

Colliers Engineering & Design

Fourth Round Housing Element & Fair Share Plan

Borough of Roseland

June 20, 2025

Prepared for:

Borough of Roseland
Essex County, New Jersey

Prepared by:

Daniel N. Bloch, P.P., AICP, EADA
NJ Planner License No. 33LI00610700

Colliers Engineering & Design
Shelbourne at Hunterdon
53 Frontage Road, Suite 110
Hampton, New Jersey 08827

Main: 908.238.0900
Colliersengineering.com

Fourth Round

Housing Element & Fair Share Plan

Borough of Roseland

Essex County, New Jersey

Adopted by the Planning Board: **June 30, 2025**

Endorsed by the Borough Council: _____

Colliers Engineering & Design

The original of this report was signed and sealed in accordance with NJSA 45:14A-12.

RLP0098

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I. Introduction

According to the New Jersey Fair Housing Act of 1985 (L. 1985, c. 222, s. 1, eff. July 2, 1985), which was recently amended in March of 2024, a Housing Plan Element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing.

This is the Borough of Roseland's Housing Element and Fair Share Plan ("HEFSP") for the period between 2025 and 2035 (known as the Fourth Round). Roseland Borough seeks to voluntarily comply with its constitutional obligation to provide a realistic opportunity for affordable housing. This HEFSP is prepared utilizing the Prior Round Rules[1], Third Round Rules[2] (as applicable), and the amendments implemented in P.L. 2024, c.2. Each municipality in the State has a four-part obligation:

1. Present Need (Rehabilitation Obligation)
2. Prior Round Obligation (1987-1999)
3. Third Round Obligation (1999–2025)
4. Fourth Round Prospective Need Obligation (2025-2035)

Affordable Housing History

Mount Laurel Doctrine

Affordable housing planning in New Jersey dates back to 1975, when the New Jersey Supreme Court ruled in Southern Burlington County NAACP v. the Township of Mount Laurel, 67 N.J. 151 (1975), 336 (Mount Laurel I), that each municipality within New Jersey has a constitutional obligation to provide a realistic opportunity for the construction of their fair share of affordable housing. Mount Laurel I is the landmark decision that created what is commonly referred to as the "Mount Laurel Doctrine". The Supreme Court found that Mount Laurel Township's zoning ordinance only permitted one type of housing—single-family detached dwellings, while all other types of multi-family housing, such as garden apartments, townhomes, or mobile home parks, were prohibited, which the court determined resulted in economic discrimination and exclusion of substantial segments of the area population, and therefore the zoning ordinance was unconstitutional and invalid.

In 1983, the New Jersey Supreme Court issued Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158 (1983), another monumental decision which became known as the "Mount Laurel II" decision. In this case, the Supreme Court upheld and expanded upon the Mount Laurel I decision. Mount Laurel II clarified that the constitutional obligation applies to all municipalities, not just the "developing" municipalities as referenced in Mount Laurel I. Each municipality is required to establish zoning that provides a realistic opportunity for the construction of affordable housing to comply with the municipality's fair share obligation. Mount Laurel II established the "Builder's Remedy" as a judicial mechanism to enforce the Mount Laurel Doctrine. A Builder's Remedy lawsuit allows a plaintiff (typically a developer) to challenge a municipality's zoning ordinance if it fails to create a realistic opportunity to provide affordable housing units to meet the constitutional fair share obligation.

[1] N.J.A.C. 5:91 (Procedural) and N.J.A.C. 5:93 (Substantive) Rules. They can be found at: New Jersey Department of Community Affairs | Second Round Regulations

[2] N.J.A.C. 5:96 (Procedural) and N.J.A.C. 5:97 (Substantive) Rules, which can be found at: https://nj.gov/dca/dlps/hss/thirdroundregs.shtml

In 1985, the Fair Housing Act ("FHA") was enacted in response to the court decisions, which provided an administrative process for municipal compliance. The FHA also created the New Jersey Council on Affordable Housing ("COAH"), which was the governmental agency responsible for promulgating municipal obligations, adopting regulations, and administering the compliance process.

Prior Rounds (1993-1999)

Under COAH, the First Round of affordable housing spanned from 1987 to 1993, followed by the Second Round from 1993 to 1999. The First Round Substantive Rules were enacted under N.J.A.C. 5:92 and the Second Round Substantive Rules were enacted under N.J.A.C. 5:93.

Roseland's Prior Round Compliance

The Borough of Roseland has continuously addressed its affordable housing obligation since the 1980's. Roseland originally prepared its Housing Plan in December 1986 and first received substantive certification from the COAH on October 17, 1988. The Borough prepared a Second Round Housing Plan in June 1995 and received substantive certification from COAH on August 2, 2000. Roseland Borough was also granted an extension of its Second Round certified plan through August 2, 2006, which was subsequently extended by COAH to December 31, 2008 for all municipalities.

Third Round (1999-2025)

The Third Round of affordable housing commenced in 1999, which was supposed to end in 2018; however, due to numerous legal challenges and court orders, the Third Round was ultimately extended through 2025.

The first version of COAH's Third Round Substantive Rules was enacted under N.J.A.C. 5:94 in 2004. This version of the rules was challenged and in January 2007 the Appellate Court issued a decision requiring COAH to revise its rules.

In October 2008, COAH adopted numerous amendments to its substantive and procedural regulations to address the Third Round fair housing requirements. The Third Round methodology, adopted in September 2008, required that a municipality's fair share consist of three elements: the 1) rehabilitation share, 2) any remaining Prior Round obligation that was not provided for, and 3) the Growth Share or Third Round, which is based upon one affordable housing unit for every four market-rate units built and one affordable unit for every 16 new jobs created. In addition to these new rules, COAH assigned new rehabilitation, Prior Round and Third Round obligation numbers to each municipality. Additionally, the State legislature passed Assembly Bill A-500 (now P.L. 2008), which made significant changes to COAH's rules.

In 2009, appeals were filed regarding the new Third Round Rules' growth share methodology. The case worked its way through the Appellate Division and finally went before the Supreme Court. The Supreme Court issued a decision on September 26, 2013, finding that the key set of rules establishing the growth share methodology as the mechanism for calculating "fair shares" was inconsistent with the FHA and the Mount Laurel Doctrine. The Supreme Court instructed COAH "to adopt new third round rules that use a methodology for determining prospective need similar to the methodologies used in the first and second rounds," within five months, which was later extended to November 2014.

In July 2014, COAH proposed new Third Round under N.J.A.C. 5:98 and 5:99. However, the new rules were never formally adopted by COAH.

After COAH failed to promulgate its revised rules by the November 2014 deadline, the Supreme Court made a ruling on March 10, 2015 entitled In re Adoption of N.J.A.C. 5:96 & 5:97 by the N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (Mount Laurel IV), which allows for judicial review for constitutional compliance, as was the case before the FHA was enacted. The ruling allowed low- and moderate-income families and their advocates to challenge exclusionary zoning in court, rather than having to wait for COAH to issue rules that may never come. The process provided a municipality that had sought to use the FHA's mechanisms the opportunity to demonstrate constitutional compliance to a court's satisfaction before being declared noncompliant and then being subjected to the remedies available through exclusionary zoning litigation, including a builder's remedy.

The transitional process created by the Supreme Court tracked the FHA procedures for compliance. In this regard, the process permitted municipalities to file a Declaratory Judgment Action during a 30-day window between June 8 and July 8, 2015 that sought an adjudication as to their fair share. This would enable the municipality to comply voluntarily with its constitutional obligation to provide a realistic opportunity for the construction if its fair share of the regions' low- and moderate-income households.

On January 18, 2017, the Supreme Court decided In Re Declaratory Judgment Actions Filed by Various Municipalities, County of Ocean, Pursuant to The Supreme Court's Decision In In re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) ("Mount Laurel V"), which held that municipalities are responsible for obligations accruing during the so-called "gap period," the period between 1999 and 2015. However, the Court stated that the gap obligation should be calculated as a never-before calculated component of Present Need (also referred to as Rehabilitation Obligation), which would serve to capture Gap Period households that were presently in need of affordable housing as of the date of the Present Need calculation (i.e. that were still income eligible, were not captured as part of traditional present need, were still living in New Jersey and otherwise represented a Present affordable housing need).

Between 2015 and 2024, municipalities that elected to voluntarily comply with their constitutional obligation participated in mediation sessions, reached settlement agreements, adopted Third Round Housing Element and Fair Share Plans, and most municipalities concluded the process with a Third Round Judgment of Compliance and Repose ("Third Round JOR") from the courts. As a result of COAH's inability to function, the Third Round period spanned from 1999 to 2025, a 26-year long period as opposed to the 6-year periods for the first and second rounds. The Third Round is set to expire on June 30, 2025.

Roseland's Third Round Compliance

Roseland adopted a Housing Element and Fair Share Plan on June 19, 2006, pursuant to address the Third Round Substantive Rules in N.J.A.C. 5:94. This HEFSP was never certified by COAH due to lawsuits involving the Third Round rules.

Under N.J.A.C. 5:97, COAH determined that Roseland had a rehabilitation obligation of 1 unit, a Prior Round obligation of 182 units (which was adjusted to 162 based on the Second Round vacant land adjustment), and a Third Round growth share obligation of 148 units (which Roseland sought to reduce to 40 units based on a Third Round vacant land adjustment). This is a combined total obligation of 203 affordable housing units. Roseland adopted a Housing Element and Fair Share Plan in December 2008 to address the 203 units obligation. Roseland's Third Round petition was submitted to COAH on December 20, 2008, and ruled complete by COAH on April 4, 2009. The petition was never reviewed by COAH for substantive certification.

Pursuant to the Mount Laurel IV Supreme Court decision, the Borough of Roseland filed for declaratory judgement on July 6, 2015, seeking a judicial declaration that its Housing Element and Fair Share Plan satisfied the Borough's constitutional obligation to address its fair share of the regional need for low- and moderate-income housing.

From the initial filing of its Third Round Declaratory Judgment Action in July of 2015, the Borough was engaged in negotiations with several interested parties and intervenors to determine the Borough's third round obligation and the mechanisms to satisfy the obligation. A Settlement Agreement was finally reached between the Borough and the Fair Share Housing Center ("FSHC") on November 7, 2019, setting forth the extent of Roseland's Rehabilitation, Prior Round, and Third Round fair share obligations, providing a brief description of the compliance mechanisms by which Roseland proposes to address those obligations, and setting forth other terms relevant to compliance and monitoring. The Settlement Agreement outlined Roseland Borough's affordable housing obligations as follows:

- Present Need (Rehabilitation Obligation): 0 units
- Prior Round Obligation: 182 units
- Third Round Prospective Need: 322 units

On February 13, 2020, a Fairness Hearing was held by the New Jersey Superior Court, which found the Settlement Agreement to be fair and reasonable to low- and moderate-income households and deemed it to be preliminarily in compliance with the Borough's affordable housing fair share obligation.

The Roseland Planning Board adopted a Housing Element & Fair Share Plan on August 17, 2020 to effectuate the terms of the Settlement Agreement. The Borough received a conditional Third Round Judgment of Compliance and Repose on December 14, 2020, which was finalized after all conditions were satisfied by a second Court order on April 26, 2021.

Fourth Round (2025-2035)

On March 20, 2024, Governor Murphy signed legislation that dramatically modified the State's affordable housing regulations. The 75-page bill, known as the A4/S50 Bill, abolished COAH, modified the process of affordable housing compliance, amended bonus credits, and, among other changes, set forth several important deadlines. P.L. 2024, c.2 amended the FHA (hereinafter the "Amended FHA") and charged the Department of Community Affairs ("DCA") with the preparation of Fourth Round obligations and set forth aggressive timelines for compliance. In October 2024, DCA published a report on its calculations of regional need and municipal present need (Rehabilitation Obligation) and prospective fair share obligations (Fourth Round Obligation). The report is entitled "Affordable Housing Obligation of 2025-2035 (Fourth Round) Methodology and Background".

The DCA calculated Roseland Borough's Present Need (Rehabilitation) Obligation as **0 units** and its Fourth Round Prospective Need Obligation as **152 units**.

Municipalities were required to adopt a binding resolution outlining their present and prospective fair share obligations by January 31, 2025. On January 21, 2025, the Borough Council adopted Resolution 48-2025 accepting the DCA's calculations of the Borough's Present Need Obligation of **0 units** and Fourth Round Prospective Need Obligation of **152 units**.

The Borough also filed a "Complaint for a Declaratory of Compliance with the Fair Housing Act" on January 23, 2025. as part of the compliance certification process outlined in the Director of the Administrative Office of the Courts Directive #14-24.

During the 30-day challenge window, Roseland Borough did not receive any challenges to the calculated obligations. The Honorable Aldo J. Russo, J.S.C. issued an order on March 24, 2025, ordering that Roseland Borough's Present Need shall be 0 units and the prospective need for the Fourth Round housing cycle shall be 152 units (Docket No. ESX-L-624-25).

Municipal Summary

The Borough of Roseland contains approximately 3.5 square miles (2,240 acres) situated in the northwestern part of Essex County, New Jersey, along the border of Morris County. Roseland is adjacent to the Townships of Livingston, West Orange, West Caldwell, and East Hanover, as well as the Borough of Essex Fells, all within Essex County. Additionally, the Township of East Hanover in Morris County, borders Roseland to the west. Interstate 280 (also known as Essex Freeway) runs east and west through the Borough.

Until the late 1950s, Roseland remained a small rural town. However, with the development of approximately 1,000 to 1,200 acres of the Becker Farm after 1964, Roseland became the center of several large corporate office complexes.

Today, Roseland is a built-out suburban community with predominately single-family detached housing units and single-family attached housing units. Commercial development is limited to two business districts located at the intersection of Eagle Rock Avenue/Roseland Avenue and Eagle Rock Avenue/Eisenhower Parkway. Office development exists along Livingston Avenue and Eisenhower Parkway.

Roseland has an estimated population of 6,299 residents and 7,007 jobs, according to the 2023 American Community Survey ("ACS"). The Borough is within the Caldwell Borough STP Sewer Service Area. According to the 2001 State Development and Redevelopment Plan ("SDRP") Policy Map, Roseland contains 1,986.5 acres within the Metropolitan Planning Area and 305.2 acres within the Parks and Natural Areas.

Affordable Housing Goals

It is the overall goal of the HEFSP, in combination with the Land Use Plan, to provide the planning context in which access to low and moderate income housing can be provided in accordance with the requirements of the Amended Fair Housing Act and the laws of the State of New Jersey, while respecting the character and density of Roseland Borough.

Master Plan Goals

Residential

- Retain the existing residential character of the Borough.
- Maintain and enhance the quality of the existing housing stock and residential neighborhoods.
- Protect residential neighborhoods from the intrusion of non-residential traffic.

Provide a variety of housing opportunities on the remaining vacant residential land to meet local housing needs, including the Borough's affordable housing obligation.

Affordable Housing Obligation

Roseland Borough's four-part affordable housing obligation is as follows:

1. Present Need (Rehabilitation Obligation): 0 units
2. Prior Round Obligation: 182 units
3. Third Round Obligation: 322 units
4. Fourth Round Prospective Need Obligation: 152 units

HOUSING ELEMENT

II. Required Content of Housing Element

The Amended Fair Housing Act requires that "the housing element be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing". As per the Municipal Land Use Law ("MLUL"), specifically N.J.S.A. 52:27D-310, a housing element must contain at least the following items:

a. 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, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose conducting this inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;

b. 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;

c. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;

d. An analysis of the existing and probable future employment characteristics of the municipality;

e. A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing, as established pursuant to section 3 of P.L.2024, c.2 (C.52-27D-304.1);

f. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of 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;

g. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52D-329.20);

h. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, C.120 (C.13-20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build Out Report, consideration of opportunities for

redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and

i. An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

III. Population Demographics

Population Growth

The Borough of Roseland's population rose rapidly from just 1,556 people in 1940 to its peak of 6,299 residents in 2020, which is a 304.8% increase over 30 years. The Borough did experience a decrease in population from 1980 to 1990 by 483 people. However, the Borough's population has recovered since, continuing to grow steadily. According to the 2020 Census, the Borough's population was 6,299. See the table below for additional details.

Population Growth

Year	Population	Change	Percent
1940	1,556	--	--
1950	2,019	463	29.8%
1960	2,804	785	38.9%
1970	4,453	1,649	58.8%
1980	5,330	877	19.7%
1990	4,847	-483	-9.1%
2000	5,298	451	9.3%
2010	5,819	521	9.8%
2020	6,299	480	8.2%

Source: 2010 & 2020 Census Table P1; New Jersey Population Trends, 1790 to 2000, https://www.nj.gov/labor/labormarketinformation/assets/PDFs/census/2kpub/njsdcp3.pdf

The NJTPA projects that the Borough's population will grow to 6,773 residents by 2050 from their baseline 2015 population of 5,845. This represents an increase of 928 residents, or an average increase of approximately 26.5 residents annually over 35 years. However, the Borough's estimated population according to the 2023 ACS is 6,299, which is 474 less than the projected population by the NJTPA. This translates to an average annual increase of approximately 15.8 residents over the next 27 years.

Population Projection

Year	Population	Change	Percent
2015	5,845	---	---
2020	6,299	454	7.8%
2050	6,773	474	7.5%

Source: NJTPA Plan 2050, Appendix E, 2050 Demographic Forecasts, https://www.njtpa.org/plan2050; 2020 Census Table P1

Age Distribution of Population

The 2023 ACS estimates 23.2% of Roseland's population was 65 years or older compared to 20.5% of the population being 19 years or younger. The largest age cohort was estimated to be those aged 45

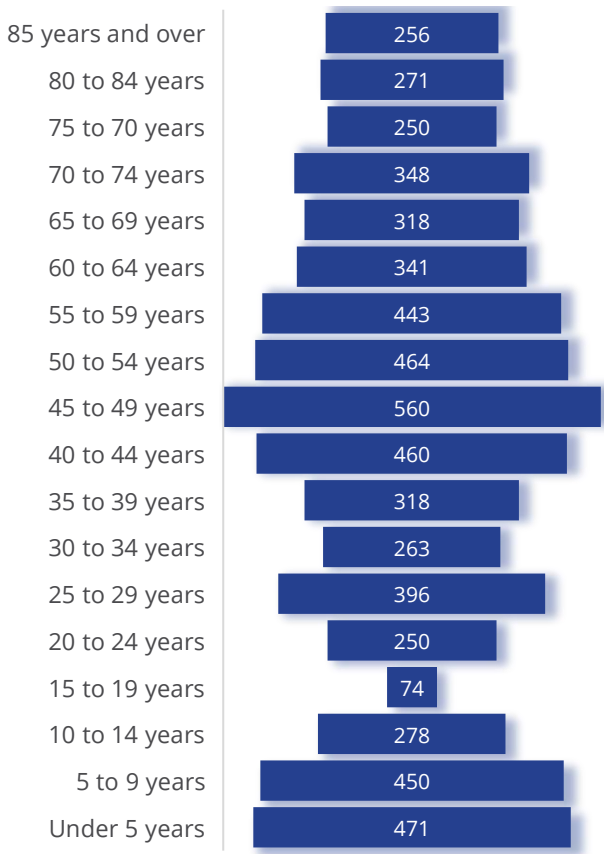
to 49 years, which comprised 9.0% (560) of the Borough's population. Residents aged 5 years and under comprised the second-largest age cohort at 7.5% (441) of the population, followed closely by those aged 50 to 54 years at 7.5% (464) of the population. The median age was estimated at 47 years in the 2023 ACS. See the table and chart on the following page for further details.

Population by Age Cohort

Age	Total	Percent
Under 5 years	471	7.6%
5 to 9 years	450	7.2%
10 to 14 years	278	4.5%
15 to 19 years	74	1.2%
20 to 24 years	250	4.0%
25 to 29 years	396	6.4%
30 to 34 years	263	4.2%
35 to 39 years	318	5.1%
40 to 44 years	460	7.4%
45 to 49 years	560	9.0%
50 to 54 years	464	7.5%
55 to 59 years	443	7.1%
60 to 64 years	341	5.5%
65 to 69 years	318	5.1%
70 to 74 years	348	5.6%
75 to 70 years	250	4.0%
80 to 84 years	271	4.4%
85 years and over	256	4.1%
Total	**6,211**	**100%**

Source: 2023 ACS Table S0101

Population by Age Cohort



Household Size & Type

According to the 2023 ACS, Roseland had 2,445 households. A majority were married-couple households, which comprised over 60% of all households (1,486). Of those, 602 had children under 18 years old. Female householders with no spouse present comprised 24.4% of all households, while male householders with no spouse present comprised only 8.8%. Of all households with no spouse present, 69 had children under the age of 18 (2.8%), while 380 were living alone (15.5%). See the table on the following page for complete details.

Household Type

Type	Number	Percent
Married-couple	1,486	60.8%
with children under 18	602	24.6%
Cohabitating couple	146	6.0%
with children under 18	32	1.3%
Male householder, no spouse	216	8.8%
with children under 18	26	1.1%
living alone	136	5.6%
Female householder, no spouse	597	24.4%
with children under 18	43	1.8%
living alone	244	10.0%
Total	**2,445**	**100%**

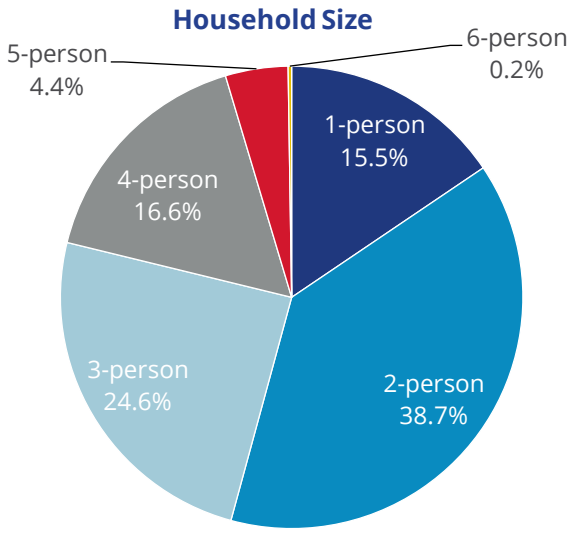
Source: 2023 ACS Table DP02

The most common household size in Roseland was estimated to be two-person households, which comprised 38.7% of households in 2023. Three-person households comprised the second-largest number of households at 24.6%. Finally, four-person households comprised 16.6% of the 2,445 households in Roseland. It should be noted that 6 households contained six people, while no homes contained seven or more people. The table and pie chart below graphically illustrate the household size composition in Roseland. Additionally, the 2023 ACS estimated the average household size at 2.54 persons, which is slightly higher than the 2.48 persons reported in the 2010 Census.

Household Size

Size	Total	Percent
1-person	380	15.5%
2-person	946	38.7%
3-person	601	24.6%
4-person	405	16.6%
5-person	107	4.4%
6-person	6	0.2%
7+ person	0	0.0%
Total	**2,445**	**100%**

Source: 2023 ACS Table B11016



Income & Poverty Status

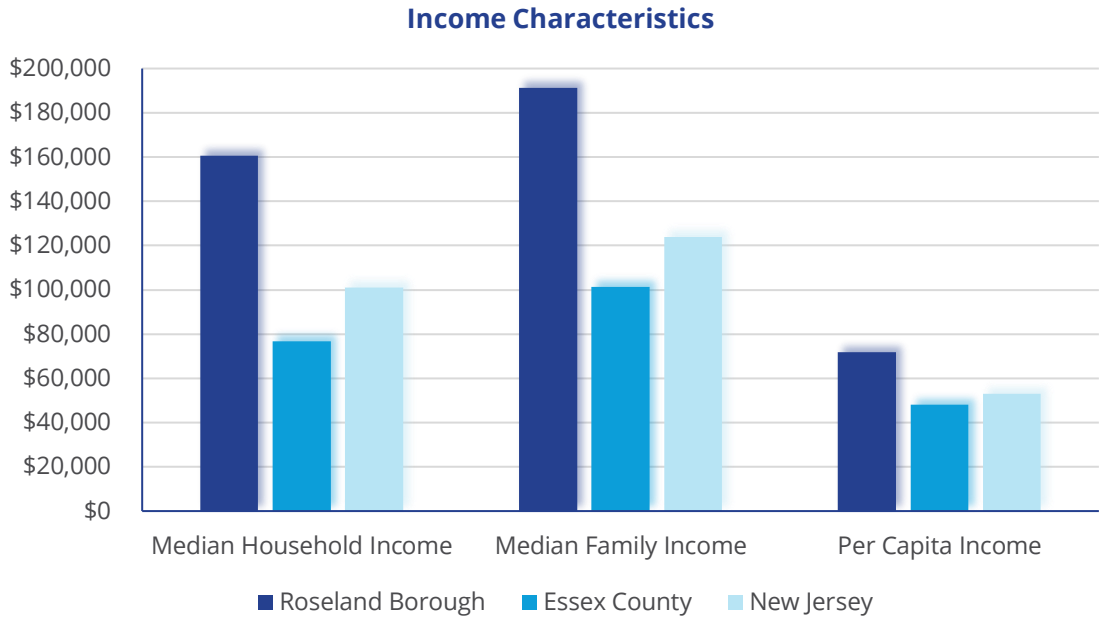
The 2023 ACS estimated the median household income for the Borough of Roseland to be $160,644, which is almost $83,000 more than Essex County's and over $59,000 more than the State's. Similarly, the median family income for the Borough was estimated at $191,172, which is over $79,000 above the County's and over $67,000 greater than the State's. Finally, Roseland's per capita income was estimated at $71,813, which is more than both the County's and the State's.

Roseland's poverty rate for individuals was estimated at just 2.3%, which is less the County's poverty rate by 12.7% and the State's by 7.5%. Similarly, the Borough's poverty rate for families was estimated at 1.1%, a fraction of the family poverty status experienced at the County level. The table and bar chart below provide a comparison between income and poverty characteristics.

Income and Poverty Characteristics

Income Type	Roseland Borough	Essex County	New Jersey
Median Household Income	$160,644	$76,712	$101,050
Median Family Income	$191,172	$101,256	$123,892
Per Capita Income	$71,813	$48,021	$53,118
Poverty Status (Percent of People)	2.3%	15.0%	9.8%
Poverty Status (Percent of Families)	1.1%	11.7%	7.0%

Source: 2023 ACS Table DP03



According to the 2023 ACS, 40.6% of households in Roseland (993) earn over $200,000 annually. Households earning $100,000 or more annually were estimated to include 1,686 households or 69%

of all households in Roseland. Only 40.2% of households in Essex County and only 50.5% of households in New Jersey earned at least $100,000 annually. It should be noted that 15.2% of households in Roseland earned less than $50,000. See the table on the following page for additional details.

Household Income

Income Range	Roseland Borough		Essex County		New Jersey	
	Total	Percent	Total	Percent	Total	Percent
Less than $10,000	17	0.7%	22,124	7.0%	140,262	4.0%
$10,000 to $14,999	18	0.7%	15,215	4.8%	99,362	2.9%
$15,000 to $24,999	127	5.2%	21,974	6.9%	175,402	5.0%
$25,000 to $34,999	58	2.4%	21,828	6.9%	184,753	5.3%
$35,000 to $49,999	152	6.2%	29,782	9.4%	276,601	8.0%
$50,000 to $74,999	81	3.3%	45,046	14.2%	448,192	12.9%
$75,000 to $99,999	306	12.5%	33,951	10.7%	397,939	11.4%
$100,000 to $149,999	411	16.8%	45,601	14.4%	627,526	18.0%
$150,000 to $199,999	282	11.5%	26,182	8.2%	407,723	11.7%
$200,000 or more	993	40.6%	55,770	17.6%	720,595	20.7%
Total	**2,445**	**100%**	**317,473**	**100%**	**3,478,355**	**100%**

Source: 2023 ACS Table DP03

IV. Housing Demographics

Housing Type

The 2023 ACS estimated the Borough's housing stock at 2,470 units. Single-family, detached dwellings comprised a majority of the housing stock with 1,459 units or 59.1% of all dwellings. Single-family, attached dwellings comprised 633 units (25.6%) of the housing stock. The Borough contains 269 multi-family units (10.89%), which are buildings containing five or more dwelling units, according to the data. See the table below for details.

Housing Units in Structure

Structure	Number of Units	Percent
1-unit, detached	1,459	59.1%
1-unit, attached	633	25.6%
2 units	30	1.2%
3 or 4 units	79	3.2%
5 to 9 units	83	3.4%
10 to 19 units	83	3.4%
20 or more units	103	4.2%
Mobile Home	0	0.0%
Other (boat, RV, van, etc.)	0	0.0%
Total	**2,470**	**100%**

Source: 2023 ACS Table DP04

Occupancy Status

Of the 2,470 residential units, 4,445 units, or 99% of the housing stock, was occupied. This includes 1,989 owner-occupied units and 456 rental units. The 25 vacant units only included properties classified as "other". See the table below for details.

Occupancy Status

Status	Units	Percent
Occupied Total	2,445	99.0%
Owner Occupied	*1,989*	*81.3%*
Renter Occupied	*456*	*18.7%*
Vacant Total	25	1.0%
For rent	*0*	*0.0%*
For Sale	*25*	*100.0%*
Other	*0*	*0.0%*
Total	**2,470**	**100%**

Source: 2023 ACS Tables DP04 & B25004

Value & Rent of Housing Stock

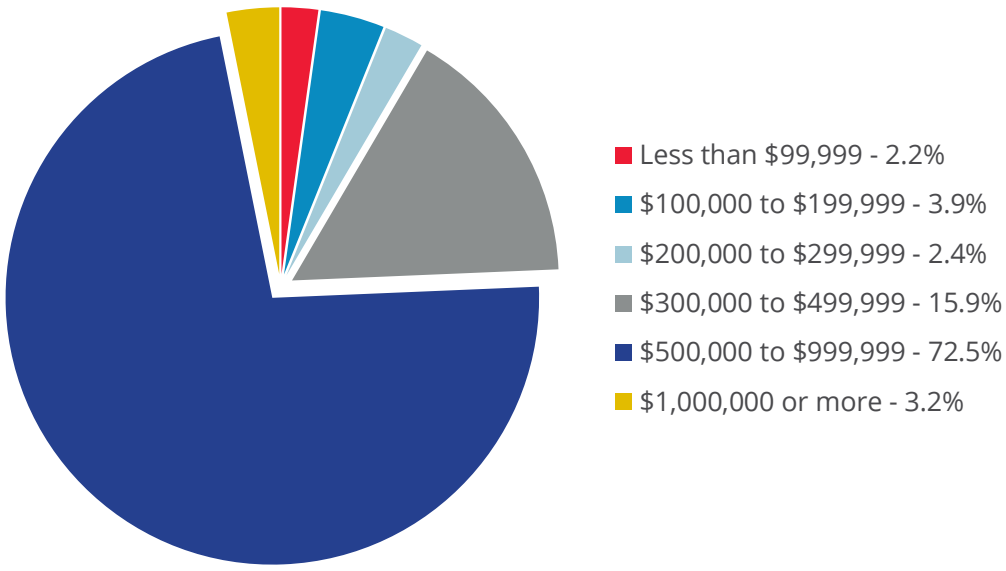
The 2023 ACS provided estimates for owner-occupied housing units in Roseland. According to the data, a vast majority of homes in the Borough were worth between $500,000 and $999,999 (72.5%). Homes worth between $300,000 and $499,999 comprised 15.9% of the owner-occupied housing units, while 3.2% of homes were estimated to be worth over one million. Only 44 homes were valued less than $99,999. The median home value estimated in the 2023 ACS was $640,600. See the table below and chart on the following page for details.

Value of Owner Occupied Units

Value	Number of Units	Percent
Less than $99,999	44	2.2%
$100,000 to $199,999	77	3.9%
$200,000 to $299,999	47	2.4%
$300,000 to $499,999	316	15.9%
$500,000 to $999,999	1,442	72.5%
$1,000,000 or more	63	3.2%
Total	**1,989**	**100%**
Median Value	$640,600	

Source: 2023 ACS Table DP04

Value of Owner Occupied Units



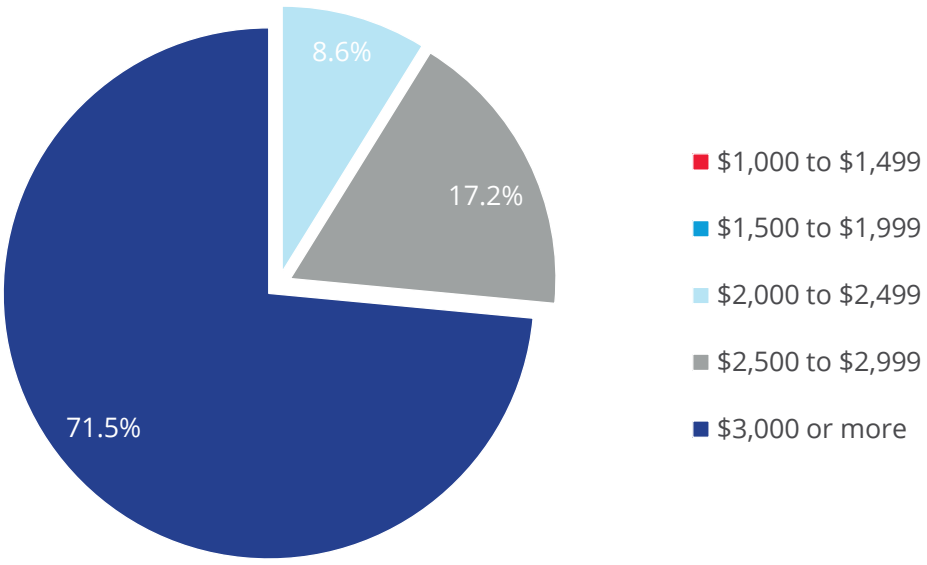
The median rent in the Borough was estimated at $3,293 per the 2023 ACS. Looking at the rent ranges, 333 of the Borough's rental units cost more than $3,000 per month (71.5%). Units that cost between $2,500 and $2,999 comprised 17.2% of rentals (80 units), while 8.6% (40 units) cost between $2,000 and $2,499 per month. It should be noted that 2.8% of rentals reported no rent (13 units). See the table below and chart on the following page for more information.

Cost of Rentals

Cost	Number of Units	Percent
Less than $1,000	0	0.0%
$1,000 to $1,499	0	0.0%
$1,500 to $1,999	0	0.0%
$2,000 to $2,499	40	8.6%
$2,500 to $2,999	80	17.2%
$3,000 or more	333	71.5%
No rent paid	13	2.8%
Total	**466**	**100%**
Median (in dollars)	$3,293	

Source: 2023 ACS Table DP04

Cost of Rentals



Condition and Age of Housing Stock

The Census does not classify housing units as standard or substandard, but it can provide an estimate of the substandard housing units that are occupied by low- and moderate-income households. Most of the Census indicators available at the municipal level indicate a sound housing stock. All occupied homes contained complete plumbing or kitchen facilities.

Condition of Housing Stock

Condition	Number of Units	Percent
Lack of complete plumbing	0	0.00%
Lack of complete kitchen	0	0.00%
Lack of telephone service	0	0.0%
Lack of adequate heat	0	0.0%
Total Occupied Housing Units	**2,445**	**0.00%**

Source: 2023 ACS Table DP04

Housing with 1.01 or more persons per room (excluding bathrooms and kitchens) is an index of overcrowding as defined by the U.S. Department of Housing and Urban Development.[3] According to the 2023 ACS, all of the Borough's 2,445 occupied housing units contained 1.00 or less persons per room.

Occupants Per Room

Occupants	Number of Units	Percent
1.00 or less	2,445	100.0%
1.01 to 1.50	0	0.0%
1.51 or more	0	0.0%
Total	**2,445**	**100%**

Source: 2023 ACS Table DP04

The table below and bar graph on the following page provide the 2023 ACS estimates for the age of housing units in Roseland. An estimated 1,053 units, or 42.6%, of the Borough's housing stock were constructed prior to 1970 with just over 11% being constructed in the 1950s and nearly 13% being constructed prior to 1940. Since 1980, 1,150 homes have been constructed (46.6%), with most homes being constructed between 2000 to 2009. See the table below and chart on the following page for more details. The Borough's Rehabilitation Obligation is 0 units, reflecting the good condition of these older homes.

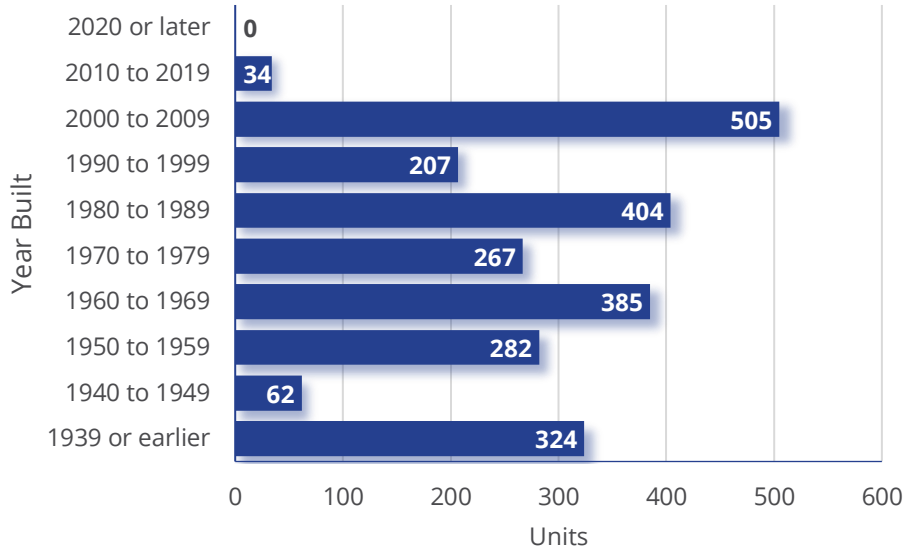
[3] https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/overpayment-payment-and-overcrowding#:~:text=The%20U.S.%20Census%20defines%20an,room%20are%20considered%20severely%20overcrowded. Accessed April 3, 2025.

Age of Housing Stock

Year Built	Number of Units	Percent
1939 or earlier	324	13.1%
1940 to 1949	62	2.5%
1950 to 1959	282	11.4%
1960 to 1969	385	15.6%
1970 to 1979	267	10.8%
1980 to 1989	404	16.4%
1990 to 1999	207	8.4%
2000 to 2009	505	20.4%
2010 to 2019	34	1.4%
2020 or later	0	0.0%
Total	**2,470**	**100%**

Source: 2023 ACS Table DP04

Age of Housing Stock



V. Employment Demographics

The 2023 ACS estimated that Roseland had 3,424 residents over the age of 16 in the workforce. Of those, 3,245 (94.8%) were employed, which translates to a 5.2% unemployment rate. A majority of workers were private wage and salary worker (72.3%). However, 17.2% were workers employed by the government and 5.3% were self-employed. See the table below for details.

Class of Workers

Class	Workers	Percent
Private wage and salary workers	2,477	72.3%
Government workers	588	17.2%
Self-employed workers	180	5.3%
Unpaid family workers	0	0.0%
Total employed residents	**3,245**	**94.8%**
Total unemployed residents	179	5.2%
Total residents in workforce	**3,424**	**100%**

Source: 2023 ACS Table DP03

Occupational Characteristics

The 2023 ACS estimated 2,382 workers were employed in management, business, science, and arts fields, which represents 73.4% of the Borough's employed residents. Workers in service positions totaled 9.3% of employed residents, while 8.5% were employed in sales and office positions. See the table below for details.

Occupation of Employed Population

Occupation	Workers	Percent
Management, business, science, & arts	2,382	73.4%
Service	302	9.3%
Sales & office	277	8.5%
Natural resources, construction, & maintenance	108	3.3%
Production, transportation, & material moving	176	5.4%
Total	**3,245**	**100%**

Source: 2023 ACS Table DP03

Employment Projections

NJTPA's Plan 2050 estimates that the number of available jobs in Roseland will increase from 12,555 reported in 2015 to 13,433 in 2050. This represents an increase of 878 jobs, or an average increase of 25 jobs annually. However, as detailed in the following section, the New Jersey Department of Labor and Workforce Development estimated a total of 7,377 jobs in Roseland in 2023, which is 6,056 less

than projected by NJTPA. Utilizing this number, roughly 224 new jobs would need to be created within the Borough each year for the next 27 years.

Employment Projection

Year	Jobs	Change	Percent
2015	12,555	---	---
2050	13,433	878	7.0%

Source: NJTPA Plan 2050, Appendix E, 2050 Demographic Forecasts, https://www.njtpa.org/plan2050

In-Place Employment by Industry

New Jersey's Department of Labor and Workforce Development ("NJDLWD") is the entity that reports on employment and wages within the State of New Jersey through the Quarterly Census of Employment and Wages ("QCEW"). The latest Municipal Report was completed in 2023. According to the data, there were 7,007 private sector jobs within Roseland, which were provided by an average of 372 employers. It should be noted that the Municipal Report redacted data from multiple private-sector industries for not meeting publication standards (agriculture, mining, and utilities). The "Private Sector Total" row in the table on the following page provides the totals for the reported data only. However, the 2023 QCEW document reported that Roseland had an average of 7,377 private-sector jobs provided by 398 employers, including the redacted data. Additionally, the QCEW data reflects employment within the Borough, regardless of where the employee lives.

Based on the 2023 QCEW data provided, the professional/technical industry had the largest number of employers and workers in the Borough with an average of 4,282 jobs (59.7%) provided by 96 employers (25.4%). The finance/insurance industry had an average of 540 jobs (second highest) provided by 49 employers (second highest). In the public sector, the 2023 QCEW Municipal Report indicated that there was only one federal government employer providing 12 jobs. There were also five local government employers, which had an average of 155 jobs. This included one local government education employer providing an average of 78 jobs. See the table on the following page for data on each industry sector.

Private and Public Sector Employment (2023)

Industry	Establishments		Employees		Annual Wages
	Total	Percent	Total	Percent	
Construction	22	5.8%	136	1.9%	$86,923
Manufacturing	10	2.6%	152	2.1%	$87,070
Wholesale Trade	17	4.5%	381	5.3%	$107,155
Retail Trade	-	-	-	-	-
Transportation/Warehousing	8	2.1%	104	1.4%	$63,040
Information	5	1.3%	153	2.1%	$130,018
Finance/Insurance	49	13.0%	540	7.5%	$161,418
Real Estate	25	6.6%	244	3.4%	$97,768
Professional/Technical	96	25.4%	4,282	59.7%	$184,934
Management	-	-	-	-	-
Admin/Waste Remediation	36	9.5%	240	3.3%	$73,560
Education	6	1.6%	38	0.5%	$21,576
Health/Social	41	10.8%	377	5.3%	$59,931
Arts/Entertainment	-	-	-	-	-
Accommodations/Food	17	4.5%	188	2.6%	$45,105
Other Services	28	7.4%	156	2.2%	$50,007
Unclassified	12	3.2%	17	0.2%	$54,010
Private Sector Total	**372**	**98%**	**7,007**	**98%**	**$87,322**
Federal Government	1	0%	12	0%	$64,533
Local Government	5	1.3%	155	2.2%	$69,538
Local Government Education	1	0.3%	78	1.1%	$71,902
Public Sector Total	**6**	**2%**	**167**	**2%**	**$68,658**

Source: The table values above are sourced from the NJDLWD's QCEW 2023 Municipal Report. It is noted that this Report has redacted multiple private sector industries for not meeting the publication standard. Therefore, the Private Sector Totals row has been calculated by this office using the published numbers.

Travel Time to Work

The 2023 ACS collected data regarding employed resident's commute time. The most common commute time was between 30 and 34 minutes, which was made by 426 workers (16.2%). A commute between 20 and 24 minutes was second-most comment behind with 401 workers (15.2%). Rounding off the top three was a commute of 15 to 19 minutes, which was reported by 365 workers (13.8%). The mean travel time was estimated at 31.7 minutes. It should be noted that 404 workers (15.3%) reported a commute of more than one hour. Additionally, 608 workers, or 18.7% of the Borough's employed residents, reported working from home. See the table and chart on the following page for additional details.

Commute Time

Travel Time (minutes)	Workers	Percent
Less than 5	65	2.5%
5 to 9	160	6.1%
10 to 14	276	10.5%
15 to 19	365	13.8%
20 to 24	401	15.2%
25 to 29	19	0.7%
30 to 34	426	16.2%
35 to 39	63	2.4%
40 to 44	295	11.2%
45 to 59	163	6.2%
60 to 89	270	10.2%
90 or more	134	5.1%
Total	**2,637**	**100.0%**

Source: 2023 ACS Table B08303

VI. Projection of Housing Stock

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

The DCA Division of Codes and Standards' website provides data on building permits, certificates of occupancy, and demolition permits for both residential and non-residential development through the New Jersey Construction Reporter. This database contains permit and certificate of occupancy information that is submitted by municipal construction officials across the State each month. The Construction Reporter has information dating back to 2000, which can be used to show the Borough's historic development trends. However, data from 2013 and onward was reviewed to determine more recent trends.

As shown in the table below, the issuance of residential certificates has become less common in recent years in the Borough of Roseland. From 2013 to 2018, 24 certificates of occupancy were issued, while only one has been issued since 2019. From 203 to 2024, a total of 3 demolition permits were issued, which equates to a net development of 15 residential units.

Historic Trend of Residential Certificates of Occupancy & Demolition Permits (2013-2024)

	'13	'14	'15	'16	'17	'18	'19	'20	'21	'22	'23	'24	Total
COs Issued	7	3	5	2	4	3	0	0	0	0	0	1	25
Demolitions	3	0	2	1	1	0	3	0	0	0	0	0	10
Net Development	**4**	**3**	**3**	**1**	**3**	**3**	**-3**	**0**	**0**	**0**	**0**	**NR**	**15**

Source: NJDCA, Construction Reporter - Housing Units Certified and Demolition Permits, Yearly Summary Data

Projecting into the future, the Borough has a number of inclusionary housing projects that are anticipated. Some of these projects are already under construction, others have approvals in place, and others are still in the approval process. Aside from these inclusionary projects, the Borough does not anticipate any significant residential growth. Single-family homes would be expected to continue with the trend over the past decade of approximately one of two new homes per year. These would be infill development or minor subdivisions of oversized lots within existing neighborhoods.

VII. Capacity for Fair Share

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

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

Land Capacity

Roseland's capacity to accommodate its present and prospective affordable housing need is determined by three components – available land, water capacity, and sewer availability and capacity. Note that land development is limited by environmental features, parcel size, easements (conservation, sewer, water, etc.), and municipal regulations.

Roseland has conducted a vacant land inventory to identify vacant and developable properties remaining in the Borough that may be suitable for affordable housing development. The analysis found that there are very few remaining vacant properties in the Borough that are suitable for affordable housing. However, there are opportunities for redevelopment of existing structures for future affordable housing. Several sites along Becker Farm Road have been identified for redevelopment of vacant or underutilized office complexes with new inclusionary developments.

Utility Capacity

The below sections describe the Borough's water and sewer capacities.

Water

The Borough of Roseland presently does not have a water supply facility of its own. Water is purchased from the Essex Fells Water Company, which also serves Caldwell, North Caldwell and Essex Fells. Roseland does, however, have its own Water Department which oversees water infrastructure and transmission capabilities within the Borough.

According to the NJDEP public water system website, the Roseland Borough Water Department has a firm capacity of 1.450 million gallons per day ("MGD") with a current peak demand of 1.061 MGD with 0.374 MGD committed for approved projects. The current and committed flows result in a total peak demand of 1.435 MGD, leaving only 0.15 MGD in surplus capacity.[4]

It is expected that the Borough shall work cooperatively to facilitate the provision of sufficient water capacity for the planned inclusionary housing projects. If such capacity is lacking, the developers will need to pay its pro rata share of any additional costs regarding the need to increase water capacity to the site.

[4] NJDEP Public Water System Deficit/Surplus Report. https://www.nj.gov/cgi-bin/dep/watersupply/pwsdetail.pl?id=0718001.

Sewer Capacity

The Essex County Future Wastewater Management Area Map adopted by NJDEP on March 5, 2013, shows that Roseland Borough is entirely within the sewer service area served by the Caldwell Borough Sewer Treatment Plant. was, pursuant to P.L.2011, c. 203. The Essex County Wastewater Management Plan was submitted to NJDEP on December 4, 2014, which has not yet been adopted.

Roseland is served by the Caldwell Sewer system. The Caldwell Sewer system serves portions of five towns – Caldwell, Roseland, North Caldwell, Roseland and Essex Fells. Caldwell is currently exploring options to expand its sewerage treatment capacity.

An "Order Imposing Scare Resource Restraint" was issued by Judge Gardner in 2022. Pursuant to paragraph 7 of the Order, it remains in effect until the Borough of Caldwell satisfies its entire Third Round obligation and the appointed Special Master confirms that the Caldwell Wastewater Treatment Plant has allocated sufficient capacity to the Borough of Roseland and the four other communities that send sewer to the plant. It is understood that the Caldwell Wastewater Treatment Plant is designing improvements to increase the plant capacity. It is anticipated that these improvements will be completed in the second half of 2025.

While there is an active "Order Imposing Scare Resource Restraint" it appears that the lack of sewer capacity will be resolved in 2025 and therefore, no durational adjustment is necessary. Alternatively, if a durational adjustment is necessary at all for the Fourth Round, it is short-term in length and any of the requirements under N.J.A.C. 5:93-4.3(c) should be waived.

It is expected that the Borough shall work cooperatively to facilitate the provision of sufficient wastewater treatment capacity for the planned inclusionary housing projects. If such capacity is lacking, the developers will need to pay its pro rata share of any additional costs regarding the need to increase treatment capacity to the site.

Appropriate Locations for Affordable Housing

Land that is most appropriate for the construction of low- and moderate-income housing includes the following. These sites are described in greater detail in Chapter X.

1. 4 Becker Farm Rd (Block 30, Lot 4)
2. 7 Becker Farm Rd (Block 30.1, Lot 13)
3. 10 Eisenhower Pkwy (Block 32, Lot 9.01)

Existing structures appropriate for conversion to affordable housing include ranch-style homes, which may be cost effective to buy and convert to an alternative living arrangement. As for structures suitable for rehabilitation, according to the Borough's Rehabilitation Obligation, zero (0) homes within Roseland are in need of a major system repair (e.g. roof, electric, plumbing, etc.).

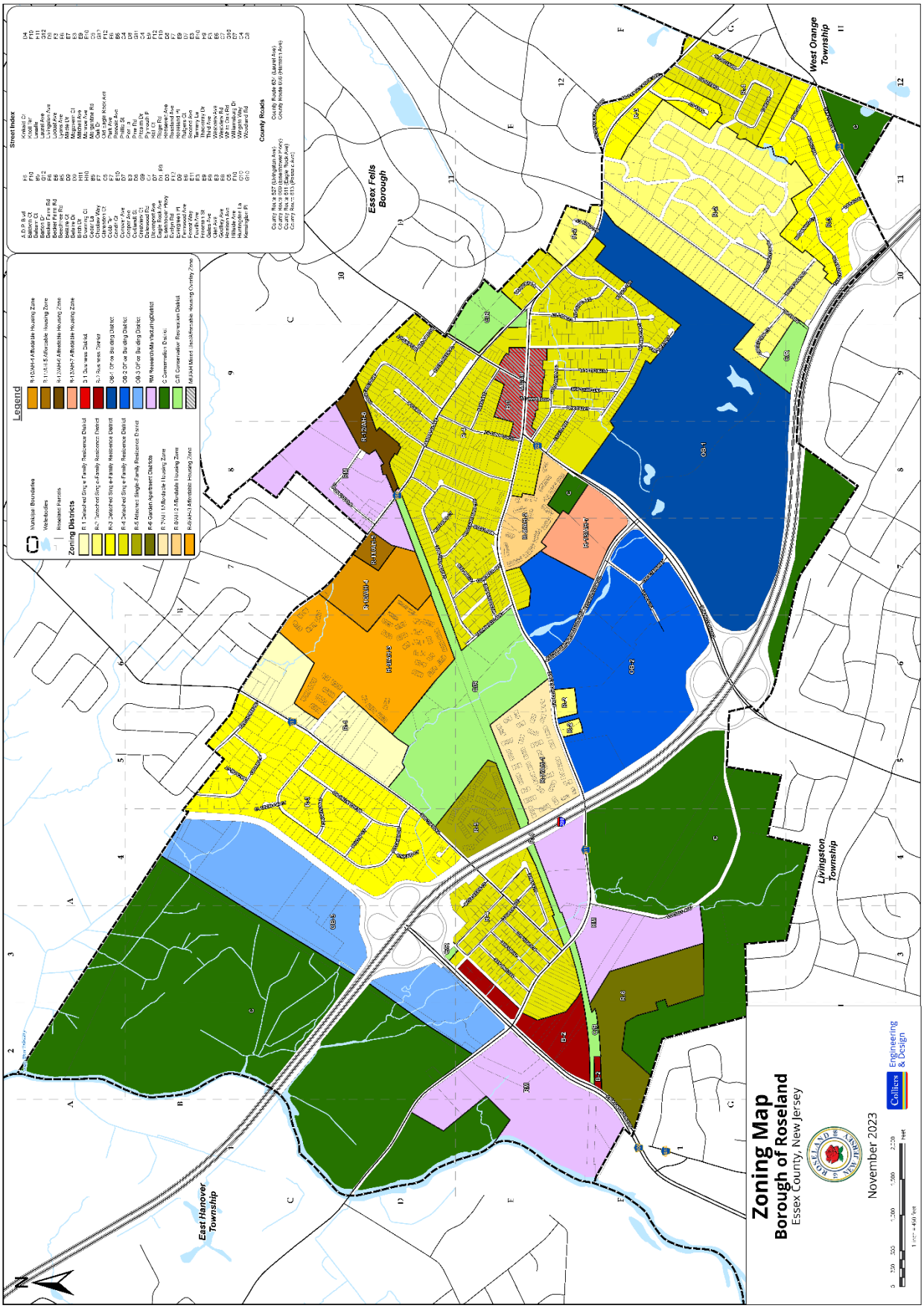
Potential Affordable Housing Developers

The Borough was approached by developers proposing to construct affordable housing on the properties listed above and is working cooperatively with each to facilitate the realistic production of affordable housing. The Borough was also approached by a developer with a proposed project on 138 Passaic Avenue (Block 12, Lot 16) for 55 total age-restricted units, which included an affordable housing set-aside of 11 affordable age-restricted units. While this project was part of a draft plan that was originally put on file for adoption, the Borough Planning Board did not adopt the draft plan, which

has resulted in this modified version of the HEFSP, which is being considered for adoption by the Planning Board on June 30, 2025. The project on 138 Passaic Avenue has now been excluded from the plan, as the developer of a proposed project on 4 Becker Farm Road is increasing the number of affordable units in that project to make up for the 11-unit gap in the Third Round.

Anticipated Development Patterns

Anticipated land use patterns within the Borough of Roseland will most likely follow the established zoning map, with exception of the proposed inclusionary housing sites identified above which will need to be rezoned (or a redevelopment plan adopted).


Zoning Map
Borough of Roseland
Essex County, New Jersey
November 2023
Collins
Engineering & Design
Legend
Zoning Districts
Municipal Boundaries
Waterbodies
Roseland Parcels
Street Index
County Roads
Essex Fells Borough
West Orange Township
Livingston Township
East Hanover Township

Multigenerational Family Continuity Evaluation

P.L. 2024, c.2 amended various aspects of the Fair Housing Act. These amendments modified the mandatory components of a municipality's housing element. N.J.S.A. 52:27D-310g. has been added, which states "An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c. 273 (C.52:27D-329.20)".

P.L. 2021, c.273 took effect on November 8, 2021. The law established the Multigenerational Family Housing Continuity Commission, which consists of a body of nine members. The duties of the Commission include the preparation and adoption of recommendations on how State government, local government, community organizations, private entities, and community members may most effectively advance the goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity, through the modification of State and local laws and policies in the areas of housing, land use planning, parking and streetscape planning, and other relevant areas. The Law requires the Commission to report annually to the Governor on its activities, findings, and recommendations, if any, for State and local government. The DCA is required to provide staff services as may be needed for the Commission to carry out its responsibilities, including assembly of necessary information and statistics, and preparation of draft reports, analyses, and recommendations.

The State of New Jersey's website was reviewed on May 21, 2025. A search of the website revealed no webpage for the Multigenerational Family Housing Continuity Commission. As DCA is required to provide staff and research for the Commission, DCA's website was reviewed on May 21, 2025. DCA's website is silent regarding the Commission, its annual required reports, studies, and/or recommendations. Without recommendations from the Commission, Roseland is unable to conduct an analysis of its ordinances and other local factors. Despite the absence of recommendations, it should be noted that there is nothing in Roseland's zoning ordinance that prohibits senior citizens from residing at the home of their extended families.

State Development & Redevelopment Plan Consistency

P.L. 2024, c.2 amended the Fair Housing Act to include a new requirement for housing elements. N.J.S.A. 52:27D-310i. reads, "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."

The Draft State Development and Redevelopment Plan was approved by the State Planning Commission ("SPC") on December 4, 2024, and was released on December 6, 2024. The Office of Planning Advocacy ("OPA") conducted public hearings in each of New Jersey's 21 Counties between February 12, 2025 and April 16, 2025. Municipalities are tasked with completing Cross-Acceptance Response Template forms to determine a municipality's consistency with the Draft State Plan. The OPA anticipates collecting all Cross-Acceptance Response Template forms in the Summer of 2025. During this time, the OPA is accepting comments on the Draft Plan. The OPA anticipates releasing a Final Draft Plan and holding six additional public hearings in the Summer/Fall of 2025. The expected adoption of the Final Plan by the SPC is anticipated to be in the Winter of 2025.

As the document is a draft, the Borough cannot opine on consistency until the final version is adopted. Roseland has not received guidance concerning water, wastewater, stormwater, or multi-modal transportation from the State Planning Commission.

FAIR SHARE PLAN

VIII. Required Content of Fair Share Plan

The Fair Share Plan contains the following information:

- Description of existing credits intended to satisfy the obligation;
- Description of mechanisms that will be used to meet any outstanding obligation; and
- An implementation schedule that sets forth a detailed timetable for units to be provided.

In adopting its housing element, a municipality may provide for its fair share of low and moderate income housing by means of any technique or combination of techniques that provide a realistic opportunity for the provision of the fair share. As per N.J.A.C. 5:93, these potential techniques include but are not limited to:

- Rehabilitation of existing substandard housing units;
- ECHO units (as a Rehabilitation credit);
- Municipally-sponsored and 100% affordable developments;
- Zoning for inclusionary development;
- Alternative living arrangements;
- Accessory apartment program;
- Purchase of existing homes;
- Write-down/buy-down programs; and
- Assisted living residences.

IX. Regional Income Limits

Dwelling units are affordable to low and moderate income households if the maximum sales price or rental cost is within their ability to pay such costs, based on a specific formula. The State historically provided income limits based upon the median gross household income of the affordable housing region in which the household is located. A moderate income household is one with a gross household income equal to or more than 50 percent, but less than 80 percent, of the median gross regional household income. A low income household is one with a gross household income equal to 50 percent or less of the median gross regional household income. Very-low income households are those with a gross household income equal to 30 percent or less of the median gross household income. Roseland is located in Region 2, which contains Essex, Morris, Union, and Warren Counties.

Using the Affordable Housing Professionals of New Jersey's latest chart on the regional income limits for Housing Region 2 in 2024, a four-person moderate income household is capped at $103,533. Two-person moderate income households are capped at $82,826, while two-person households could make up to $51,766 to be considered a low-income household. The table on the following page provides the median, moderate, low, and very-low income limits for one-, two-, three-, and four-person households in Region 2.

2024 Regional Income Limits (Region 2)

Income	Household Size			
	1 Person	2 Person	3 Person	4 Person
Median	$90,591	$103,533	$116,475	$129,416
Moderate	$72,473	$82,826	$93,180	$103,533
Low	$45,296	$51,766	$58,237	$64,708
Very-Low	$27,177	$31,060	$34,942	$38,825

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

X. Roseland's Affordable Housing Obligation

This chapter outlines the four-part affordable housing obligation Roseland has been assigned.

Four-Part Obligation

Rehabilitation | 0

Roseland accepted DCA's rehabilitation obligation of 0 for the Fourth Round.

Prior Round (1987-1999) | 182

Roseland Borough's second round Housing Element and Fair Share Plan received substantive certification on August 2, 2000 for a 162-unit obligation that was the result of a Vacant Land Adjustment (VLA). However, in accordance with the Court approved Third Round Settlement Agreement entered into between the Borough and FSHC, the Borough no longer relied on the old Vacant Land Adjustment, and a Prior Round number of 182 was agreed to, so Roseland continues to address its entire Prior Round obligation of 182.

Third Round (1999-2025) | 322

As noted previously, Roseland settled with FSHC regarding its Third Round obligation and accepted an obligation of 322.

Fourth Round (2025-2035) | 152

As indicated in the March 24, 2025 Order from the Court, the Borough's Fourth Round Obligation is 152.

The Amended FHA modified the micro-requirement formulas for the Fourth Round obligation, which are as follows:

- Minimum 50% of the actual affordable units (exclusive of any bonus credits) available to families.
- Minimum 25% of the actual affordable units (exclusive of any bonus credits) as rental units.
- Half of the above as family rental units.
- Maximum 30% of the affordable units exclusive of any bonus credits) as age-restricted housing.
- Maximum 25% of the obligation as bonus credits.

XI. Mechanisms & Credits

This chapter provides the existing and proposed mechanisms and credits for each of the four affordable housing obligations.

Rehabilitation Mechanisms & Credits

Roseland Borough has a Rehabilitation Obligation of 0 units, so it has no Rehabilitation Obligation to address during the Fourth Round.

Prior Round Mechanisms & Credits

As per the terms of the Court approved Third Round Settlement Agreement between the Borough and FSHC, Roseland Borough's Prior Round Obligation is 182 units. Roseland is addressing its Prior Round Obligation of 182 as follows:

1. Roseland Glen (Block 30, Lots 18, 21):

This constructed and occupied inclusionary project contains a total of 98 units, of which 22 are age-restricted, for-sale, affordable units. The units received certificates of occupancy (COs) in 1997, and all of the units initially had 20-year affordability controls. The project contains 12 low-income units, and 10 units moderate-income units. All are two bedroom units. The project was deemed credit worthy in the Borough's Third Round Judgment of Compliance and Repose.

2. Eagle Rock (Block 12, Lot 20:

This constructed and occupied inclusionary project contains a total of 178 units, of which 18 are family for-sale, affordable units that were affirmatively marketed to low- and moderate-income households of all ages. The units received COs in 1994 and 1995, and all units initially had 20-year affordability controls. The project contains 9 low-income units, and 9 units moderate-income units. There are 6 one-bedroom units, 8 two-bedroom units, and 4 three-bedroom units. The project was deemed credit worthy in the Borough's Third Round Judgment of Compliance and Repose.

3. Roseland Green (Block 12, Lot 23):

This constructed and occupied inclusionary project contains a total of 230 units, of which 42 are family for-sale affordable units that were affirmatively marketed to low- and moderate-income households of all ages. The development was constructed in 2006, and all of the units had 30-year deed restrictions. The project contains 21 low-income units, and 21 units moderate-income units. There are 9 one-bedroom units, 22 two-bedroom units, and 9 three-bedroom units. The project was deemed credit worthy in the Borough's Third Round Judgment of Compliance and Repose. 15 of the 42 affordable units are being applied to the Prior Round.

4. Regional Contribution Agreement with Newark:

COAH approved a 66-unit Regional Contribution Agreement (RCA) between Roseland and the City of Newark on September 26, 1988. The COAH approved RCA states that Roseland would transfer $17,000 for each rental RCA unit (33 total) and $17,500 for each for-sale RCA unit (33 total) for a total cost of $1,138,500. Thereafter, Newark requested to substitute projects from the originally approved RCA. The 33 units remained the same, as well as the monetary transfer amount. COAH approved the amended RCA on August 7, 1991. All funding was subsequently transferred to Newark as evidenced

by a COAH status for RCAs form, dated April of 2009. These RCA credits were deemed credit worthy in the Borough's Third Round Judgment of Compliance and Repose.

5. Regional Contribution Agreement with Irvington:

COAH approved a 14-unit RCA between Roseland and the Township of Irvington on August 2, 2000, for a total cost of $280,000. All funding was transferred to Irvington as evidenced by a COAH monitoring memorandum of 2003 that COAH received on August 2, 2004. These RCA credits were deemed credit worthy in the Borough's Third Round Judgment of Compliance and Repose.

6. Arbor Terrace Roseland (formerly The Solona):

Arbor Terrace is an Assisted Living Facility that contains 100 units. N.J.S.A. 26:2H-12.166 requires that at least 10 percent of all beds in an assisted living facility must be available to Medicaid recipients. Arbor Terrace has provided a copy of its license to operate as well as a letter stating that the facility complies with the 10 percent statutory requirement. This entitles Roseland to 10 affordable housing credits for this facility. The project was deemed credit worthy in the Borough's Third Round Judgment of Compliance and Repose.

7. ARC of Essex County Group Home:

The ARC of Essex County is the sponsor of a five bedroom group home located at 32 Green A venue (Block 11, Lot 9). The group home, which opened in 2016, contains five bedrooms and is deed restricted for 30 years. ARC provided the Borough with a copy of the Alternative Living Arrangement (ALA) Survey stipulating that the group home contains five bedrooms and has also supplied a copy of a deed restriction. The project was deemed credit worthy in the Borough's Third Round Judgment of Compliance and Repose.

8. 6 Becker Farm Road (Block 30, Lot 2)

Lot 2 in Block 30 was designated as an Area in Need of Redevelopment by the Mayor and Council on February 28, 2017. A Redevelopment Plan for Lot 2 in Block 30 was adopted August 15, 2017, and 6 Becker Urban Renewal, LLC was designated as the Redeveloper and entered into a Redevelopment Agreement with the Borough on May 1, 2018. The Planning Board granted preliminary and final site plan approval on December 17, 2018, allowing for the development of 299 family rental units, including a 20 percent set-aside (60 affordable units). The former office building on the site has been demolished and the new four-story building is under construction. Roseland is applying 18 units and 9 bonus credits towards the Prior Round obligation. The project was deemed credit worthy in the Borough's Third Round Judgment of Compliance and Repose.

9. Rental Bonus Credits:

As per the Court Approved Settlement Agreement with FSHC, the Borough agreed to only claim 16 total Prior Round rental bonus credits for the Prior Round. The agreed upon and Court approved rental bonuses are being claimed with regard to the following developments for the Prior Round: Arbor Terrace (0.3 x 8 = 2, rounded down); ARC (5 credits): and the 6 Becker Farm Road Project (9 credits).

Summary of Prior Round Credits

As shown in the table below, the Borough has total of 166 affordable units and 16 rental bonus credits to address the Prior Round obligation.

Prior Round Affordable Housing Credits							
Project	Credit Type	Status	Total Units	Credits Available	Prior Round		
					Units	Bonus	Total
Roseland Glen	AR – Sales	Existing	98	22	22		22
Eagle Rock	Family Sales	Existing	178	18	18		18
Roseland Green	Family Sales	Existing	230	42	15		15
RCA with Newark	RCA	Existing	66	66	66		66
RCA with Irvington	RCA	Existing	14	14	14		14
Arbor Terrace	AR – Rental	Existing	100	10	8	2	10
ARC of Essex County	Group Home	Existing	5	5	5	5	10
6 Becker Farm Road	Family Rental	Approved	299	60	18	9	27
				Total	**166**	**16**	**182**
				Obligation	**182**		
				Age-Restricted	**30**		

Third Round Mechanisms & Credits

As per the terms of the FSHC Settlement Agreement, the Roseland's Third Round Obligation is 322 units. Roseland is addressing the Third Round Obligation as follows:

1. Roseland Glen (Block 30, Lots 18, 21):

All 22 units in the constructed and occupied Roseland Glen project have had deed restrictions extended for an additional 30 years beyond the original 20 year affordability control period. The Borough is claiming credit for 13 of the 22 extended controls for the Third Round.

It is noted that Chapter 30-404.2(v) of the Roseland Borough Code gave Roseland the right to extend the controls for an additional 30 years from the date of the original deed restriction. Accordingly, a Declaration of Restrictive Covenant was recorded on April 25, 2016 in the Register of Deeds & Mortgages Office of Essex County. The filing extended the deeds for 30 years from the initial 20 year deed restriction. The 13 extension of expiring controls credits that were claimed for this project by the Borough were deemed creditworthy in the Borough's Third Round Judgment of Compliance and Repose. The controls on the remaining 9 units could not be extended due to deed restriction and other documenting issues.

2. Eagle Rock (Block 12, Lot 20:

Within the constructed and occupied Eagle Rock project, 15 of the affordable units had deed restrictions extended for an additional 30 years beyond the original 20 year affordability control period. It was discovered that only 15 of the 18 affordable units had controls extended because 3 of the units had been sold prior to the extension.

The Eagle Rock Condominium Association amended the Master Deed to reflect that 15 of the units are subject to extended controls for 30 additional years after the original 20 years. The remaining

three units were sold before affordability controls could be extended. The 15 extension of expiring controls that were claimed for this project were deemed creditworthy in the Borough's Third Round Judgment of Compliance and Repose.

3. Roseland Green (Block 12, Lot 23):

The Borough is applying the remaining 27 of the 42 total affordable family for-sale affordable units in the constructed and occupied Roseland Green project towards satisfying the Third Round Obligation. The project was deemed credit worthy in the Borough's Third Round Judgment of Compliance and Repose.

4. 6 Becker Farm Road (Block 30, Lot 2):

The Borough is applying the remaining 42 of the 60 total affordable family rental units from the approved 6 Becker Farm Road project towards satisfying the Third Round Obligation, along with 42 rental bonus credits. The project was deemed credit worthy in the Borough's Third Round Judgment of Compliance and Repose.

5. 85 Livingston Avenue (Block 30.1, Lot 14)

Lot 14 in Block 30.1 was designated as an Area in Need of Redevelopment by the Mayor and Council on February 28, 2017. The Redevelopment Plan was adopted on August 15, 2017 via Ordinance #12-2017. The Planning Board granted Preliminary and Final Site Plan approval on December 16, 2019 for a four-story hotel building, a four-story apartment building, and a restaurant. The site was approved for 140 family rentals with a 20 percent set-aside (28 affordable units). A Redevelopment Agreement was entered into on May 1, 2018 with the designated redeveloper, 85 Livingston Urban Renewal, LLC. The Redevelopment Plan, the Redevelopment Agreement were approved by the Court via the entry of a final Judgment of Compliance and Repose in the Borough's Mount Laurel IV Declaratory Judgment action. The Court also deemed the 28 affordable units in the original approval creditworthy.

Avalon Roseland Livingston Urban Renewal, LLC purchased the project from 85 Livingston Urban Renewal, LLC as a designated successor redeveloper, which necessitated the adoption of an updated Redevelopment Plan for the 85 Livingston Avenue site (Block 30.1, Lot 14). On December 19, 2023, the Borough adopted the updated Redevelopment Plan for 85 Livingston Avenue, supersedes and replaces the Redevelopment Plan adopted in 2017. The Redevelopment Plan removed the hotel and restaurant uses, and instead allowed for a greater density of residential units. The Redevelopment Plan permits the development to be comprised of 234 total units, including 33 affordable housing units. The development will provide 20 percent affordable housing credits through a combination of 26 affordable family rental units and seven (7) integrated affordable supportive and special needs housing units.

The Planning Board granted preliminary and final site plan approval for the construction of 234 units, to be constructed in four structures: a four-story multi-family residential building consisting of 192 units, and 3 three-story multi-family townhouse buildings consisting of 42 units. The Borough is applying 37 credits from 85 Livingston Ave towards the Third Round obligation.

6. 65 Livingston Avenue (Block 30.1, Lot 14)

In accordance with the November 7, 2019 Settlement Agreement with FSHC, the Borough adopted Ordinance No. 06-2021 on March 16, 2021, which rezoned 65 Livingston Avenue to the R-13/AH-7 Affordable Housing Zone. The R-13/AH-7 Zone permits multi-family residential development at a

maximum of 260 total dwelling units. Up to 218 market-rate units are permitted to be age-restricted, assisted living, independent living, or memory care units. Not less than 42 housing units shall be designated for occupancy by very low, low- and moderate-income family households. The project was deemed credit worthy in the Borough's Third Round Judgment of Compliance and Repose.

The Planning Board granted preliminary and final site plan approval on May 15, 2023 for the construction of 181 units of independent living, assisted living or memory care, and a separate building with 42 affordable housing apartments units. The Borough is applying 42 credits and 39 rental bonus credits from 65 Livingston Ave towards the Third Round obligation.

7. 146 Harrison Avenue (K&K):

Lots 24.03 and 24.05 in Block 12 is a 25.882-acre tract, also known as 146 Harrison Avenue. The property is developed with a light industrial and office use, formerly occupied by Bobst North America. The Borough of Roseland entered into Settlement Agreements with Bobst North America on November 5, 2019, and with K&K Developers, Inc. on November 13, 2019. K&K Developers, Inc. was the contract purchaser of approximately 20 acres of the Bobst Tract. Bobst North America was to develop the remaining 6-acre portion of the tract.

The Planning Board adopted a Master Plan Amendment on May 18, 2020, which recommended that the Bobst tract be rezoned from RM Research/Manufacturing Zone District to R-10/AH-4 and R-11/A-5 Affordable Housing Districts. The Borough Council then adopted Ordinances 09-2020 and 10-2020 on May 19, 2020 to rezone the property as recommended by the Master Plan.

The R-10/AH-4 District allows for 177 multifamily rental apartment units and 34 townhouse units, for a total of 211 residential dwelling units. Not less than 32 dwelling units are required to be deed restricted for low- and moderate-income households.

The R-11/AH-5 District allows for 65 multi-family senior housing units, including a minimum of 12 low- and moderate-income rental units.

Both proposed projects were deemed credit worthy in the Borough's Third Round Judgment of Compliance and Repose.

On July 19, 2021, The Gardens at Roseland, LLC received preliminary and final major site plan and subdivision approval to redevelop the K&K Developers portion of the Bobst tract, in accordance with the R-10/AH-4 Zone District. The subdivision created Lots 24.051, 24.052, and 24.053.

- Lot 24.052 contains 12.775 acres to be developed with 5 three-story apartment buildings and 3 four-story apartment buildings, containing a total of 177 apartment units, as well as a two-story clubhouse building, in-ground pool, and sports court.
- Lot 24.053 contains 8.018 acres to be developed with 34 townhouse units within nine 2-1/2-story buildings.
- Lot 24.051 contains 5.089 acres to be redeveloped by others for senior housing at a later date in accordance with the R-11/AH-5 District.

A total of 32 affordable units will be part of the 177 apartments in conformance with the 15 percent affordable requirements for a rental development. The Borough is claiming 32 units from the K&K portion of the site.

8. Bobst Senior Project:

The R-11/AH-5 District allows for 65 multi-family senior housing units, including a minimum 18.5 percent set-aside of 12 low- and moderate-income rental units. The proposed project is described in greater detail in section 7. above. The Borough will apply all 12 units towards satisfying the Third Round obligation. The project was deemed credit worthy in the Borough's Third Round Judgment of Compliance and Repose.

9. 4 Becker Farm Rd (Block 30, Lot 4)

This parcel is made up of approximately 6 acres located along the north side of Becker Farm Road. The site contains a vacated office building. The developer has proposed a 265-unit inclusionary development, with a 20% set-aside consisting of 53 affordable units. A minimum of 20 affordable units will be age-restricted, rental apartment units, and the balance of the affordable units will be for sale, non-age-restricted units. The non-age restricted component of the project will consist of a mix of townhomes, stacked flats, and/or condo flat units. The developer is also investigating the possibility of converting the existing office building into a residential use, while maintaining the overall unit count.

The property is currently within the OB-2 Office Building District. The Borough intends to rezone the property to allow a multi-family residential inclusionary development with a mandatory 20 percent set-aside. The Borough intends to utilize 11 affordable housing credits from this project for Third Round obligation and 42 affordable housing credits for the Fourth Round obligation.

Site Suitability

The affordable housing rules require municipalities to designate sites that are available, suitable, developable and approvable, as defined in N.J.A.C. 5:93-1. These terms are defined below:

- Approvable site means a site that may be developed for low- and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low- and moderate-income housing**.**
- Available site means a site with clear title, free of encumbrances which preclude development for low- and moderate-income housing.
- Developable site means a site that has access to appropriate water and sewer infrastructure and is consistent with the applicable areawide water quality management plan (including the wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by NJDEP.
- Suitable site means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.

The property meets the four prongs of the rules as follows:

  - Approvable site – The Borough will rezone the property to permit inclusionary housing in a manner consistent with a concept plan prepared by the developer.
  - Available site – The site is under private ownership and has clear title.

- Developable site – The property is in the sewer and water service areas. The Borough will cooperate with the property owner/developer to secure water and sewer capacity. If such capacity is lacking, the developer will pay its pro-rate share of any additional costs regarding the need to increase sewer or water capacity.
- Suitable site – The property is adjacent to existing and proposed 4-story office and multi-family residential uses. The Borough believes the proposed development will be compatible with the surrounding uses. The site is accessible from Becker Farm Road, which is has direct access to I-280 and the regional roadway network. There are known wetlands and flood hazard areas on the site. The site plan will need to be designed to comply with environmental regulations to protect the environmentally sensitive areas. Based on the initial concept plan from the developer, the property appears to be suitable for the proposed development.

10. Rental Bonus Credits:

The Borough is claiming a total of 81 rental bonus credits for Round 3. The rental bonuses are being claimed from 6 Becker Farm Road Project (42 credits) and 65 Livingston Road Project (39 credits).

Summary of Third Round Credits

As shown in the table below, the Township has total of 241 affordable units and 81 rental bonus credits to address the Third Round obligation.

Third Round Affordable Housing Credits							
Project	**Credit Type**	**Status**	**Total Units**	**Credits Available**	**Third Round**		
					Units	**Bonus**	**Total**
Roseland Glen	AR – Sales	Ext. of Ctrl	98	13	13		13
Eagle Rock	Family Sales	Ext. of Ctrl	178	15	15		15
Roseland Green	Family Sales	Existing	230	42	27		27
6 Becker Farm Road	Family Rental	Approved	299	60	42	42	84
85 Livingston Ave	Family Rental	Under Construction	234	26	26		26
	Special Needs			21	21		21
65 Livingston Ave	Family Rental	Approved	260	42	42	39	81
146 Harrison Ave (K&K)	Family Rental	Approved	211	32	32		32
Bobst Senior Housing	AR – Rental	Approved	65	12	12		12
4 Becker Farm Rd	AR – Rental	Proposed	265	20	11		11
	Family Sales			33	0		0
Total					**241**	**81**	**322**
Obligation					**322**		
Age-Restricted					**36**		
Max Bonus					**81**		

Fourth Round Mechanisms & Credits

1. 4 Becker Farm Rd (Block 30, Lot 4)

As per the description in the Third Round Section above, the Borough intends to rezone the 4 Becker Farm Road property (Block 30, Lot 4) to allow for 265 multi-family townhomes and apartments with a mandatory twenty percent (20%) affordable housing set-aside of 53 units. The Borough intends to utilize 11 affordable housing credits from this project for Third Round Obligation and 42 affordable housing credits for the Fourth Round Obligation.

2. 7 Becker Farm Rd (Block 30.1, Lot 13)

Lot 13 is an 8.06-acre parcel with primary frontage on ADP Boulevard and secondary frontage on Becker Farm Road. The site contains an office building in the center of the lot, which is ringed with surface parking to the east, west, and south. To the north of the building, a stream runs through the front yard parallel to Becker Farm Road, with a pedestrian bridge over the waterway. The Roseland Borough and Council adopted Resolution 158-2025 on April 15, 2025, designating the property as an area in need of redevelopment. The Borough is in the process of preparing a Redevelopment Plan for the property, which would allow for the development of a multi-family inclusionary housing project consisting of up to 325 total units, including 65 affordable family rentals (20 percent). The Borough intends to utilize 65 credits and 32 rental bonus credits from this project for the Fourth Round obligation.

Site Suitability

The property meets the four prongs of the rules as follows:

- Approvable site – The Borough has declared the property as an area in need of redevelopment and intends to adopt a Redevelopment Plan for the property to permit inclusionary housing in a manner consistent with the concept plan prepared by the developer.
- Available site – The site is under private ownership and has clear title.
- Developable site – The property is in the sewer and water service areas. The Borough will cooperate with the property owner/developer to secure water and sewer capacity. If such capacity is lacking, the developer will pay its pro-rate share of any additional costs regarding the need to increase sewer or water capacity.
- Suitable site – The property is adjacent to existing and proposed 4-story office and multi-family residential uses. The Borough believes the proposed development will be compatible with the surrounding uses. The site is accessible from Becker Farm Road, which is has direct access to I-280 and the regional roadway network. There are known wetlands and flood hazard areas on the site. The concept plan has been designed to comply with environmental regulations to protect the environmentally sensitive areas.

3. 10 Eisenhower Pkwy (Block 32, Lot 9.01)

Lot 9.01 in Block 32 is a 1.07-acre parcel located along the easterly side of Eisenhower Parkway, just south of the railroad tracks. The property is developed with a small vacant structure and parking.

The parcel was previously within R-6 Garden Apartment District. This was the only lot remaining in the R-6 Zone District not developed for residential use. The 2020 Master Plan Reexamination

recommended that the property be rezoned from R-6 to B-2 Business District since the lot is too small to be developed with a permitted garden apartment uses where the minimum tract size required is 9 acres. This lot is adjacent to the B-2 Business District and fronts on Eisenhower Parkway.

A developer has approached the Borough with a concept plan to develop a total of 33 stacked multi-family dwellings on the property, including 7 affordable units (20 percent set-aside). The Borough will rezone the property to allow multi-family inclusionary housing with a mandatory 20 percent set-aside. The Borough intends to utilize 7 credits and 3 bonus credits from this project for the Fourth Round obligation.

Site Suitability

The property meets the four prongs of the rules as follows:

- Approvable site – The Borough intends to rezone the property to permit inclusionary housing in a manner consistent with the concept plan prepared by the developer.
- Available site – The site is under private ownership and has clear title.
- Developable site – The property is in the sewer and water service areas. The Borough will cooperate with the property owner/developer to secure water and sewer capacity. If such capacity is lacking, the developer will pay its pro-rate share of any additional costs regarding the need to increase sewer or water capacity.
- Suitable site – The property is adjacent to existing commercial uses and multi-family uses. The Borough believes the proposed development will be compatible with the surrounding uses. The site is accessible from Eisenhower Parkway, which is has direct access to I-280 and the regional roadway network. There are no known environmentally sensitive areas on the site, according to NJDEP mapping. The site is already disturbed with structures and paved areas.

4. Rental Bonus Credits:

Rental bonuses for the Fourth Round are capped at the rental obligation, which is 25 percent of the new construction obligation. For the Fourth Round, Roseland has a rental obligation of 38 units and, therefore, may apply up to 38 bonus credits. Roseland will apply 32 rental bonus credits from 7 Becker Farm Road, and 6 rental bonus credits from 4 Becker Farm Road.

Summary of Fourth Round Credits

As shown in the table below, the Borough has total of 114 affordable units and 38 rental bonus credits to address the Fourth Round obligation. Up to 30 percent of the Fourth Round obligation can be age-restricted, or up to 45 units. The Borough plans to utilize 20 age-restricted units towards the Fourth Round obligation.

Fourth Round Affordable Housing Credits							
Project	Credit Type	Status	Total Units	Credits Available	Fourth Round		
					Units	Bonus	Total
4 Becker Farm Rd	AR - Rental	Proposed	265	20	9	4	13
	Family Sales			33	33		33
7 Becker Farm Rd	Family Rental	AINR	325	65	65	32	97
10 Eisenhower Pkwy	Family Rental	Proposed	33	7	7	2	9
				Total	**114**	**38**	**152**
				Obligation	**152**		
				Age-Restricted	**19**		
				Max Bonus	**38**		

Summary of Mechanisms & Credits

The table below provides a summary of the mechanisms, credits, and bonuses this HEFSP proposes. It should be noted that all proposed mechanisms will meet the required very-low, low-, and moderate-income distribution and will abide by the UHAC rules in place at the time of Board approval regarding bedroom distribution.

Roseland Affordable Housing Credits													
Project	Credit Type	Status	Total Units	Credits Available	Prior Round			Third Round			Fourth Round		
					Units	Bonus	Total	Units	Bonus	Total	Units	Bonus	Total
Roseland Glen	AR - Sales	Existing	98	22	22		22			0			0
	AR - Sales	Ext. of Ctrl		13			0	13		13			0
Eagle Rock	Family Sales	Existing	178	18	18		18			0			0
	Family Sales	Ext. of Ctrl		15			0	15		15			0
Roseland Green	Family Sales	Existing	230	42	15		15	27		27			0
RCA with Newark	RCA	Existing	66	66	66		66			0			0
RCA with Irvington	RCA	Existing	14	14	14		14			0			0
Arbor Terrace	AR - Rental	Existing	100	8	8	2	10			0			0
ARC of Essex County	Group Home	Existing	5	5	5	5	10			0			0
6 Becker Farm Road	Family Rental	Approved	299	60	18	9	27	42	42	84			0
85 Livingston Ave	Family Rental	Under Cons.	234	26			0	26		26			0
	Special Needs			21			0	21		21			0
65 Livingston Ave	Family Rental	Approved	260	42			0	42	39	81			0
146 Harrison Ave (K&K)	Family Rental	Approved	211	32			0	32		32			0
Bobst Senior Housing	AR - Rental	Approved	65	12			0	12		12			0
4 Becker Farm Rd	AR - Rental	Proposed	265	20			0	11		11	9	4	13
	Family Sales			33			0			0	33		33
7 Becker Farm Rd	Family Rental	AINR	325	65			0			0	65	32	97
10 Eisenhower Pkwy	Family Rental	Proposed	33	7			0			0	7	2	9
				Total	**166**	**16**	**182**	**241**	**81**	**322**	**114**	**38**	**152**
				Obligation	**182**			**322**			**152**		
				Age-Restricted	**30**			**23**			**9**		
				Max Bonus	**46**			**81**			**38**		

XII. Appendix

RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF ROSELAND ADOPTING A FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, the Borough of Roseland (hereinafter the "Borough" or "Roseland") has a demonstrated history of voluntary compliance as evidenced by its Third Round record; and

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 6, 2015, the Borough of Roseland filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Third Round Housing Element and Fair Share Plan, to be amended as necessary, satisfied its "fair share" of the regional need for low and moderate income housing pursuant to the "Mount Laurel doctrine;" and

WHEREAS, that culminated in a Court-approved Third Round Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes all Mount Laurel lawsuits, including builder's remedy lawsuits, until July 1, 2025; and

WHEREAS, the Borough continues to actively implement its Court-approved Third Round Housing Element and Fair Share Plan; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act (hereinafter the "Amended FHA"); and

WHEREAS, the Borough adopted a "binding resolution" accepting the DCA-calculated Present Need and Prospective Need, as required by the Amended FHA, on January 21, 2025, establishing its Fourth Round Present Need of zero ("0") and Prospective Need of 152; and

WHEREAS, in accordance with the Amended FHA and the Administrative Office of the Court's Directive No. 14-24, the Borough filed a timely Fourth Round Declaratory Judgment complaint ("DJ Complaint") with the Affordable Housing Dispute Resolution Program ("the Program"), along with its binding resolution, on January 23, 2025; and

WHEREAS, the filing of the DJ Complaint gave the Borough automatic, continued immunity from all exclusionary zoning lawsuits, including builder's remedy lawsuits, which is still in full force and effect; and

WHEREAS, the Borough did not receive any objections to its Present and Prospective Need numbers by February 28, 2025, resulting in the statutory automatic acceptance of the Borough's Fourth Round obligations on March 1, 2025; and

WHEREAS, on March 24, 2025, the Court entered an order establishing the Borough's Fourth Round Present Need of zero ("0") and Prospective Need of 152; and

WHEREAS, now that Borough has its Fourth Round Obligations, the Amended FHA requires the municipality to adopt a Fourth Round Housing Element and Fair Share Plan by June 30, 2025; and

WHEREAS, in accordance with the Amended FHA, the Borough's affordable housing planner drafted a Fourth Round Housing Element and Fair Share Plan, which is attached hereto as Exhibit A; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Fourth Round Housing Element and Fair Share Plan on June 30, 2025; and

WHEREAS, the Planning Board determined that the attached Fourth Round Housing Element and Fair Share Plan is consistent with the goals and objectives of the Borough's current Master Plan, and that adoption and implementation of the Fourth Round Housing Element and Fair Share Plan is in the public interest and protects public health and safety and promotes the general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Roseland, County of Essex, State of New Jersey, that the Planning Board hereby adopts the Fourth Round Housing Element and Fair Share Plan attached hereto as Exhibit A.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Planning Board of the Borough of Roseland at a regular meeting held on the 30th day of June, 2025.

Planning Board Secretary

FILED
MAR 24 2025
Aldo J. Russo, J.S.C.

PREPARED BY THE COURT:

IN THE MATTER OF THE DECLARATORY JUDGMENT ACTION OF THE BOROUGH OF ROSELAND, ESSEX COUNTY PURSUANT TO P.L. 2024, CHAPTER 2

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CIVIL PART
ESSEX COUNTY
DOCKET NO. ESX-L-624-25

Civil Action

ORDER FIXING MUNICIPAL OBLIGATIONS FOR "PRESENT NEED" AND "PROSPECTIVE NEED" FOR THE FOURTH ROUND HOUSING CYCLE

THIS MATTER, having come before the Court on its own motion, *sua sponte*, on the Complaint for Declaratory Judgment filed on January 23, 2025 ("DJ Complaint") by the Petitioner, Township of Montclair ("Petitioner" or "Municipality"), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, *et seq.* (collectively, the "FHA"), and in accordance with Section II.A of Administrative Directive #14-24 ("Directive #14-24") of the Affordable Housing Dispute Resolution Program (the "Program"), seeking a certification of compliance with the FHA;

AND IT APPEARING, that on October 18, 2024, pursuant to the FHA (as amended), the New Jersey Department of Community Affairs ("DCA") issued its report entitled *Affordable Housing Obligations for 2025-2035 (Fourth Round),*[1] therein setting forth the present need and prospective need obligations of all New Jersey municipalities for the Fourth Round housing cycle (the "DCA's Fourth Round Report");

[1] *See* https://nj.gov/dca/dlps/pdf/FourthRoundCalculation_Methodology.pdf

AND IT APPEARING that, pursuant to the DCA's Fourth Round Report, the **present need** obligation of the Petitioner has been calculated and reported as **0** affordable units, and its **prospective need** obligation of the Petitioner has been calculated and reported as **152** affordable units, and which calculations have been deemed presumptively valid for purposes of the FHA;

AND THE COURT, having determined that no interested party has filed a challenge to the Petitioner's DJ Complaint by way of an Answer thereto as provided for and in accordance with Section II.B of Directive #14-24 of the Program;

AND THE COURT, having found and determined, therefore, that the present need and prospective need affordable housing obligations of the Petitioner for the Fourth Round housing cycle as calculated and reported in the DCA's Fourth Round Report have been committed to by the Petitioner and are uncontested, and for good cause having otherwise been shown:

IT IS, THEREFORE, on this **24** day of **MARCH 2025 ORDERED AND ADJUDGED** as follows:

1. That the present need obligation of the Municipality, be, and hereby is fixed as **zero (0)** affordable units for the Fourth Round housing cycle.

2. That the prospective need obligation of the Municipality, be, and hereby is fixed as **one hundred and fifty two (152)** affordable units for the Fourth Round Housing cycle; and

3. That the Petitioner is hereby authorized to proceed with preparation and adoption of its proposed Housing Element and Fair Share Plan for the Fourth Round, incorporating therein the present need and prospective need allocations aforesaid (and which plan shall include the elements set forth in the "Addendum" attached to Directive #14-24), by or before June 30, 2025, as provided for and in accordance with Section III.A of Directive #14-24, and without further delay.

IT IS FURTHER ORDERED that a copy of this Order shall be deemed served on the Petitioner and Petitioner's counsel.

SO ORDERED:

HON. ALDO J. RUSSO, J.S.C.
Designated Mount Laurel Judge- Essex Vicinage

(X) Uncontested.

SURENIAN, EDWARDS, BUZAK & NOLAN LLC
311 Broadway, Suite A
Point Pleasant Beach, NJ 08742
(732) 612-3100
By: Erik C. Nolan, Esq. (Attorney ID: 014032006)
Attorneys for Declaratory Plaintiff, Borough of Roseland

IN THE MATTER OF THE APPLICATION OF THE BOROUGH OF ROSELAND, COUNTY OF ESSEX, STATE OF NEW JERSEY	**SUPERIOR COURT OF NEW JERSEY** LAW DIVISION: ESSEX COUNTY DOCKET NO.: ESX-**L-**____ CIVIL ACTION AFFORDABLE HOUSING DISPUTE RESOLUTION PROGRAM PER DIRECTIVE # 14-24 **COMPLAINT FOR DECLARATORY RELIEF PURSUANT TO AOC DIRECTIVE # 14-24**

Declaratory Plaintiff, the Borough of Roseland, County of Essex, State of New Jersey (hereinafter, "Roseland" or the "Borough"), a municipal corporation of the State of New Jersey, with principal offices located at 140 Eagle Rock Avenue, Roseland, New Jersey 07068, by way of filing this Declaratory Judgment Complaint to start this Declaratory Judgment Action ("DJ Action") as authorized under Directive # 14-24 of the Administrative Office of the Courts ("AOC") alleges and says:

Background

1. Roseland is a municipal corporation of the State of New Jersey.

2. The Planning Board of the Borough of Roseland (hereinafter, "Planning Board") is a municipal agency created and organized under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq., ("MLUL"), and, among other duties and obligations, is responsible for adopting the Fourth Round Housing Element and Fair Share Plan ("HEFSP") of Roseland's Master Plan.

3. Through this DJ Action, Roseland seeks the following relief in relation to its Fourth Round (2025-2035) affordable housing obligation: (a) to secure the jurisdiction of the Affordable Housing Dispute Resolution Program (the "Program") pursuant to P.L. 2024, c.2 (hereinafter, the "Act") and the Court, pursuant to AOC Directive # 14-24; (b) to have the Program and the Court approve the Borough of Roseland's Present and Prospective affordable housing obligations as set forth in the binding resolution adopted by the Borough, attached hereto as **Exhibit 1**; (c) to have the Program and the Court approve the Borough's HEFSP, to be adopted by the Planning Board and endorsed by the Borough Council, and issue a conditional or unconditional "Compliance Certification" pursuant to the Act or other similar declaration; (d) through the filing of this DJ Action and binding resolution, to have the Program and the Court confirm Roseland's immunity from all exclusionary zoning litigation, including builder's remedy lawsuits, during the pendency of the process outlined in the Act and for the duration of Fourth Round, i.e., through June 30, 2035; and (e) to have the Program and the Court take such other actions and grant such other relief as may be appropriate to ensure that the Borough receives and obtains all protections as afforded to it in complying with the requirements of the Act, including, without limitation, all immunities and presumptions of validity necessary to satisfy its affordable housing obligations voluntarily without having to endure the expense and burdens of unnecessary third party litigation.

COUNT I

ESTABLISHMENT OF JURISDICTION UNDER P.L.2024, C. 2

4. The Borough of Roseland repeats and realleges each and every allegation as set forth in the previous paragraphs of this Declaratory Judgment Complaint as if set forth herein in full.

5. The Act represents a major revision of the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 *et. seq*.

6. Among other things, the Act abolished the Council on Affordable Housing (hereinafter, "COAH"), and replaced it with seven retired, on recall judges designated as the Program, and also authorized the Director of the AOC (hereinafter, "Director") to create a framework to process applications for a Compliance Certification.

7. On or about December 19, 2024, the Director issued Directive #14-24, which among other things, required municipalities seeking Compliance Certification to file an action in the form of a Declaratory Judgment Complaint and Civil Case Information Statement in the County in which the municipality is located within 48 hours after the municipality's adoption of a binding resolution establishing the municipality's Fourth Round numbers, as authorized under the Act, with an attached copy of said binding resolution.

8. The Borough adopted a binding resolution establishing its Fourth Round present and prospective affordable housing obligations within the statutory window of time set forth in the Act and in accordance with the methodology and formula set forth in the Act, a certified copy of which resolution is attached to this Declaratory Judgment Complaint as **Exhibit 1**.

9. Based on the foregoing, the Borough has established the jurisdiction of the Program and the Court in regard to this DJ Action for a Compliance Certification as set forth hereinafter.

WHEREFORE, the Borough of Roseland seeks a declaratory judgment for the following relief:

a. Declaring that the Borough has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set

forth in the binding resolution attached as **Exhibit 1** to this Declaratory Judgment Complaint or to adjust such determination consistent with the Act;

b. Declaring the present and prospective affordable housing obligations of the Borough under the Act;

c. Declaring the approval of the Borough's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Council, including, as appropriate and applicable, (i) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; (ii) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (iii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iv) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (v) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (vi) an adjustment based upon any ruling in litigation involving affordable housing obligations; and/or (vii) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations;

d. Declaring that the Borough continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established by the Act;

e. Declaring and issuing a Compliance Certification and continuing immunity from exclusionary zoning litigation in accordance with the Act and Directive #

14-24 to the Borough of Roseland for the period beginning July 1, 2025 and ending June 30, 2035; and

f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and all applicable regulations related to affordable housing within the State of New Jersey.

COUNT II

DETERMINATION OF THE PRESENT AND PROSPECTIVE NEED OF THE BOROUGH OF ROSELAND

10. Roseland repeats and realleges each and every allegation set forth in the previous paragraphs of this Declaratory Judgment Complaint as if set forth herein in full.

11. The Act adopted the methodology to calculate every municipality's present and prospective need affordable housing obligation for the Fourth Round (2025-2035) and beyond.

12. The Act directed the Department of Community Affairs ("DCA") to apply the methodology and to render a non-binding calculation of each municipality's present and prospective affordable housing obligations to be contained in a report to be issued no later than October 20, 2024.

13. The DCA issued its report on October 18, 2024.

14. Pursuant to the October 18, 2024 report, the DCA calculated Roseland's present and prospective affordable housing obligations as follows:

FOURTH ROUND PRESENT NEED (REHABILITATION) OBLIGATION	FOURTH ROUND PROSPECTIVE NEED OBLIGATION (2025-2035)
0	152

15. Pursuant to the Act, a municipality desiring to participate in the Program is obligated to adopt a "binding resolution" determining its present and prospective affordable housing obligations to which it will commit based upon the methodology set forth in the Act.

16. Roseland adopted a binding resolution, a copy of which resolution is attached hereto and made a part hereof as **Exhibit 1** to this Declaratory Judgment Complaint.

17. The binding resolution maintains that Roseland's Round 4 (2025-2035) Present Need (Rehabilitation) Obligation is 0 and its Prospective Need ("New Construction") Obligation is 152.

18. Roseland seeks the approval of, and confirmation by, the Program and the Court of the Round 4 (2025-2035) Present and Prospective affordable housing obligations as set forth in the binding resolution attached hereto and made a part hereof as **Exhibit 1**, or the adjustment of those obligations consistent with the Act and all applicable regulations.

19. Pursuant to the binding resolution, the Borough of Roseland reserves all rights to amend its affordable housing obligations in the event of a successful legal challenge, or legislative change, to the Act.

20. Pursuant to the binding resolution, Roseland specifically reserves the right to seek and obtain 1) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; 5) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; 6) an adjustment based upon any

ruling in litigation involving affordable housing obligations; and 7) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations.

WHEREFORE, the Borough of Roseland seeks a declaratory judgment for the following relief:

a. Declaring that the Borough has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as **Exhibit 1** to this Declaratory Judgment Complaint or to adjust such determination consistent with the Act;

b. Declaring the present and prospective affordable housing obligations of the Borough under the Act;

c. Declaring the approval of Borough's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Council, including, as appropriate and applicable, (i) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; (ii) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (iii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iv) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (v) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (vi) an adjustment based upon any ruling in litigation involving affordable housing obligations; and/or (vii) any other applicable adjustment permitted in accordance with the Act and/or all applicable regulations;

d. Declaring that the Borough continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established by the Act;

e. Declaring and issuing a Compliance Certification and continuing immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to Roseland for the period beginning July 1, 2025 and ending June 30, 2035; and

f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and all applicable regulations related to affordable housing within the State of New Jersey.

COUNT III

APPROVAL OF BOROUGH'S HOUSING ELEMENT AND FAIR SHARE PLAN

21. The Borough of Roseland repeats and realleges each and every allegation set forth in the previous paragraphs of this Declaratory Judgment Complaint as if set forth herein in full.

22. Pursuant to the Act, a HEFSP must be prepared, adopted by the Planning Board and endorsed by the municipality by June 30, 2025.

23. Roseland hereby commits for its professionals to prepare the appropriate HEFSP to address its affordable housing obligations, as determined by the Program and the Court, which HEFSP shall apply as appropriate, any applicable adjustments, including, without limitation, 1) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water);

4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; 5) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; 6) an adjustment based upon any ruling in litigation involving affordable housing obligations; and 7) any other applicable adjustment permitted in accordance with the Act and/or applicable regulations.

WHEREFORE, the Borough of Roseland seeks a declaratory judgment for the following relief:

a. Declaring that Roseland has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as **Exhibit 1** to this Declaratory Judgment Complaint or to adjust such determination consistent with the Act;

b. Declaring the present and prospective affordable housing obligations of the Borough under the Act;

c. Declaring the approval of the Borough's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Council, including, as appropriate and applicable, (i) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; (ii) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (iii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iv) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (v) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (vi) an adjustment based upon any ruling in

litigation involving affordable housing obligations; and/or (vii) any other applicable adjustment permitted in accordance with the Act and/or all applicable regulations;

d. Declaring that the Borough of Roseland continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established by the Act;

e. Declaring and issuing a Compliance Certification and continuing immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to the Borough of Roseland for the period beginning July 1, 2025 and ending June 30, 2035; and

f. Declaring such other relief that the program and Court deems just and proper within the parameters of the Act and all applicable regulations related to affordable housing within the State of New Jersey.

COUNT IV

CONFIRMATION OF IMMUNITY

24. The Borough of Roseland repeats and realleges each and every allegation set forth in the previous paragraphs of this Declaratory Judgment Complaint as if set forth herein in full.

25. Pursuant to the Act, a municipality that complies with the deadlines in the Act for both determining present and prospective affordable housing obligations and for adopting an appropriate HEFSP shall have immunity from exclusionary zoning litigation.

26. The Borough of Roseland has met the deadline for the adoption and filing of its binding resolution not later than January 31, 2025, and the filing of this DJ Action in accordance

with AOC Directive #14-24 not later than February 3, 2025, by adopting the binding resolution attached to this Declaratory Judgment Complaint as **Exhibit 1**, and has also committed to the adoption of its HEFSP by June 30, 2025.

WHEREFORE, the Borough of Roseland seeks a declaratory judgment for the following relief:

a. Declaring that the Borough has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as **Exhibit 1** to this Declaratory Judgment Complaint or to adjust such determination consistent with the Act;

b. Declaring the present and prospective affordable housing obligations of the Borough under the Act;

c. Declaring the approval of the Borough's HEFSP subsequent to its adoption by the Planning Board and its endorsement by the Council, including, as appropriate and applicable, (i) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; (ii) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (iii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iv) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (v) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (vi) an adjustment based upon any ruling in litigation involving affordable housing obligations; and (vii) any other

applicable adjustment permitted in accordance with the Act and/or all applicable regulations;

d. Declaring that the Borough continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established by the Act;

e. Declaring and issuing a Compliance Certification and continuing immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to the Borough of Roseland for the period beginning July 1, 2025 and ending June 30, 2035; and

f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and all applicable regulations related to affordable housing within the State of New Jersey.

SURENIAN EDWARDS BUZAK & NOLAN LLC
Attorneys for Declaratory Plaintiff, Borough of Roseland

By Erik C. Nolan
Erik C. Nolan, Esq.

Dated: January 23, 2025

CERTIFICATION PURSUANT TO R. 4:5-1

Erik C. Nolan, Esq., of full age, hereby certifies as follows:

1. I am a member of the Firm of Surenian, Edwards, Buzak & Nolan LLC, attorneys for declaratory plaintiff, Borough of Roseland.
2. To the best of my knowledge, there is no other action pending in any court or any pending arbitration proceeding of which the matter in controversy herein is the subject and no such other action or arbitration proceeding is contemplated. To the best of my knowledge, there are no other parties who should be joined in this action.
3. The within Complaint was filed and served within the time prescribed by the Rules of Court.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

SURENIAN EDWARDS BUZAK & NOLAN LLC
Attorneys for Declaratory Plaintiff, Borough of Roseland

By Erik C. Nolan
Erik C. Nolan, Esq.

Dated: January 23, 2025

CERTIFICATION PURSUANT TO R. 1:38-7(b)

Erik C. Nolan, Esq., of full age, hereby certifies as follows:

1. I am a member of the firm of Surenian, Edwards, Buzak & Nolan LLC, attorneys for Declaratory Plaintiff, Borough of Roseland.

2. I certify that confidential personal identifiers have been redacted from documents now submitted to the Court and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

SURENIAN EDWARDS BUZAK & NOLAN LLC
Attorneys for Declaratory Plaintiff, Borough of Roseland

By_____
Erik C. Nolan , Esq.

Dated: January 23, 2025

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, notice is hereby given that Erik C. Nolan, Esq., attorney for the Declaratory Plaintiff, Borough of Roseland is designated as trial counsel in the above captioned matter.

SURENIAN EDWARDS BUZAK & NOLAN LLC
Attorneys for Declaratory Plaintiff, Borough of Roseland

By _____
Erik C. Nolan, Esq.

Dated: January 23, 2025

EXHIBIT 1

RESOLUTION NO. 48-2025

BOROUGH OF ROSELAND
COUNTY OF ESSEX, STATE OF NEW JERSEY

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF ROSELAND COMMITTING TO FOURTH ROUND PRESENT AND PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the Borough of Roseland (hereinafter the "Borough" or "Roseland") has a demonstrated history of voluntary compliance as evidenced by its Third-Round record; and

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 6, 2015, the Borough of Roseland filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Third Round Housing Element and Fair Share Plan, to be amended as necessary, satisfied its "fair share" of the regional need for low and moderate income housing pursuant to the "Mount Laurel doctrine;" and

WHEREAS, that culminated in a Court-approved Third Round Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes all Mount Laurel lawsuits, including builder's remedy lawsuits, until July 1, 2025; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act (hereinafter the "Amended FHA"); and

WHEREAS, the Amended FHA required the Department of Community Affairs ("DCA") to provide an estimate of the Fourth-Round affordable housing obligations for all municipalities on or before October 20, 2024, based upon the criteria described in the Amended FHA; and

WHEREAS, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the Fourth-Round affordable housing obligations for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates the Borough's Fourth Round (2025-2035) obligations as follows: a Present Need (Rehabilitation) Obligation of Zero (0) and a Prospective Need (New Construction) Obligation of 152; and

WHEREAS, the Amended FHA further provides that, irrespective of the DCA's calculations, municipalities have the ability to either accept, or provide alternate calculations for, the DCA's "present and prospective fair share obligation(s)…by binding resolution no later than January 31, 2025", a deadline which was later extended to February 3, 2025 by the Administrative Office of the Courts ("AOC") via a directive issued on December 19, 2024; and

WHEREAS, this Resolution satisfies the requirements of the Amended FHA by accepting the DCA estimate of need as described in the DCA Report; and

WHEREAS, Section 3 of the Amended FHA provides that: "the municipality's determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7" of the Amended FHA; and

WHEREAS, the Borough's acceptance of the Fourth-Round obligations calculated by the DCA are entitled to a "presumption of validity" because it complies with Sections 6 and 7 of the Amended FHA; and

WHEREAS, in addition to the foregoing, the Borough specifically reserves the right to adjust its fair share obligations in accordance with applicable Council on Affordable Housing ("COAH") regulations or other applicable law based on one or more of the foregoing adjustments if applicable: 1) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment, whether predicated upon lack of sewer or lack of water; and/or 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, including but not limited to, the Highlands Council Regional Master Plan and its build out, or the Pinelands Commission or Meadowlands Commission regulations and planning documents; and

WHEREAS, in addition to the foregoing, the Borough specifically reserves all rights to revoke or amend this Resolution and commitment, as may be necessary, in the event of a successful challenge to the Amended FHA in the context of the case The Borough of Montvale v. the State of New Jersey (MER-L-1778-24), any other such action challenging the Amended FHA, or any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, in addition to the foregoing, the Borough reserves the right to take a position that its Fourth Round Present or Prospective Need Obligations are lower than described herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and

WHEREAS, in addition to the foregoing, nothing in the Amended FHA requires or can require an increase in the Borough's Fourth Round Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of the Amended FHA is to establish unchallenged numbers by default on March 1, 2025; and

WHEREAS, in addition to the foregoing, the Acting Administrative Director of the AOC issued Directive #14-24 on December 19, 2024; and

WHEREAS, pursuant to Directive #14-24, a municipality seeking a Fourth Round Compliance Certification from the entity created by the Amended FHA known as the Affordable Housing Dispute Resolution Program (hereinafter "the Program"), shall file an action in the appropriate venue with the Program, in the form of a Declaratory Judgment Complaint within 48

hours after adoption of the municipal resolution accepting or challenging its Fourth Round fair share obligations, or by February 3, 2025, whichever is sooner; and

WHEREAS, nothing in this Resolution shall be interpreted as an acknowledgment of the legal validity of the AOC Directive and the Borough reserves any and all rights and remedies in relation to the AOC Directive; and

WHEREAS, the Borough seeks a Compliance Certification from the Program and, therefore, wishes to file a Declaratory Judgment Complaint in the appropriate venue with the Program, along with a copy of this Resolution, within 48 hours of the adoption of this Resolution; and

WHEREAS, in light of the above, the Mayor and Borough Council finds that it is in the best interest of the Borough to declare its obligations in accordance with this binding Resolution and in accordance with the Amended FHA; and

NOW, THEREFORE, BE IT RESOLVED on this 21st day of January of 2025, by the Borough Council of the Borough of Roseland, Essex County, State of New Jersey, as follows:

1. All of the Whereas Clauses are incorporated into the operative clauses of this Resolution as if set forth in full.

2. For the reasons set forth in this Resolution, the Mayor and Borough Council hereby commit to the DCA Fourth Round Present Need (Rehabilitation) Obligation of Zero (0) and the DCA Fourth Round Prospective Need (New Construction) Obligation of 152 as described in this Resolution, subject to all reservations of rights, which specifically include, without limitation, the following:

a) The right to adjust the Borough's fair share obligations based on a windshield survey or similar survey, a Vacant Land Adjustment, a Durational Adjustment, and all other applicable adjustments, permitted in accordance with applicable COAH regulations or other applicable law; and

b) The right to revoke or amend this Resolution in the event of a successful legal challenge, or legislative change, to the Amended FHA; and

c) The right to take any contrary position, or adjust its fair share obligations, in the event of a third-party challenge to the Borough's fair share obligations.

3. Pursuant to the requirements of the FHA as amended, and the Administrator of the Court's (AOC) Directive #14-24 issued on December 19, 2024, the Borough hereby directs its Affordable Housing Counsel to file a Declaratory Judgment Complaint, along with this Resolution and a Case Information Statement (Civil CIS), in the appropriate venue with the Program or any other such entity as may be determined to be appropriate, to initiate an action within 48 hours of the adoption of this Resolution, so that the Borough's Fourth Round Housing Element and Fair Share Plan can be reviewed and approved.

4. This Resolution shall take effect immediately, according to law.

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Councilman Bardi			X				
Council President Biront			X				
Councilwoman Perrotti			X				
Councilman Schroeder	X		X				
Councilwoman Tolli			X				
Councilman Trillo		X	X				
Mayor Spango (In case of tie)							
		VOTE:	6	0			

I do hereby certify that the forgoing is a true and exact copy of a Resolution adopted by the Mayor and Borough Council of the Borough of Roseland on January 21, 2025.

James R. Spango, Mayor

Jock H. Watkins, Borough Clerk

RESOLUTION NO. 48-2025

BOROUGH OF ROSELAND
COUNTY OF ESSEX, STATE OF NEW JERSEY

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF ROSELAND COMMITTING TO FOURTH ROUND PRESENT AND PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS

WHEREAS, the Borough of Roseland (hereinafter the "Borough" or "Roseland") has a demonstrated history of voluntary compliance as evidenced by its Third-Round record; and

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 6, 2015, the Borough of Roseland filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Third Round Housing Element and Fair Share Plan, to be amended as necessary, satisfied its "fair share" of the regional need for low and moderate income housing pursuant to the "Mount Laurel doctrine;" and

WHEREAS, that culminated in a Court-approved Third Round Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes all Mount Laurel lawsuits, including builder's remedy lawsuits, until July 1, 2025; and

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act (hereinafter the "Amended FHA"); and

WHEREAS, the Amended FHA required the Department of Community Affairs ("DCA") to provide an estimate of the Fourth-Round affordable housing obligations for all municipalities on or before October 20, 2024, based upon the criteria described in the Amended FHA; and

WHEREAS, the DCA issued a report on October 18, 2024 ("DCA Report") wherein it reported its estimate of the Fourth-Round affordable housing obligations for all municipalities based upon its interpretation of the standards in the Amended FHA; and

WHEREAS, the DCA Report calculates the Borough's Fourth Round (2025-2035) obligations as follows: a Present Need (Rehabilitation) Obligation of Zero (0) and a Prospective Need (New Construction) Obligation of 152; and

WHEREAS, the Amended FHA further provides that, irrespective of the DCA's calculations, municipalities have the ability to either accept, or provide alternate calculations for, the DCA's "present and prospective fair share obligation(s)…by binding resolution no later than January 31, 2025", a deadline which was later extended to February 3, 2025 by the Administrative Office of the Courts ("AOC") via a directive issued on December 19, 2024; and

WHEREAS, this Resolution satisfies the requirements of the Amended FHA by accepting the DCA estimate of need as described in the DCA Report; and

WHEREAS, Section 3 of the Amended FHA provides that: "the municipality's determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7" of the Amended FHA; and

WHEREAS, the Borough's acceptance of the Fourth-Round obligations calculated by the DCA are entitled to a "presumption of validity" because it complies with Sections 6 and 7 of the Amended FHA; and

WHEREAS, in addition to the foregoing, the Borough specifically reserves the right to adjust its fair share obligations in accordance with applicable Council on Affordable Housing ("COAH") regulations or other applicable law based on one or more of the foregoing adjustments if applicable: 1) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment, whether predicated upon lack of sewer or lack of water; and/or 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, including but not limited to, the Highlands Council Regional Master Plan and its build out, or the Pinelands Commission or Meadowlands Commission regulations and planning documents; and

WHEREAS, in addition to the foregoing, the Borough specifically reserves all rights to revoke or amend this Resolution and commitment, as may be necessary, in the event of a successful challenge to the Amended FHA in the context of the case The Borough of Montvale v. the State of New Jersey (MER-L-1778-24), any other such action challenging the Amended FHA, or any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, in addition to the foregoing, the Borough reserves the right to take a position that its Fourth Round Present or Prospective Need Obligations are lower than described herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and

WHEREAS, in addition to the foregoing, nothing in the Amended FHA requires or can require an increase in the Borough's Fourth Round Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of the Amended FHA is to establish unchallenged numbers by default on March 1, 2025; and

WHEREAS, in addition to the foregoing, the Acting Administrative Director of the AOC issued Directive #14-24 on December 19, 2024; and

WHEREAS, pursuant to Directive #14-24, a municipality seeking a Fourth Round Compliance Certification from the entity created by the Amended FHA known as the Affordable Housing Dispute Resolution Program (hereinafter "the Program"), shall file an action in the appropriate venue with the Program, in the form of a Declaratory Judgment Complaint within 48

hours after adoption of the municipal resolution accepting or challenging its Fourth Round fair share obligations, or by February 3, 2025, whichever is sooner; and

WHEREAS, nothing in this Resolution shall be interpreted as an acknowledgment of the legal validity of the AOC Directive and the Borough reserves any and all rights and remedies in relation to the AOC Directive; and

WHEREAS, the Borough seeks a Compliance Certification from the Program and, therefore, wishes to file a Declaratory Judgment Complaint in the appropriate venue with the Program, along with a copy of this Resolution, within 48 hours of the adoption of this Resolution; and

WHEREAS, in light of the above, the Mayor and Borough Council finds that it is in the best interest of the Borough to declare its obligations in accordance with this binding Resolution and in accordance with the Amended FHA; and

NOW, THEREFORE, BE IT RESOLVED on this 21st day of January of 2025, by the Borough Council of the Borough of Roseland, Essex County, State of New Jersey, as follows:

1. All of the Whereas Clauses are incorporated into the operative clauses of this Resolution as if set forth in full.

2. For the reasons set forth in this Resolution, the Mayor and Borough Council hereby commit to the DCA Fourth Round Present Need (Rehabilitation) Obligation of Zero (0) and the DCA Fourth Round Prospective Need (New Construction) Obligation of 152 as described in this Resolution, subject to all reservations of rights, which specifically include, without limitation, the following:

a) The right to adjust the Borough's fair share obligations based on a windshield survey or similar survey, a Vacant Land Adjustment, a Durational Adjustment, and all other applicable adjustments, permitted in accordance with applicable COAH regulations or other applicable law; and

b) The right to revoke or amend this Resolution in the event of a successful legal challenge, or legislative change, to the Amended FHA; and

c) The right to take any contrary position, or adjust its fair share obligations, in the event of a third-party challenge to the Borough's fair share obligations.

3. Pursuant to the requirements of the FHA as amended, and the Administrator of the Court's (AOC) Directive #14-24 issued on December 19, 2024, the Borough hereby directs its Affordable Housing Counsel to file a Declaratory Judgment Complaint, along with this Resolution and a Case Information Statement (Civil CIS), in the appropriate venue with the Program or any other such entity as may be determined to be appropriate, to initiate an action within 48 hours of the adoption of this Resolution, so that the Borough's Fourth Round Housing Element and Fair Share Plan can be reviewed and approved.

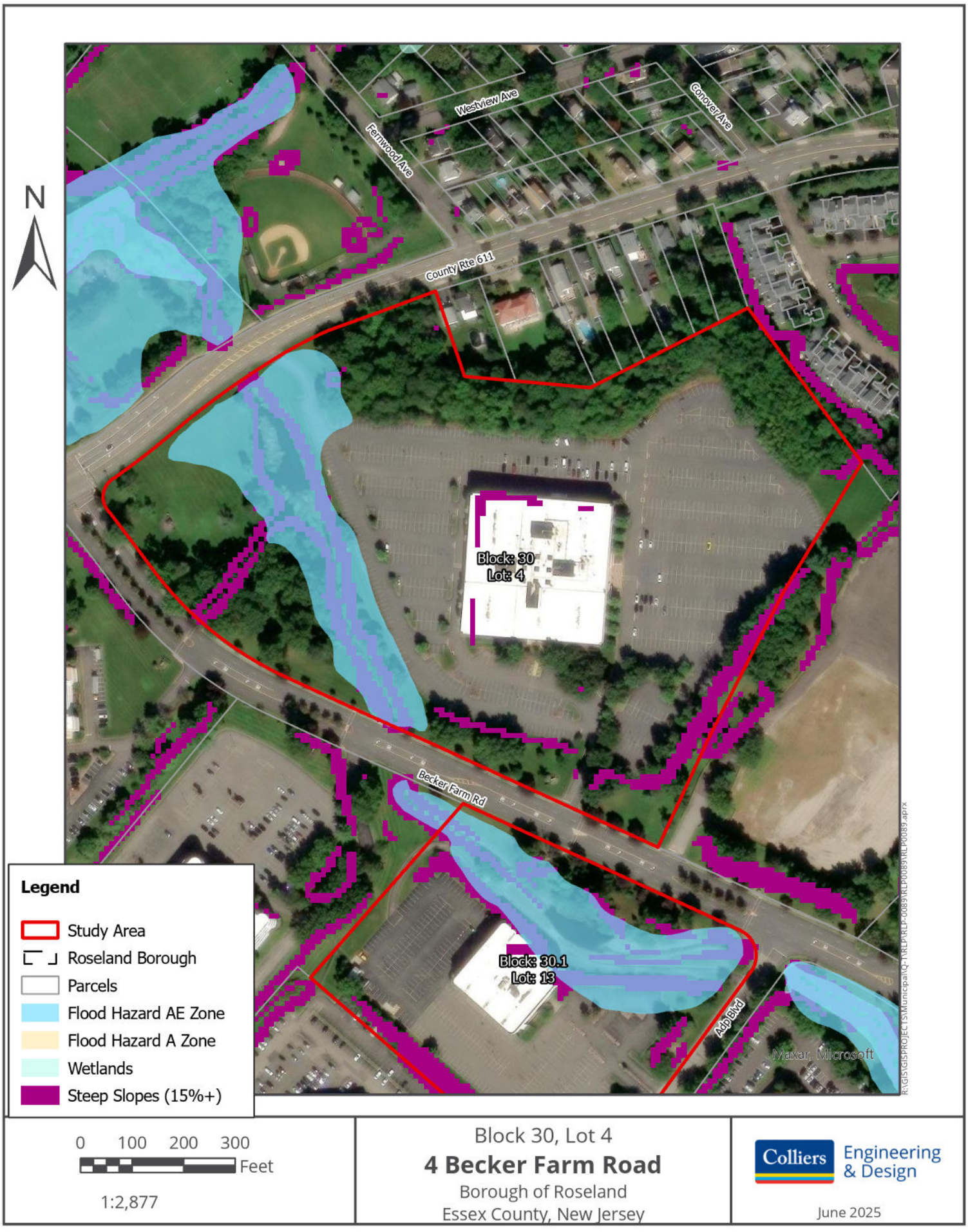
4. This Resolution shall take effect immediately, according to law.

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Councilman Bardi			X				
Council President Biront			X				
Councilwoman Perrotti			X				
Councilman Schroeder	X		X				
Councilwoman Tolli			X				
Councilman Trillo		X	X				
Mayor Spango (In case of tie)							
		VOTE:	6	0			

I do hereby certify that the forgoing is a true and exact copy of a Resolution adopted by the Mayor and Borough Council of the Borough of Roseland on January 21, 2025.

James R. Spango, Mayor

Jock H. Watkins, Borough Clerk



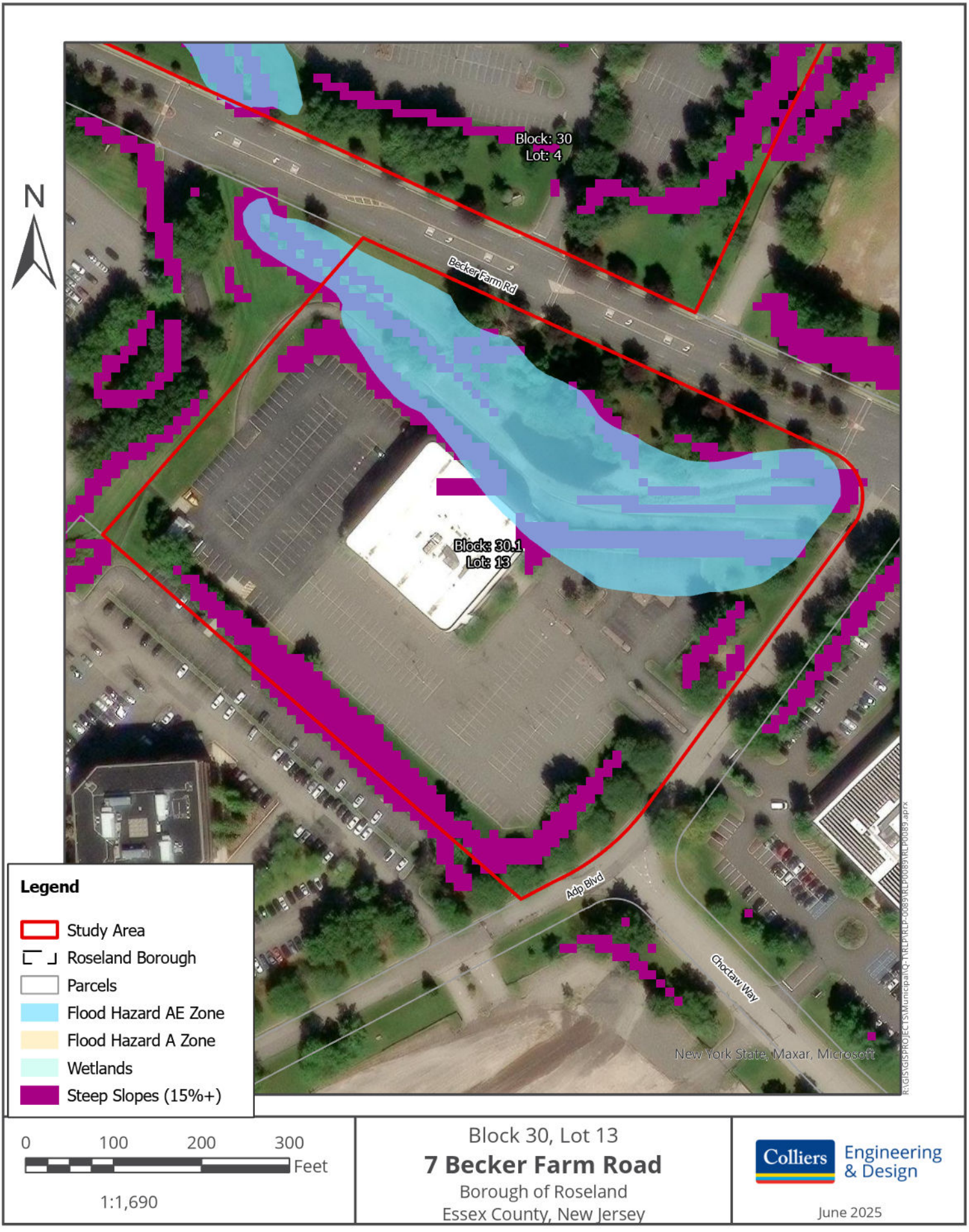
Block 30, Lot 4

4 Becker Farm Road

Borough of Roseland
Essex County, New Jersey

Colliers Engineering & Design

June 2025



Block 30, Lot 13

7 Becker Farm Road

Borough of Roseland
Essex County, New Jersey

Colliers Engineering & Design

June 2025