community Facility in 2016 Master Plan Reexamination; Wood-Ridge Bell Memorial is listed on the New Jersey or National Registers of Historic Places	Borough Hall/Police and Fire Departments
225	12.02	1	56 COLUMBIA ST	PATEL, VIJAY B. & SHILPA V.	R1	PA1	Yes	0.057	0.057	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
226	9	1	WOOD-RIDGE ST	SONG, WON CHEOL	R1	PA1	Yes	0.023	0.023	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
227	2	15C	WOOD-RIDGE ST	BOROUGH OF WOOD-RIDGE	R1	PA1	Yes	0.286	0.286	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
229	4	15C	BERRY CREEK	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	4.400	4.400	0.000	N	0.000	0.000	Designated Public and Quaso-Public Community Facility in 2016 Master Plan Reexamination	Wood-Ridge Department of Public Works
229.02	7	15C	BERRY CREEK	BOROUGH OF WOOD-RIDGE	LIP	PA1	No: only 1.66% of the lot is provided sewer service	0.738	0.738	0.000	N	0.000	0.000	Open water- Berry Creek	Lot too small
231	11	1	125 11TH ST	LOMENZO, CARLA B.	R1	PA1	Yes	0.144	0.144	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
231	17	15C	261 UNION AVE	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	0.576	0.576	0.000	N	0.000	0.000	Designated Park- Public Community Facility in 2016 Master Plan Reexamination	Union Street Field
231	18	15C	241 UNION AVE	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	3.500	3.500	0.000	N	0.000	0.000	Designated Park- Public Community Facility in 2016 Master Plan Reexamination	Union Street Field

234	1.01	1	320 MAIN AVE	PALADINO, SALVATORE	R1	PA1	Yes	0.115	0.115	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Recently subdivided for residential construction
241	5	15C	111 FIRST ST	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	0.574	0.574	0.000	N	0.000	0.000	Property Located on NJ and National Registers of Historic Places; Designated Community Facility in 2016 Master Plan Reexamination	Listed on New Jersey or National Registers of Historic Places; Wood-Ridge Historical Society; Bianchi House
242	9	15C	99 HACKENSACK ST	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	0.117	0.117	0.000	N	0.000	0.000	Designated Public and Quaso-Public Community Facility in 2016 Master Plan Reexamination	Wood-Bridge Borough Parking Lot
248	3.02	1	ROUTE 17	MALTESE, ROBERT	GB	PA1	Yes	0.088	0.088	0.000	N	0.000	0.000	Designated Public and Quaso-Public Community Facility in 2016 Master Plan Reexamination	EZ Ride (Commuter Shuttle & Ride Share)
249	3.01	15C	BERGER ST	BOROUGH OF WOOD-RIDGE	GB	PA1	Yes	0.029	0.029	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres. Per resolution 2021-35A, lot is to be utilized by the Borough in connection with its sewer treatment plan	Designated to Borough for sewer treatment as part of subdivision in 2021.
250	6.02	1	128 BERGER ST	KMA REALTY CORP	R2	PA1	Yes	0.115	0.115	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
252	3	15C	CONCORD STREET	BOROUGH OF WOOD-RIDGE	R2	PA1	Yes	0.115	0.115	0.000	N	0.000	0.000	Accessory Buildings for Public Works Department	Wood-Ridge Department of Public Works
252	4	15C	CONCORD STREET	BOROUGH OF WOOD-RIDGE	R2	PA1	Yes	0.115	0.115	0.000	N	0.000	0.000	Accessory Buildings & Parking for Public Works Department	Wood-Ridge Department of Public Works
253	1	15C	ANDERSON AVE	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	0.715	0.715	0.000	N	0.000	0.000	Designated Public and Quaso-Public Community Facility in 2016 Master Plan Reexamination	Wood-Ridge Department of Public Works
254	14	15C	DRAIN DITCH STRIP	BOROUGH OF WOOD-RIDGE	R1	PA1	Yes	0.151	0.151	0.000	N	0.000	0.000	Lot too small; Under 0.83 acres. Drainage ditch	Drainage ditch
256	1	15C	WOOD-RIDGE AVE	BOROUGH OF WOOD-RIDGE	R1	PA1	Yes	0.048	0.048	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
258	1	15C	13TH ST	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	0.659	0.659	0.000	N	0.000	0.000	Designated Park- Public Community Facility in 2016 Master Plan Reexamination; listed on NJDEP ROSI	William L. Kour Park & Playground
274	2.02	1	WOOD-RIDGE AVE	HAAS, MARGARET	R1	PA1	Yes	0.012	0.012	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
274	16.01	1	170 VALLEY BLVD	ZAMPARDI (ETAL), MICHAEL A	RB	PA1	Yes	0.077	0.077	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
274	16.03	1	170 VALLEY BLVD	TRANSFORMATION LIFE CHURCH	RB	PA1	Yes	0.077	0.077	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
274	16.04	1	170 VALLEY BLVD	TRANSFORMATION LIFE CHURCH	RB	PA1	Yes	0.170	0.170	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
280	5	1	ROUTE 17	FRATTERELLI, FRANCISCO & A	GB	PA1	Yes	0.492	0.492	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
286	1	15C	JOCELYN AVE	BOROUGH OF WOOD-RIDGE	R1	PA1	Yes	0.918	0.918	0.000	N	0.000	0.000	Designated Park- Public Community Facility in 2016 Master Plan Reexamination	Bowman Park/ Jocelyn Ave. Tennis & Basketball Courts
286	16	15C	14TH ST & HIGHLAND AVE	BOROUGH OF WOOD-RIDGE	R1	PA1	Yes	0.025	0.025	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres; 0.001 acres listed on New Jersey or National Registers of Historic Places	Lot too small
288	20	15C	14TH ST & HIGHLAND AVE	BOROUGH OF WOOD-RIDGE	R1	PA1	Yes	0.025	0.025	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
290	1	15C	288 HIGHLAND AVE	BOROUGH OF WOOD-RIDGE	R1	PA1	Yes	0.092	0.092	0.000	N	0.000	0.000	Lot too small: Under 0.83 acre; Per resolution 2024-7, lot is to be utilized by the Borough for the execution of its redevelopment plans to expand and renovate Doyle Elementary School	Designated by resolution to Borough for future elementary school expansions and renovations

298	5	15C	500 HIGHLAND AVE	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	0.093	0.093	0.000	N	0.000	0.000	Designated Public and Quaso-Public Community Facility in 2016 Master Plan Reexamination	Borough Senior Center Parking Lot
299	17	1	HACKENSACK ST	MIRELLA J. ANTHONY, L.L.C.	R3	PA1	Yes	0.042	0.042	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
302	4	1	213 BERGER ST	NBSC PROPERTIES INC	LIP	PA1	Yes	0.115	0.115	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
302	7	1	PARK PLACE EAST	MATLAURILTY, LLC-C/O SKYLINE WINDWS	LIP	PA1	Yes	0.172	0.172	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lots 7 & 8 are contiguous; Combined arage = 0.26, which is under 0.83 acres
302	8	1	PARK PLACE EAST	MATLAURILTY, LLC-C/O SKYLINE WINDWS	LIP	PA1	Yes	0.088	0.088	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	
303.02	30	1	HIGHLAND AVENUE - REAR	UNKNOWN	R1	PA1	Yes	0.006	0.006	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
306	22	15C	VALLEY & HIGHLAND	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	0.516	0.516	0.000	N	0.000	0.000	Designated Park- Public Community Facility in 2016 Master Plan Reexamination	Veterans Memorial Park
306	23.01	15C	VALLEY & MARLBORO	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	0.320	0.320	0.000	N	0.000	0.000	Designated Park- Public Community Facility in 2016 Master Plan Reexamination	Veterans Memorial Park
307	15	15C	HACKENSACK ST	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	1.435	1.435	0.000	N	0.000	0.000	Property Located on NJ and National Registers of Histotrial Places; Designated Community Facility in 2016 Master Plan Reexamination	Property listed on New Jersey on National Registers of Historic Places- Brinkerhoff House
307	16	15C	223 HACKENSACK ST	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	0.213	0.213	0.000	N	0.000	0.000	Designated Public and Quaso-Public Community Facility in 2016 Master Plan Reexamination	Wood-Ridge Memorial Library and Robert I. Stoeser Civic Center & Parking
308	1.02	15C	WOOD-RIDGE STREET	BOROUGH OF WOOD-RIDGE	PP	PA1	Yes	3.870	3.870	0.000	N	0.000	0.000	Designated Public and Quaso-Public Community Facility in 2016 Master Plan Reexamination	Wood-Ridge High School Athletic Fields
309	15	1	WOOD-RIDGE ST	ZANARDI, ELIZABETH & ZANARDI, T.	R1	PA1	Yes	0.115	0.115	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
314	14	1	MARLBORO RD	WOODRIDGE REALTY COMMONS, LLC	RB	PA1	Yes	0.086	0.086	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
318	35	15C	VALLEY BLVD	COUNTY OF BERGEN	RB	PA1	Yes	0.230	0.230	0.000	N	0.000	0.000	Designated Public and Quaso-Public Community Facility in 2016 Master Plan Reexamination	Bergen County Special Services School District Transition Center at Wood-Ridge Parking lot
320	1.03	15C	PASSAIC ST	N.J. TRANSIT CORPORATION	OLIP	PA1	Yes	8.350	8.350	0.000	N	0.000	0.000	State Owned Facility & Parking	Developed with NJ Transit Maintenance Shop & Parking
326	38	15C	VALLEY BLVD	COUNTY OF BERGEN	RB	PA1	Yes	0.516	0.516	0.000	N	0.000	0.000	Designated Public and Quaso-Public Community Facility in 2016 Master Plan Reexamination	Bergen County Special Services School District Transition Center at Wood-Ridge
327	13	15C	305 HACKENSACK ST	BOROUGH OF WOOD-RIDGE	R1	PA1	Yes	0.264	0.264	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres. Designated in Borough Ordinance 2019-2 for a parking lot. Parking for High School & Business District	Borough-owned parking lot
329	1	1	ROUTE 17	370 ROUTE 17 REALTY LLC	GB	PA1	Yes	0.293	0.293	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
330	1	1	VALLEY BLVD	SATO, KENICHI AND VANESSA	R1	PA1	Yes	0.019	0.019	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
330	2	1	VALLEY BLVD	BARZAGA, FRANK & RUIZ, GISELLE	R1	PA1	Yes	0.030	0.030	0.000	N	0.000	0.000	Lot too small: Under 0.83 acres	Lot too small
332	1	15C	JOHNSON DRIVE	WESMONT LIHTC, LLC	WSRA-AH	PA1	Yes	2.588	2.588	0.000	N	0.000	0.000	Lot developed as multi-family residential units	Developed

DRAFT – FOR DISCUSSION PURPOSES ONLY**Affordable Housing Trust Fund Spending Plan
Borough of Wood-Ridge
May 2025****INTRODUCTION**

The Borough of Wood-Ridge, Bergen County has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and the Fair Housing Act (N.J.S.A. 52:27D-301). A development fee ordinance creating a dedicated revenue source for affordable housing was approved by COAH and the Superior Court and adopted by the municipality. The ordinance establishes the Wood-Ridge affordable housing trust fund for which this spending plan is prepared.

As of December 31, 2024, the Wood-Ridge affordable housing trust fund had a balance of \$709,165. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in Valley National Bank for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

The Borough reserves the right and authority to further amend or modify the within spending plan to address or take into account changes which may be warranted due to new rules or rule amendments or judicial determinations, which may change standards or establish new criteria for the Borough to address its affordable housing obligation.

DRAFT – FOR DISCUSSION PURPOSES ONLY**1. REVENUES FOR CERTIFICATION PERIOD**

To calculate a projection of revenue anticipated during the Fourth Round, Wood-Ridge considered the following:

(a) Development fees:

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

(b) Payment in lieu (PIL):

Actual and committed payments in lieu (PIL) of construction from developers as follows: none.

(c) Other funding sources:

Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income and proceeds from the sale of affordable units. No other funds have been or are anticipated to be collected.

(d) Projected interest:

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate. Interest income in the trust fund in 2024 was approximately \$25,000. However, the amount of interest will likely decrease as expenditures are made from the trust fund. Therefore, this amount of annual interest has been assumed to step down from this amount in future years.

It is noted the amount of development fee revenues from 2019 to 2024 was \$582,226, for an annual average of \$97,038. However, four-fifths of the total amount was due to two large projects approved in 2019, Metro Storage, LLC and Industrial Property Owner, LLC. When these developments are excluded, the average annual amount is \$19,009. An estimated annual amount of \$10,000 has been assumed for future years, as no large development projects are anticipated in the next ten years.

DRAFT – FOR DISCUSSION PURPOSES ONLY

SOURCE OF FUNDS		PROJECTED REVENUE SCHEDULE JANUARY 1, 2025-JUNE 30, 2035				
		2026	2027	2028	2029	2030
(a) Development fees:						
1. Approved Development		\$0	\$0	\$0	\$0	\$0
2. Development Pending Approval		\$0	\$0	\$0	\$0	\$0
3. Projected Development		\$10,000	\$10,000	\$10,000	\$10,000	\$10,000
(b) Payments in Lieu of Construction		\$0	\$0	\$0	\$0	\$0
(c) Other Funds (Specify source(s))		\$0	\$0	\$0	\$0	\$0
(d) Interest		\$24,000	\$22,000	\$20,000	\$18,000	\$16,000
Total		\$34,000	\$32,000	\$30,000	\$28,000	\$26,000
	2031	2032	2033	2034	2035	Total
(a) Dev. fees:						
1. Appr.	\$0	\$0	\$0	\$0	\$0	\$0
2. Pending	\$0	\$0	\$0	\$0	\$0	\$0
3. Projected	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$100,000
(b) In Lieu	\$0	\$0	\$0	\$0	\$0	\$0
(c) Other	\$0	\$0	\$0	\$0	\$0	\$0
(d) Interest	\$14,000	\$12,000	\$10,000	\$8,000	\$6,000	\$150,000
Total	\$24,000	\$22,000	\$20,000	\$18,000	\$16,000	\$250,000

Wood-Ridge projects a total of \$250,000 in revenue to be collected between January 1, 2025 and June 30, 2035. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

DRAFT – FOR DISCUSSION PURPOSES ONLY

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

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

(a) Collection of development fee revenues:

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

(b) Distribution of development fee revenues:

The disbursement of monies in Wood-Ridge's affordable housing trust fund will be coordinated by its Municipal Housing Liaison. In some instances, funds will be provided to other entities, such as an entity responsible for administering a rehabilitation program, for eventual disbursement.

DRAFT – FOR DISCUSSION PURPOSES ONLY**3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS****(a) Rehabilitation program (N.J.A.C. 5:97-8.7)**

Wood-Ridge will dedicate \$298,335 to its rehabilitation program.

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

Projected minimum affordability assistance requirement:

Actual development fees and other income through 12/31/2024		\$709,165
Development fees projected 2025-2035	+	\$100,000
Interest projected 2025-2035	+	\$150,000
Total	=	\$959,165
30 percent requirement	x 0.30 =	\$287,750
Less Affordability assistance expenditures through 12/31/2024	-	\$0
PROJECTED MINIMUM Affordability Assistance Requirement 1/1/2025 through 6/30/2035	=	\$287,750
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 1/1/2025 through 6/30/2035	÷ 3 =	\$95,917

Wood-Ridge will dedicate \$287,750 from the affordable housing trust fund to render units more affordable, including \$95,917 to render units more affordable to households earning 30 percent or less of median income by region, as follows:

Wood-Ridge will address this requirement through subsidizing the provision of very low-income housing and through other means such as down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments and assistance with emergency repairs.

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

Wood-Ridge projects that \$120,000 will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

- Administering a housing rehabilitation program
- Managing the provision of affordability assistance to low-income households
- Provision of professional planning and legal services related to the planning for affordable housing

DRAFT – FOR DISCUSSION PURPOSES ONLY**4. EXPENDITURE SCHEDULE**

Wood-Ridge intends to use affordable housing trust fund revenues for the creation and/or rehabilitation of housing units. Where applicable, the creation/rehabilitation funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows.

Program		PROJECTED EXPENDITURE SCHEDULE				
		JANUARY 1, 2025-JUNE 30, 2035				
		2026	2027	2028	2029	2030
Rehabilitation		\$ 55,142	\$ 55,142	\$ 55,142	\$55,142	\$55,142
Affordability Assistance		\$ 28,775	\$ 28,775	\$ 28,775	\$28,775	\$28,775
Administration		\$ 12,000	\$ 12,000	\$ 12,000	\$12,000	\$12,000
Total		\$ 95,917	\$ 95,917	\$ 95,917	\$95,917	\$95,917
	2031	2032	2033	2034	2035	Total
Rehab.	\$55,142	\$55,142	\$55,142	\$55,142	\$55,142	\$551,416
Aff. Asst.	\$28,775	\$28,775	\$28,775	\$28,775	\$28,775	\$287,750
Admin.	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000	\$120,000
Total	\$95,917	\$95,917	\$95,917	\$95,917	\$95,917	\$959,165

DRAFT – FOR DISCUSSION PURPOSES ONLY**5. EXCESS OR SHORTFALL OF FUNDS**

Pursuant to the Housing Element and Fair Share Plan, the governing body of Wood-Ridge will adopt a resolution agreeing to fund any shortfall of funds required for implementing the rehabilitation program, providing affordability assistance and helping with the creation of new affordable housing. In the event that a shortfall of anticipated revenues occurs, Wood-Ridge will utilize a capital ordinance to provide the necessary funds. A copy of the adopted resolution of intent to adopt such an ordinance if necessary is attached.

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used to provide affordability assistance, aid with the rehabilitation of units and/or encourage provision of affordable accessory apartments.

DRAFT – FOR DISCUSSION PURPOSES ONLY**SUMMARY**

Wood-Ridge 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 its housing element and fair share plan.

Wood-Ridge had a balance of \$709,165 as of December 31, 2024 and anticipates an additional \$250,000 in revenues from 2025 to 2035. The municipality will dedicate \$551,416 towards rehabilitation, \$287,750 to render units more affordable, and \$120,000 to administrative costs. Any shortfall of funds will be offset by funds appropriated from general revenue. The municipality will dedicate any excess funds toward providing affordability assistance, aiding with the rehabilitation of units and/or encouraging provision of affordable accessory apartments.

SPENDING PLAN SUMMARY		
Balance as of December 31, 2024		\$709,165
PROJECTED REVENUE 2025-2035		
Development fees	+	\$100,000
Payments in lieu of construction	+	\$0
Other funds	+	\$0
Interest	+	\$150,000
TOTAL REVENUE	=	\$959,165
EXPENDITURES		
Funds used for Rehabilitation	-	\$551,416
Affordability Assistance	-	\$287,750
Administration	-	\$120,000
TOTAL PROJECTED EXPENDITURES	=	\$959,165
REMAINING BALANCE	=	\$0

Borough of Wood-Ridge
Draft Proposed Zoning Amendments
May 2025

ADD THE FOLLOWING NEW SECTION:

Inclusionary Housing Requirements for Rezonings and Variances. Any multifamily residential development consisting of five or more dwelling units shall produce low- and moderate-income housing on-site or elsewhere in the Borough. The number of affordable units to be provided or shall be equal to 20 percent of the residential units in the development, or 15 percent for affordable rental units.

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Proposed Development Fee Ordinance Amendments
Borough of Wood-Ridge

Note: additions shown in underline, deletions in ~~strikethrough~~

Chapter 264. Fees

Article IV. Development Fees

§ 264-7. Purpose.

- A. In Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on the then functioning Affordable Housing's (COAH's) adoption of rules.
- B. Pursuant to P.L. 2008, c. 46, Section 8 (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), COAH ~~is~~ was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that ~~are~~ were under the jurisdiction of the Council or a court of competent jurisdiction and ~~have had~~ may were able to a COAH-approved spending plan retain fees collected from nonresidential development.
- C. In Re: Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), also known as the Mount Laurel IV decision, the Supreme Court remanded COAH's duties to the Superior Court. As a result, affordable housing development fee collections and expenditures from the municipal affordable housing trust funds to implement municipal Third Round Fair Share Plans through July 1, 2025 were under the Court's jurisdiction and were subject to approval by the Court.
- ~~B.D.~~ Pursuant to P.L. 2024, c. 2, the authority relating to rulemaking on the collection of residential and non-residential development fees is appropriately delegated to the Department of Community Affairs, following the abolition of COAH. As such, municipalities which have obtained or are in the process of seeking compliance certification may retain and expend these development fees.
- ~~C.E.~~ This article establishes standards for the collection, maintenance and expenditure of development fees pursuant to COAH's regulations and in accordance with P.L. 202408, c. 46, Sections 8 and 32 through 38, and supersede COAH's regulations where in conflict, which remain otherwise valid. Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing. ~~This article shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.~~

§ 264-8. When effective; spending plan.

- A. This article shall not be effective until approved by ~~COAH~~ the Dispute Resolution Program pursuant to P.L. 2024, c. 2, and N.J.A.C. 5:93-8, as applicable. ~~N.J.A.C. 5:96-5.1.~~
- B. The Borough of Wood-Ridge shall not spend development fees until ~~COAH~~ the Dispute Resolution Program has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

§ 264-9. Definitions.

The following terms, as used in this article, shall have the following meanings:

DRAFT**AFFORDABLE HOUSING DEVELOPMENT**

A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one-hundred-percent- affordable development.

COAH or THE COUNCIL

The New Jersey Council on Affordable Housing as previously established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), prior to its abolition through P.L. 2024, c. 2, established under the Act, which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the state.

DEVELOPER

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

Money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.

DISPUTE RESOLUTION PROGRAM

The Affordable Housing Dispute Resolution Program established pursuant to section 5 of P.L. 2024, c.2 (N.J.S.A. 52:27D-313.2). The Dispute Resolution Program is established within the Judiciary of the State, for the purpose of resolving disputes associated with the Fair Housing Act with respect to municipalities seeking to obtain a certification of compliance of their adopted Housing Element & Fair Share Plan.

EQUALIZED ASSESSED VALUE

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).

GREEN BUILDING STRATEGIES

Those strategies that minimize the impact of development on the environment and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

§ 264-10. Residential development fees.**A. Imposed fees.**

- (1) Within the R-1, R-2 and R-3 Districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development, provided no increased density is permitted.
- (2) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application. Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units and the specified higher percentage up to 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

DRAFT**B. Eligible exactions, ineligible exactions and exemptions for residential development.**

(1) Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.

~~(4)(2)~~ Developers of low- and moderate-income units shall be exempt from paying development fees.

~~(2)(3)~~ Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

~~(3)(4)~~ Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

~~(4)(5)~~ Developers of owner-occupied one- and two-family structures where a previous structure occupying the lot was demolished shall be exempt from paying a development fee.

§ 264-11. Nonresidential development fees.**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% 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% 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% 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 the final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

B. Eligible exactions, ineligible exactions and exemptions for nonresidential development.

(1) The nonresidential portion of a mixed-use inclusionary or market rate development shall be subject to the development fee of 2.5%, unless otherwise exempted below.

(2) The fee of 2.5% shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing footprint, reconstruction, renovations and repairs.

~~(2)(3)~~ The two and one-half (2.5%) percent fee shall not apply to developers of any not-for-profit use; federal, state and municipal government uses; churches and other places of worship; and public schools.

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~~(3)~~(4) 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 amended and supplemented, 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)~~(5) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46, as amended and supplemented, shall be subject to it at such time as 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)~~(6) 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 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Borough of Wood-Ridge as a lien against the real property of the owner.

§ 264-12. Collection procedures.

- 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 Code Official responsible for the issuance of a building permit.
[Amended 12-20-2022 by Ord. No. 2022-21]
- B. For nonresidential developments only, 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 Code 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.
[Amended 12-20-2022 by Ord. No. 2022-21]
- C. The Construction Code 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.
[Amended 12-20-2022 by Ord. No. 2022-21]
- 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 Code 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.
[Amended 12-20-2022 by Ord. No. 2022-21]
- 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 the Borough of Wood-Ridge 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), as

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- H. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- I. Appeal of development fees.
 - (1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Borough of Wood-Ridge. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Uniform Tax 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.
 - (2) 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 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Borough of Wood-Ridge. 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.

§ 264-13. Affordable Housing Trust Fund.

- 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 residential and nonresidential developers and proceeds from the sale of units with extinguished controls.
- B. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - (1) Payments in lieu of on-site construction of affordable units;
 - (2) Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - (3) Rental income from municipally operated units;
 - (4) Repayments from affordable housing program loans;
 - (5) Recapture funds;
 - (6) Proceeds from the sale of affordable units; and
 - (7) Any other funds collected in connection with the Borough of Wood-Ridge's affordable housing program.
- C. In the event of a failure by the Borough of Wood-Ridge to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved Spending Plan and to expend funds within the applicable required time period as set forth in In re Tp. of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government

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Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Borough of North Plainfield/Wood-Ridge, or, if not practicable, then within the County or the Housing Region.

Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the non-compliant condition(s), and upon a finding of continuing and deliberate non-compliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund. The Court may also impose such other remedies as may be reasonable and appropriate to the circumstances.

- ~~C. Within seven days from the opening of the trust fund account, the Borough of Wood-Ridge shall provide COAH with written authorization, in the form of a three party escrow agreement between the municipality, the bank and COAH, to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).~~
- D. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by ~~COAH~~the Court.

§ 264-14. Use of funds.

- A. The expenditure of all funds shall conform to a spending plan approved by ~~COAH~~the court. Funds deposited in the housing trust fund may be used for any activity approved by ~~COAH~~the court to address the Borough of Wood-Ridge's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to, preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; rehabilitation; new construction of affordable housing units and related costs; accessory apartment, market to affordable, or regional housing partnership programs; conversion of existing nonresidential buildings to create new affordable units; green building strategies designed to be cost saving and in accordance with accepted national or state standards; purchase of land for affordable housing; improvement of land to be used for affordable housing; extensions or improvements of roads and infrastructure to affordable housing sites; financial assistance designed to increase affordability; administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:97-8, as amended and supplemented .7 through 8.9 and specified in the approved spending plan.
- B. Funds shall not be expended to reimburse the Borough of Wood-Ridge for past housing activities.
- C. At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.
- (1) Affordability assistance programs may include downpayment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs.
 - (2) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income. The use of development fees in this manner may entitle the Borough of Wood-Ridge to bonus credits pursuant to N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:97-3.7, as applicable.
 - (3) Payments in lieu of constructing affordable units on site and funds from the sale of units

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with extinguished controls shall be exempt from the affordability assistance requirement.

- D. The Borough of Wood-Ridge may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:96-18, as applicable.
- E. No more than 20% 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. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's the monitoring requirements for the affordable housing in compliance with the Housing Element and Fair Share Plan. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's Department of Community Affairs or other court approved entity's regulations and/or action are not eligible uses of the affordable housing trust fund.

§ 264-15. Monitoring.

The Borough of Wood-Ridge shall ~~complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Borough of Wood-Ridge's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH. comply with the reporting requirements set forth in N.J.S.A. 52:27D-329.2.~~

§ 264-16. Ongoing collection of fees.

The ability for the Borough of Wood-Ridge to impose, collect and expend development fees shall expire with its substantive certification unless the Borough of Wood-Ridge has filed an adopted Housing Element and Fair Share Plan with COAH the Dispute Resolution Program or other appropriate jurisdiction, has ~~petitioned for substantive certification~~filed a Declaratory Judgement action, and has received COAH's court approval of its development fee ordinance. If the Borough of Wood-Ridge fails to renew its ability to impose and collect development fees prior to the expiration of ~~substantive certification~~its Certification of Compliance, 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), as amended and supplemented. The Borough of Wood-Ridge shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the Borough of Wood-Ridge retroactively impose a development fee on such a development. The Borough of Wood-Ridge shall not expend development fees after the expiration of its substantive certification or ~~judgment of~~ Compliance and Repose.

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Proposed Affordable Housing Ordinance
Borough of Wood-Ridge

The following Article shall be added to the Borough Zoning Ordinance:

ARTICLE XVIII AFFORDABLE HOUSING

530-125 Purpose and applicability.

The purpose of this chapter is to include provisions addressing the Borough of Wood-Ridge's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Administrative Director of the Courts and as stipulated by P.L.2024, c. 2 and N.J.S.A. 52:27D-301 *et seq.* (the amended Fair Housing Act). These regulations supersede N.J.A.C. 5:93-1 *et seq.*, as amended and supplemented, and N.J.A.C 5:94-1 *et seq.*, as amended and supplemented . where applicable, which otherwise remain valid,. P.L. 2024, c.2 established the Affordable Housing Dispute Resolution Program ("Dispute Resolution Program"), which provides a new process for municipalities to come into constitutional compliance with their affordable housing obligations. This chapter is intended to assure compliance with the foregoing provisions and with the regulations of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 *et seq.*, as amended and supplemented, including provisions for unit affordability controls as well as eligibility for low- and moderate-income households. This chapter shall apply except where inconsistent with applicable law.

530-126 Intent.

It is the intent of this chapter to regulate the development and management of low- and moderate-income units constructed in compliance with the Housing Plan Element and Fair Share Plan of the Borough of Wood-Ridge.

530-127 Reporting requirements.

- a. Trust fund activity. Wood-Ridge shall comply with the reporting requirements set forth in N.J.S.A. 52:27D-329.2.
- b. Affordable housing activity. Wood-Ridge shall comply with the reporting requirements set forth in N.J.S.A. 52:27D-329.4.

530-128 Definitions.

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

ACT

The Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 *et seq.*), as amended through P.L. 2024, c.2.

ADAPTABLE

Constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

ADMINISTRATIVE AGENT

The entity designated by the Borough to administer affordable units in accordance with this chapter, the regulations of the amended Fair Housing Act (P.L.1985, c. (N.J.S.A. 52:27D-301 *et seq.*)), and the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26 *et seq.*

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AFFIRMATIVE MARKETING

A regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.16.

AFFORDABILITY AVERAGE

The average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

AFFORDABLE

A sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.7, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.13, as may be amended and supplemented.

AFFORDABLE HOUSING DEVELOPMENT

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

AFFORDABLE HOUSING PROGRAM(S)

Any mechanism in a municipal fair share plan prepared or implemented to address a municipality's fair share obligation.

AFFORDABLE UNIT

A housing unit proposed or created pursuant to the Fair Housing Act and approved for crediting by the court and/or funded through an affordable housing trust fund.

AGENCY

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

AGE-RESTRICTED UNIT

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

ALTERNATIVE LIVING ARRANGEMENTS

A structure in which households live in distinct bedrooms, yet share kitchen and plumbing facilities, central heat and common areas. Alternative living arrangements include, but are not limited to: transitional facilities for the homeless; Class A, B, C, D and E boarding homes as regulated by the State of New Jersey, Department of Community Affairs; residential health care facilities as regulated by the State of New Jersey Department of Health; group homes for the developmentally disabled and mentally ill as licensed and/or regulated by the New Jersey Department of Human Services; and, congregate living arrangements.

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ASSISTED LIVING RESIDENCE

A facility that is licensed by the State of New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four (4) or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one (1) unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

BOROUGH

The Borough of Wood-Ridge, in Bergen County, New Jersey.

CERTIFIED HOUSEHOLD

A household that has been certified by an administrative agent as a low-income household or moderate-income household.

COAH or THE COUNCIL

The Council on Affordable Housing, as previously established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*), prior to its abolition through P.L.2024, c.2.

DCA

The State of New Jersey, Department of Community Affairs.

DISPUTE RESOLUTION PROGRAM

The Affordable Housing Dispute Resolution Program, established pursuant to section 5 of P.L. 2024, c.2 (N.J.S.A. 52:27D-313.2). The Dispute Resolution Program is established within the Judiciary of the State, for the purpose of resolving disputes associated with the Fair Housing Act with respect to municipalities seeking to obtain a certification of compliance of their adopted Housing Element & Fair Share Plan.

DEFICIENT HOUSING UNIT

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

DEVELOPER

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

DEVELOPMENT

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

FAIR SHARE PLAN

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The plan that describes the mechanisms, strategies and the funding sources, if any, by which the Borough proposes to address its affordable housing obligation as established in the Housing Element, including the draft ordinances necessary to implement that plan, and addresses the requirements of P.L.1985, c.222 (N.J.S.A. 52:27D-301 et seq.).

HOUSING ELEMENT

The portion of the Borough's Master Plan, required by the Municipal Land Use Law ("MLUL"), N.J.S.A. 40:55D-28b(3) and the Act, that includes the information required by N.J.S.A. 52:27D-301 et seq., and establishes the Borough's fair share obligation.

INCLUSIONARY DEVELOPMENT

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

LOW-INCOME HOUSEHOLD

A household with a total gross annual household income equal to fifty (50%) percent or less of the regional median household income by household size.

LOW-INCOME UNIT

A restricted unit that is affordable to a low-income household.

MAJOR SYSTEM

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

MARKET-RATE UNITS

Housing not restricted to low- and moderate-income households that may sell or rent at any price.

MEDIAN INCOME

The median income by household size for the applicable housing region, as adopted annually by the Affordable Housing Professionals of New Jersey or other entity approved by the court.

MODERATE-INCOME HOUSEHOLD

A household with a total gross annual household income in excess of fifty (50%) percent but less than eighty (80%) percent of the regional median household income by household size.

MODERATE-INCOME UNIT

A restricted unit that is affordable to a moderate-income household.

MULTIFAMILY UNIT

A structure containing five (5) or more dwelling units.

NON-EXEMPT SALE

Any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer

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of ownership between family members as a result of inheritance; the transfer of ownership through an executor's deed to a class A beneficiary and the transfer of ownership by court order.

RANDOM SELECTION PROCESS

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

REGIONAL ASSET LIMIT

The maximum housing value in each housing region affordable to a four-person household with an income at eighty (80%) percent of the regional median as defined by duly adopted Regional Income Limits published annually by the Affordable Housing Professionals of New Jersey or other entity approved by the court.

REHABILITATION

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

RENT

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

RESTRICTED UNIT

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

UHAC

The Uniform Housing Affordability Controls, as set forth in N.J.A.C. 5:80-26 *et seq.*, as amended and supplemented.

VERY LOW-INCOME HOUSEHOLD

A household with a total gross annual household income equal to thirty (30%) percent or less of the regional median household income by household size.

VERY LOW-INCOME UNIT

A restricted unit that is affordable to a very low-income household.

WEATHERIZATION

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

230-129 Inclusionary zoning requirements. To create realistic opportunities for the construction of affordable housing, any residential development consisting of five (5) or more dwelling units, at a

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density above six (6) units per acre, that is permitted pursuant to a variance or rezoning shall produce low- and moderate- income housing on site or elsewhere in the Borough and comply with the following:

- a. A minimum of fifteen (15%) percent of the total number of units shall be set aside as affordable housing units if the affordable units will be for rent. If the calculation of the total number of affordable units required yields a fraction of less than one-half of a unit (0.5) then either a pro-rated payment in lieu or one (1) additional unit shall be provided. If the calculation of the total number of affordable units required yields a fraction greater than one-half of a unit (0.5), the obligation shall be rounded up and the additional unit shall be provided.
- b. A minimum of twenty (20%) percent of the total number of units shall be set aside as affordable housing units if the affordable units will be for sale. If the calculation of the total number of affordable units required yields a fraction of less than one-half of a unit (0.5), then either a pro-rated payment in lieu or one additional unit shall be provided. If the calculation of the total number of affordable units required yields a fraction of greater than one-half of a unit (0.5), the obligation shall be rounded up and the additional unit shall be provided.

Inclusionary developments shall adhere to the project phasing requirements as set forth in UHAC, N.J.A.C. 5:80-26.1 et seq, as amended and supplemented.

Design:

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

530-130 New construction

The required income and bedroom distributions of affordable housing units shall be as set forth in UHAC, N.J.A.C. 5:80-26.1 et seq, as amended and supplemented.

- 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. At least thirteen (13%) percent of all restricted rental units within each bedroom distribution shall be very low-income units (affordable to a household earning thirty (30%) percent or less of median income). The very low-income units shall be counted as part of the required number of low income units within the development.
 3. At least twenty five (25%) percent of the obligation shall be met through rental units, including at least half in rental units available to families.
 4. A maximum of twenty five (25%) percent of the Borough's obligation may be met with age restricted units. At least half of all affordable units in the Borough's Plan shall be available to families.
 5. In each affordable development, at least fifty (50%) percent of the restricted units within each bedroom distribution shall be low-income units including that thirteen (13%) percent shall be very-low income.

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6. 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 thirty (20%) percent of all low- and moderate-income units shall be three-bedroom units; and,
 - (d) The remaining units may be allocated among two (2) and three (3)-bedroom units at the discretion of the developer.
 7. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one (1)-bedroom units or by having a two (2)-bedroom unit for each efficiency unit.
- b. Accessibility requirements:
1. The first (1st) 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.
 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 (1) one other dwelling unit shall have the following features:
 - (a) An adaptable toilet and bathing facility on the first (1st) floor; and,
 - (b) An adaptable kitchen on the first (1st) floor; and,
 - (c) An interior accessible route of travel on the (1st) first floor; and,
 - (d) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first (1st) floor; and,
 - (e) If not all of the foregoing requirements in 2.(a) through 2.(d) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs 2.(a) through 2.(d) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and,
 - (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that 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 person with disabilities who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.

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- (2) To this end, the builder of restricted units shall deposit funds within the Borough affordable housing 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 (f)(2) above shall be used by the Borough for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
- (4) The developer of the restricted units shall submit a design plan and cost estimate to the Borough Construction Official for the conversion of adaptable to accessible entrances.
- (5) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's affordable housing trust fund in care of the Borough's 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.

c. Maximum rents and sales prices:

1. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and by the Superior Court.
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 rental 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-income and moderate-income units, provided that at least thirteen (13%) percent of all low- and moderate-income rental units shall be affordable to very low-income households, earning thirty (30%) percent or less of the regional median household income, with such very low-income units counted toward the low-income housing requirement.
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 different sales prices for each bedroom type, and low-

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income ownership units must be available for at least two (2) different sales prices for each bedroom type.

5. In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
 - (a) A studio unit shall be affordable to a one (1)-person household;
 - (b) A one (1)-bedroom unit shall be affordable to a one and one-half (1 ½)-person household;
 - (c) A two (2)-bedroom unit shall be affordable to a three (3)-person household;
 - (d) A three-(3) bedroom unit shall be affordable to a four and one-half (4 ½)-person household; and
 - (e) A four (4)-bedroom unit shall be affordable to a six (6)-person household.
6. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
 - (a) A studio shall be affordable to a one (1)-person household;
 - (b) A one (1)-bedroom unit shall be affordable to a one and one-half (1 ½)-person household; and,
 - (c) A two (2)-bedroom unit shall be affordable to a two (2)-person household or to two (2) one (1)-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 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. 5:80-26.5, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, 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 eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.5, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, 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 permitted percentage increase in the Regional Income Limits chart. 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.

DRAFT**530-131 Utilities.**

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

530-132 Occupancy Standards.

- a. In referring certified households to specific restricted units, the administrative agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:
 - 1. Provide an occupant for each bedroom;
 - 2. Provide children of different sexes with separate bedrooms;
 - 3. Provide separate bedrooms for parents and children; and,
 - 4. Prevent more than two (2) persons from occupying a single bedroom.

530-133 Control periods for restricted ownership units and enforcement mechanisms.

- a. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.6, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this chapter for a period of at least thirty (30) years and thereafter until the Borough takes action by ordinance to release the unit from such requirements. Prior to such action, a restricted ownership unit shall remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- b. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- c. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
- d. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the administrative agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this chapter, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- e. The affordability controls set forth in this chapter shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- f. A restricted ownership unit shall be required to obtain a continuing certificate of occupancy or a certified statement from the Construction Official stating that the unit meets all Uniform Construction Code standards upon the first transfer of title following the removal

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of the restrictions provided under N.J.A.C. 5:80-26.6(a), as may be amended and supplemented.

530-134 Price restrictions for restricted ownership units, homeowner association fees and resale prices.

- a. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:
 - 1. The initial purchase price for a restricted ownership unit shall be approved by the administrative agent.
 - 2. The administrative agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
 - 3. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
 - 4. The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

530-135 Buyer Income Eligibility.

- a. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to fifty (50%) percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than eighty (80%) percent of median income.
- b. Notwithstanding the foregoing, however, the administrative agent may, upon approval by the Mayor and Borough Council, and subject to the Court's approval, permit moderate-income purchasers to buy low-income units in housing markets if the administrative agent determines that there is an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units.
- c. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the administrative agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one (1) year.
- d. The administrative agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed thirty-three (33%) percent of the household's eligible monthly income.

530-136 Limitations on indebtedness secured by ownership unit; subordination.

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- a. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the administrative agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the administrative agent shall issue such determination prior to the owner incurring such indebtedness.
- b. With the exception of first purchase money mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed ninety five (95%) percent of the maximum allowable resale price of the unit, as such price is determined by the administrative agent in accordance with N.J.A.C. 5:80-26.7(c).

530-137 Capital improvements to ownership units.

- a. The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of capital improvements made since the purchase of the unit. Eligible capital improvements shall be those that render the unit suitable for a larger household or that adds an additional bathroom. In no event shall the maximum sales price of an improved housing unit exceed the limits of affordability for the larger household.
- b. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the administrative agent at the time of the signing of the agreement to purchase. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price, which shall be subject to ten (10)-year, straight-line depreciation, has been approved by the administrative agent. Unless otherwise approved by the administrative agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The owner and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

530-138 Control periods for restricted rental units.

- a. Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this chapter for a period of at least thirty (30) years and thereafter until the Borough takes action by ordinance to release the unit from such requirements. Prior to such action, a restricted rental unit shall remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented. For new projects receiving nine percent low income housing tax credits, a control period of not less than a thirty (30) year compliance period plus a fifteen (15) year extended use period shall be required.
- b. Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Bergen. The deed shall also identify each affordable unit by apartment number and/or address and whether that unit is designated as a very low, low or moderate income unit. Neither the unit nor its affordability designation shall change throughout the term of

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the deed restriction. A copy of the filed document shall be provided to the administrative agent within thirty (30) calendar days of the receipt of a certificate of occupancy.

- c. A restricted rental unit shall remain subject to the affordability controls of this chapter despite the occurrence of any of the following events:
 - 1. Sublease or assignment of the lease of the unit;
 - 2. Sale or other voluntary transfer of the ownership of the unit; or,
 - 3. The entry and enforcement of any judgment of foreclosure on the property containing the unit.

530-139 Rent restrictions for rental units; leases.

- a. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the administrative agent.
- b. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the administrative agent.
- c. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the administrative agent to be applied to the costs of administering the controls applicable to the unit as set forth in this chapter.
- d. No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least fifteen (15%) percent of the total number of dwelling units are restricted rental units in compliance with this chapter.

530-140 Tenant income eligibility.

- a. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.14, as may be amended and supplemented, and shall be determined as follows:
 - 1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to thirty (30%) percent of median income.
 - 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to fifty (50%) percent of median income.
 - 3. Moderate-income rental units shall be reserved for households with a gross household income less than eighty (80%) percent of median income.
- b. The administrative agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed thirty-five (35%) percent (forty (40%) percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented; provided, however, that this limit may be exceeded if one (1) or more of the following circumstances exists:

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1. The household currently pays more than thirty-five (35%) percent (forty (40%) percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 2. The household has consistently paid more than thirty-five (35%) percent (forty (40%) percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 3. The household is currently in substandard or overcrowded living conditions;
 4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or,
 5. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the administrative agent and the owner of the unit.
- c. The applicant shall file documentation sufficient to establish the existence of the circumstances in b.1 through 5 above with the administrative agent, who shall counsel the household on budgeting.

530-141 Municipal housing liaison.

- a. The Borough shall appoint a specific municipal employee to serve as a municipal housing liaison responsible for administering the affordable housing program, including affordability controls, the affirmative marketing plan, monitoring and reporting, and, where applicable, supervising any contracted administrative agent. The Borough shall adopt an ordinance creating the position of municipal housing liaison. The Borough shall adopt a resolution appointing a municipal housing liaison. The municipal housing liaison shall be appointed by the governing body and may be a full or part time municipal employee. The municipal housing liaison shall be approved by the court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of municipal housing liaison.
- b. The municipal housing liaison shall be responsible for oversight and administration of the affordable housing program for the Borough, including the following responsibilities which may not be contracted out to the administrative agent:
 1. Serving as the Borough's primary point of contact for all inquiries from the State, affordable housing providers, administrative agents and interested households;
 2. Monitoring the status of all restricted units in the Borough's Fair Share Plan;
 3. Compiling, verifying and submitting annual monitoring reports as may be required by the court;
 4. Coordinating meetings with affordable housing providers and administrative agents, as needed; and
 5. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.
- c. Subject to the approval of the court, the Borough shall designate one or more administrative agent(s) to administer newly constructed affordable units in accordance with UHAC. An Operating Manual for each affordable housing program shall be provided by the administrative agent(s) to be adopted by resolution of the governing body and subject to approval of the court. The Operating Manual(s) shall be available for public inspection in the office of the Borough Clerk, in the office of the municipal housing liaison,

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and in the office(s) of the administrative agent(s). The municipal housing liaison shall supervise the contracting administrative agent(s).

530-142 Administrative agent.

The administrative agent shall be an independent entity serving under contract to and reporting to the Borough. For new sale and rental developments, all of the fees of the administrative agent shall be paid by the owners of the affordable units for which the services of the administrative agent are required. For resales, single-family homeowners and condominium homeowners shall be required to pay three percent of the sales price for services provided by the administrative agent related to the resale of their homes. That fee shall be collected at closing and paid directly to the administrative agent. The administrative agent shall perform the duties and responsibilities of an administrative agent as set forth in UHAC, including those set forth in N.J.A.C 5:80-26.15, 17 and 19 thereof, which include:

- a. Affirmative marketing:
 1. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Borough's affirmative marketing plan and the provisions of N.J.A.C. 5:80-26.16; and,
 2. Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- b. Household certification:
 1. Soliciting, scheduling, conducting and following up on interviews with interested households;
 2. Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 3. Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
 4. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
 5. Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and,
 6. Employing a random selection process as provided in the affirmative marketing plan of the Borough when referring households for certification to affordable units.
 7. Notifying the following entities of the availability of affordable housing units in the Borough of Wood-Ridge: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Supportive Housing Association, and the New Jersey Housing Resource Center.
- c. Affordability controls:
 1. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;

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2. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
 3. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Bergen County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit;
 4. Communicating with lenders regarding foreclosures; and
 5. Ensuring the issuance of continuing certificates of occupancy or certifications, pursuant to N.J.A.C. 5:80-26.11.
- d. Resales and rentals:
1. Instituting and maintaining an effective means of communicating information between owners and the administrative agent regarding the availability of restricted units for resale or rental; and,
 2. Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or re-rental.
- e. Processing requests from unit owners:
1. Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Chapter;
 2. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;
 3. Notifying the Borough of an owner's intent to sell a restricted unit; and,
 4. Making determinations on requests by owners of restricted units for hardship waivers.
- f. Enforcement:
1. Securing annually from the Borough a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 2. Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the administrative agent;
 3. Posting annually in all rental properties, including two (2)-family homes, of a notice as to the maximum permitted rent together with the telephone number of the administrative agent where complaints of excess rent or other charges can be made;

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4. Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;
 5. Establishing a program for diverting unlawful rent payments to the Borough's affordable housing trust fund; and,
 6. Creating and publishing a written operating manual for each affordable housing program administered by the administrative agent, to be approved by the Mayor and Borough Council and the Court, setting forth procedures for administering the affordability controls.
- g. Additional responsibilities:
1. The administrative agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
 2. The administrative agent shall prepare monitoring reports for submission to the municipal housing liaison in time to meet any monitoring requirements and deadlines imposed by the court.
 3. The administrative agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

530-143 Affirmative marketing requirements.

- a. The Borough shall adopt by resolution an affirmative marketing plan, subject to approval of the court, that is compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
- b. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. In addition, the affirmative marketing plan shall maintain certain notification requirements. It is a continuing program that directs marketing activities toward Housing Region 1 and is required to be followed throughout the period of restriction.
- c. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in Housing Region 1, comprised of Bergen, Hudson, Passaic and Sussex Counties.
- d. The Borough has the ultimate responsibility for adopting the affirmative marketing plan and for the proper administration of the affirmative marketing program, including initial sales and rentals and resales and rerentals. The administrative agent designated by the Borough shall implement the affirmative marketing plan to assure the affirmative marketing of all affordable units.
- e. In implementing the affirmative marketing plan, the administrative agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

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- f. The affirmative marketing plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the affirmative marketing plan, the administrative agent shall consider the use of language translations where appropriate.
- g. The affirmative marketing process for available affordable units shall begin at least four (4) months (120 calendar days) prior to the expected date of occupancy.
- h. Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the Borough in which the units are located; and, the developer's rental office. Pre-applications shall be emailed or mailed to prospective applicants upon request.
- i. In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in Wood-Ridge, and copies of the applications forms, to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Supportive Housing Association; and, the New Jersey Housing Resource Center.
- j. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

530-144 Enforcement of affordable housing regulations.

- a. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the Borough shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- b. After providing written notice of a violation to an owner, developer or tenant of a low- or moderate-income unit and advising the owner, developer or tenant of the penalties for such violations, the Borough may take the following action(s) against the owner, developer or tenant for any violation that remains uncured for a period of sixty (60) calendar days after service of the written notice:
 - 1. The Borough may file a court action pursuant to N.J.S.A. 2A:58-11, alleging a violation or violations of the regulations governing the affordable housing unit. If the owner, developer or tenant is adjudged by the court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the court:
 - (a) A fine of not more than five-hundred (\$500.00) dollars per day or imprisonment for a period not to exceed ninety (90) days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
 - (b) In the case of an owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough affordable housing trust fund of the gross amount of rent illegally collected; and,

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- (c) In the case of an owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
- 2. The Borough may file a court action in the Superior Court seeking a judgment that would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.
 - (a) The judgment shall be enforceable, at the option of the Borough, by means of an execution sale by the sheriff, at which time the low- and moderate-income unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the Borough, including attorney's fees. The violating owner shall have his right to possession terminated as well as his title conveyed pursuant to the sheriff's sale.
 - (b) The proceeds of the sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the Borough for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the sheriff's sale. In the event that the proceeds from the sheriff's sale are insufficient to reimburse the Borough in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the Borough in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the Borough for the owner and shall be held in such escrow for a maximum period of two (2) years or until such earlier time as the owner shall make a claim with the Borough for such. Failure of the owner to claim such balance within the two (2)-year period shall automatically result in a forfeiture of such balance to the Borough. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the Borough, whether such balance shall be paid to the owner or forfeited to the Borough.
 - (c) Foreclosure by the Borough due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
 - (d) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the Borough may acquire title to the low- and moderate-income unit by satisfying the first purchase money mortgage and any prior liens and

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crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.

- (e) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the Borough shall obligate the owner to accept an offer to purchase from any qualified purchaser which may be referred to the owner by the Borough, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (f) The owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.

530-145 Appeals.

Appeals from all decisions of an administrative agent appointed pursuant to this Chapter shall be filed in writing with the court.