

Master Plan Housing Element and Fair Share Plan

Town of Guttenberg Hudson County, New Jersey

September 3, 2025
Adopted on September 24, 2025

Prepared by:

ricciplanning

177 Monmouth Avenue
Atlantic Highlands, NJ 07716

A handwritten signature in blue ink, appearing to read "Paul Ricci", with a horizontal line underneath.

Paul N. Ricci, AICP, PP
New Jersey Professional Planner
License No.: LI005570

*The original of this document was signed
and sealed in accordance with New Jersey Law*

Town of Guttenberg
Clerk's Office

SEP 24 2025

RESOLUTION #2025-21

**JOINT PLANNING/ZONING BOARD OF ADJUSTMENT
TOWN OF GUTTENBERG
COUNTY OF HUDSON, STATE OF NEW JERSEY**

Received

**RESOLUTION ADOPTING THE MASTER PLAN HOUSING ELEMENT AND FAIR
SHARE PLAN FOR THE TOWN OF GUTTENBERG**

Hearing Date: September 24, 2025

Date of Resolution: September 24, 2025

Recitals

WHEREAS, the Fair Housing Act, *N.J.S.A.* 52:27D-301 to -329.20 (the "Act"), was amended effective March 20, 2024, *P.L.* 2024, c. 2, to address municipalities' affordable housing obligations, including obligations relating to the Fourth Round covering the period July 1, 2025 through June 30, 2025; and

WHEREAS, the amendments to the Act provide, *inter alia*, that a municipality may seek approval for its fair share affordable housing obligation, adopted pursuant to a binding resolution of the municipal governing body and then filed with the Superior Court of New Jersey, said obligation to be determined using guidance and standards published by the New Jersey Department of Community Affairs (the "DCA"); and

WHEREAS, the Administrative Director of the Courts has, through Administrative Directive #14-24 (dated December 13, 2024), established the procedure for a municipality to seek approval for its fair share affordable housing obligation by commencing a declaratory judgment action in the Superior Court of New Jersey in the county in which the municipality is located; and

WHEREAS, on January 29, 2025, the Mayor and Town Council of the Town of Guttenberg (the "Town") adopted Resolution 50-2025, which established, pursuant to the DCA standards, the present and prospective affordable housing needs; and

WHEREAS, on January 31, 2025, the Town filed a declaratory judgment action in the Superior Court of New Jersey, Law Division, Civil Part, Hudson County (the "Court"), captioned *In the Matter of the Application of the Town of Guttenberg*, docket number HUD-L-406-25 (the "DJ Action"), in accordance with Administrative Directive #14-24; and

WHEREAS, by order entitled, "Order Affirming and Fixing Present and Prospective Need Affordable Housing Obligation" entered on April 21, 2025, the Court determined the Town's present need (rehabilitation obligation) is thirty-one (31) units, and the Town's prospective future need obligation (new construction) is twenty-two (22) units; and

WHEREAS, in the April 21, 2025 order, the Court further instructed the Town to prepare and adopt a Fourth Round Housing Element and Fair Share Plan in accordance with the requirements and procedures set forth in the Act by June 30, 2025; and

WHEREAS, by order entitled, "Order Submitted under the 5 Day Rule Affirming and Fixing Present and Prospective Need Affordable Housing Obligation" entered on May 19, 2025, the Court corrected the April; 21, 2025 order and determined the Town's present need (rehabilitation obligation) is 116 units, and the Town's prospective future need obligation (new construction) is fifty-six (56) units; and

WHEREAS, in the May 19, 2025 order, the Court extended the time for the Town to adopt its Fourth Round Housing Element and Fair Share Plan to September 30, 2025; and

WHEREAS, the Joint Planning/Zoning Board of Adjustment of the Town of Guttenberg (the "Board") is required by the Act to review and adopt, at a public hearing, the Fourth Round Housing Element and Fair Share Plan, as an amendment to the Town's Master Plan; and

WHEREAS, the Town has commissioned a Master Plan Housing Element and Fair Share Plan dated September 3, 2025, prepared by Paul N. Ricci, AICP, P.P., of Ricci Planning (the "Town HEFSP"); and

WHEREAS, the Board held a special meeting on September 24, 2025 for the purpose of conducting a public hearing on the Town HEFSP, said meeting being duly noticed at least ten (10) days in advance of the meeting pursuant to *N.J.S.A.* 40:55D-13; and

WHEREAS, the Board has reviewed the Town HEFSP and has received the testimony of Mr. Ricci and has heard and considered public comments with regard to the Town HEFSP;

NOW THEREFORE, BE IT RESOLVED BY THE JOINT PLANNING/ZONING BOARD OF ADJUSTMENT OF THE TOWN OF GUTTENBERG:

1. The foregoing Recitals are hereby incorporated at length as set forth at length herein and constitute findings of fact of the Board.
2. The Board hereby adopts the Town HEFSP as an amendment to the Master Plan of the Town of Guttenberg, as amended through the Master Plan Reexamination Report dated May 15, 2023.
3. The Board hereby recommends that the Mayor and Town Council endorse and implement the Town HEFSP. The Board further recommends the Town file its resolution endorsing the Town HEFSP and the Town HEFSP with the Court in the DJ Action to obtain approval under the Act.
4. The Board Secretary shall provide a copy of this Resolution and the Town HEFSP to the Town Clerk, the Town Attorney, and special Redevelopment Counsel for the Town promptly upon adoption and execution.

5. The Board Secretary shall provide a copy of this Resolution and the Town HEFSP to the Office of Planning Advocacy, the Hudson County Planning Board, and all other agencies to which the Resolution and the Town HEFSP shall be provided pursuant to the Act and all other applicable laws, statutes, ordinances, and directives, within thirty (30) days from the date of adoption of the Resolution.

6. The Board reserves the right to amend the Town HEFSP, if necessary, in accordance with the procedures established in Administrative Directive 14-24.

This Resolution was adopted by the Joint Planning/Zoning Board of Adjustment of the Town of Guttenberg at a meeting held on September 24, 2025.



RUDDYS ANDRADE
Chair

On Motion by Commissioner: MantineoSeconded by Commissioner: Rogers

	YES	NO	ABSTAIN	ABSENT
Chairperson: Ruddys Andrade	X			
Vice Chairperson: Annette Rogers	X			
Commissioner: Lauren Cabrera	X			
Commissioner: Jorge deArmas	X			
Commissioner: Erick Paredes				X
Commissioner: Luz Shah				X
Commissioner: Jolene Mantineo (Class I Mayor's Designee)	X			
Commissioner: Eduardo Cardenas (Class II municipal official)				X
Councilperson (Class III): William Hokien	X			
Alternate Member 2: Rupert Verano				X

I, Ashley Valdez, Board Secretary to the Joint Planning/Zoning Board of Adjustment of the Town of Guttenberg, do hereby certify this to be a true and accurate copy of a resolution adopted by the Joint Planning/Zoning Board at a meeting held on September 24, 2025.

Attest.

September 24, 2025


 Ashley Valdez
 Board Secretary

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APPENDICIES

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Town of Guttenberg
2025 Housing Element and Fair Share Plan

I. INTRODUCTION

This Housing Element and Fair Share Plan has been prepared on behalf of the Town of Guttenberg, Hudson County, in accordance with the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq. as amended through P.L. 2024, c. 2 and hereinafter referred to as “FHA II”).

The Municipal Land Use Law requires that a municipality’s master plan include a Housing Element for it to exercise the power to zone and regulate land use.

FHA II established a new process whereby a municipality could secure approval of its Housing Element and Fair Share Plan. FHA II requires any municipality that wished to participate in the new process to adopt a resolution committing to fair share obligations by January 31, 2025, and to file a declaratory relief action within 48 hours of adopting this resolution. By adopting this resolution and filing this declaratory judgment action, FHA II provides that the municipality is immune from exclusionary zoning lawsuits. FHA II further provides that if a municipality wishes to extend immunity, it must adopt a Housing Element and Fair Share Plan by June 30, 2025, and file the duly adopted Housing Element and Fair Share Plan with the Dispute Resolution Program created by FHA II. However, the Town of Guttenberg has secured an extension of the June 30, 2025 deadline from the Dispute Resolution Program. This extension extends to September 30, 2025.

The Town has determined that it is in the best interest of the community to participate in the procedures established by FHA II.

Accordingly, the Town of Guttenberg adopted a resolution committing to certain fair share numbers by January 31, 2025 and subsequently filed a declaratory relief action within 48 hours of its adoption. In a further effort to follow the procedures created by FHA II, the Town directed Paul Ricci, AICP, PP to prepare a Housing Element and Fair Share Plan for consideration by the Joint Planning/Zoning Board and Governing Body. Accordingly, Paul Ricci, AICP, PP prepared this Housing Element and Fair Share Plan. If the Joint Planning/Zoning Board adopts, this plan will be filed with the Dispute Regulation Program within 48 hours. It is important to note that, as has been described above, the Town of Guttenberg has secured an extension of the June 30, 2025 deadline to adopt a Housing Element and Fair Share Plan. In accordance with this extension, the adopted plan must be adopted and filed with the Dispute Regulation Program by September 30, 2025.

FHA II specifies that all parties may continue to rely on regulations previously adopted by the agency until new rules and regulations are adopted. A municipality’s affordable housing

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obligation consists of its rehabilitation obligation, which is also known as its Present Need, and its new construction obligation, which is also known as its Prospective Need. The new construction obligations consist of the Town's Prospective Need for Round 1 through the Round 4.

As to the rehabilitation or present need obligation, the obligation is 116 units.

As to the prospective need, the total combined obligation is 153 units. This consists of an obligation of 23 units from Rounds 1 and 2, an obligation of 74 units from Round 3, and an obligation of 56 units from Round 4.

A municipality with insufficient vacant land may request a vacant land adjustment of its prospective need obligation, pursuant to N.J.S.A. 52:27D-310.1. The Town of Guttenberg is requesting such an adjustment for its total combined prospective need obligation and has determined that its Realistic Development Potential (RDP) is nine (9) units, thereby resulting in an unmet need of 144 units.

This Housing Element and Fair Share Plan constitutes an amendment of the Guttenberg Master Plan and explains how it proposes to address its obligations. N.J.S.A. 52:27D-310 sets forth the required contents of a Housing Element as follows:

- 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 of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property 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;

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- 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.52:27D-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.

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II. HOUSING ELEMENT

A. Analysis of Demographic, Housing and Employment Characteristics

N.J.S.A. 52:27D-310 requires that all housing elements include a discussion of the community's demographic, housing, and economic characteristics. To satisfy this requirement, the following pages describe the Town of Guttenberg with information obtained from the United States Census Bureau and the North Jersey Transportation Planning Authority.

1. Housing Stock Inventory

According to the most recent data of the United States Census Bureau, there are 5,286 housing units in the Town of Guttenberg, of which 333 or 6.3 percent are vacant. Of the 4,953 occupied housing units, 1,799 are owner-occupied and the remaining 3,154 units are renter-occupied. See Table 1, Housing Tenure by Number of Units in Structure, 2023 for a detailed explanation of the housing units identified in the United States Census Bureau's 5-Year American Community Survey.

Table 1: Housing Tenure by Number of Units in Structure, 2023

<i>Unit Type</i>	<i>Owner-Occupied Units</i>	<i>Percent of Total Owner-Occupied Units</i>	<i>Renter-Occupied Units</i>	<i>Percent of Total Renter-Occupied Units</i>	<i>Total Occupied Units</i>	<i>Percent of Total Occupied Units</i>
1 unit, detached	113	6.3	31	1.0	144	2.9
1 unit, attached	69	3.8	160	5.1	229	4.6
2 units	462	25.7	621	19.7	1,083	21.9
3 or 4 units	87	4.8	421	13.3	508	10.3
5 to 9 units	103	5.7	577	18.3	680	13.7
10 to 19 units	78	4.3	510	16.2	588	11.9
20 to 49 units	56	3.1	419	13.3	475	9.6
50 or more	831	46.2	415	13.2	1,246	25.2
Mobile home	0	0.0	0	0.0	0	0.0
Boat, RV, van, etc.	0	0.0	0	0.0	0	0.0
Total Units	1,799	100.0	3,154	100.0	4,953	100.0

Note: Percentage totals may not sum to 100 percent due to rounding

Source: United States Census Bureau, 2023 Five-Year American Community Survey

As can also be seen in Table 1, the Town of Guttenberg has a mix of housing types. It is interesting to note that 7.5 percent of all occupied housing units are single-family detached or attached dwellings. The remaining 92.5 percent of occupied housing units are in buildings with at least two (2) units. A total of about 32.1 percent of occupied housing units are in buildings containing at least two (2) but not more than four (4) units, and about 60.3 percent are in buildings

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with at least five (5) units. Clearly, multifamily development is the predominant residential development type within the Town of Guttenberg.

Table 2, Housing Units by Age of Structure, 2023, indicates the age of the Town's housing stock. More than sixty percent (60.5 percent) of Guttenberg's occupied housing stock was constructed before the end of 1979. The Town's occupied housing stock is moderately aged, with the median year built of all occupied housing units being 1976; owner-occupied housing units being 1977; and renter-occupied housing units being 1976.

Table 2: Housing Units by Age of Structure, 2023

<i>Year Built</i>	<i>Total Occupied Units</i>	<i>Percent of Total Occupied Units</i>	<i>Owner-Occupied Units</i>	<i>Percent of Owner-Occupied Units</i>	<i>Renter-Occupied Units</i>	<i>Percent of Renter-Occupied Units</i>
2020 or later	12	0.2	12	0.7	0	0.0
2010 to 2019	576	11.6	201	11.2	375	11.9
2000 to 2009	503	10.2	218	12.1	285	9.0
1980 to 1999	865	17.5	206	11.5	659	20.9
1960 to 1979	1,907	38.5	1,001	55.6	906	28.7
1940 to 1959	633	12.8	30	1.7	603	19.1
1939 or earlier	457	9.2	131	7.3	326	10.3
Totals	4,953	100.0	1,799	100.0	3,154	100.0
Median Year Built	1976	N/A	1977	N/A	1976	N/A

Note: Percentage totals may not sum to 100 percent due to rounding

Source: United States Census Bureau, 2023 Five-Year American Community Survey

Table 3, Housing Units by Number of Rooms, 2023, shows that 56.8 percent of the Town's housing stock contains four (4) or more rooms, with all housing units containing a median of 3.8 rooms. When considering just owner-occupied units, however, it is noted that they contain a median of 4.1 rooms, with 63.4 percent of them containing four (4) or more rooms. On the other hand, the Town's renter-occupied units contain a median of 3.6 rooms with 53.1 percent of them containing four (4) or more rooms.

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Table 3: Housing Units by Number of Rooms, 2023

<i>Rooms</i>	<i>Total Occupied Units</i>	<i>Percent of Total Occupied Units</i>	<i>Owner- Occupied Units</i>	<i>Percent of Owner- Occupied Units</i>	<i>Renter- Occupied Units</i>	<i>Percent of Renter- Occupied Units</i>
1 room	479	9.7	53	2.9	426	13.5
2 rooms	523	10.6	190	10.6	333	10.6
3 rooms	1,136	22.9	416	23.1	720	22.8
4 rooms	1,227	24.8	379	21.1	848	26.9
5 rooms	1,036	20.9	474	26.3	562	17.8
6 rooms	394	8.0	208	11.6	186	5.9
7 rooms	74	1.5	13	0.7	61	1.9
8 rooms	48	1.0	30	1.7	18	0.6
9 or more rooms	36	0.7	36	2.0	0	0.0
Total	4,953	100.0	1,799	100.0	3,154	100.0
Median Rooms	3.8	N/A	4.1	N/A	3.6	N/A

Note: Percentage totals may not sum to 100 percent due to rounding

Source: United States Census Bureau, 2023 Five-Year American Community Survey

Table 4, Value of Owner-Occupied Housing Units, 2023, provides a detailed description of housing values within the Town of Guttenberg. Indeed, it shows that more than two-thirds (67.1 percent) of the Town's owner-occupied housing units have a value of at least \$300,000, with the median value of owner-occupied housing units being \$360,700.

Table 4: Value of Owner-Occupied Housing Units, 2023

<i>Home Value</i>	<i>Number</i>	<i>Percent</i>
Less than \$50,000	6	0.3
\$50,000 to \$99,999	44	2.4
\$100,000 to \$149,999	34	1.9
\$150,000 to \$199,999	14	0.8
\$200,000 to \$299,999	493	27.4
\$300,000 to \$499,999	920	51.1
\$500,000 to \$999,999	225	12.5
\$1,000,000 or more	63	3.5
Total	1,799	100.0
Median Value	\$360,700	N/A

Note: Percentage totals may not sum to 100 percent due to rounding

Source: United States Census Bureau, 2023 Five-Year American Community Survey

Table 5, Gross Rent of Renter-Occupied Units, 2023, details gross rents within Guttenberg. As shown in Table 5, a cash rent is paid in all except 63, or 2.0 percent, of Guttenberg's 3,154 renter-occupied housing units. When a cash rent is paid, the gross rent of 58.8 percent of the renter-occupied housing units ranges from \$1,000 to \$1,999 per month, with a median rent of \$1,661 per month.

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Table 5: Gross Rent of Renter-Occupied Units, 2023

Gross Rent	Number	Percent
\$499 or less	248	7.9
\$500 to \$999	188	6.0
\$1,000 to \$1,499	755	23.9
\$1,500 to \$1,999	1,099	34.8
\$2,000 to \$2,499	511	16.2
\$2,500 to \$2,999	185	5.9
\$3,000 or more	105	3.3
No Cash Rent Paid	63	2.0
Total Units	3,154	100.0
Median Rent	\$1,661	N/A

Note: Percentage totals may not sum to 100 percent due to rounding

Source: United States Census Bureau, 2023 Five-Year American Community Survey

Evidence of the quality of Guttenberg's housing stock is provided by the United States Census Bureau, 2023 Five-Year American Community Survey, which indicates that none of the Town's 4,953 occupied housing units lack complete plumbing facilities, and just 30 (0.6 percent) of the occupied housing units lacked kitchen facilities. The lack of units with complete plumbing facilities and very low number of units with incomplete kitchen facilities points to a well-maintained housing stock.

2. General Population Characteristics

According to the information from the United States Census Bureau that is presented in Table 6, Comparison of Guttenberg Town and Hudson County Population Growth, 1930-2020, Guttenberg's population declined by 1,417 residents or 21.7 percent between 1930 and 1960, when it reached 5,118 residents. In the period from 1960 to 2020, the Town's population increased by 6,899 residents, which represents an increase of 134.8 percent.

With regard to Hudson County overall, it is noted that the County's population steadily decreased in the period from 1930 to 1990, when the population declined from 690,730 residents in 1930 to 553,099 residents in 1990. This represents a decrease of 137,631 residents or 19.9 percent. In the period from 1990 to 2020, the County's population grew by 171,755 residents or 31.1 percent.

It is noted that the United States Census Bureau's 2023 Five-Year American Community Survey estimates the populations of Guttenberg and Hudson County to be 11,638 and 710,478 residents, respectively. While the values for Guttenberg and Hudson County represent a decrease over the values reported by the 2020 United States Census, we note that the 2023 Five-Year American Community Survey represents *average* values over the five-year period ending in 2023.

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Table 6: Comparison of Guttenberg Town and Hudson County Population Growth, 1930-2020

<i>Decennial Census</i>	<i>Guttenberg Town</i>	<i>Percent Change Since Prior Census</i>	<i>Hudson County</i>	<i>Percent Change Since Prior Census</i>
1930	6,535	—	690,730	—
1940	6,200	-5.1	652,040	-5.6
1950	5,566	-10.2	647,437	-0.7
1960	5,118	-8.0	610,734	-5.7
1970	5,754	12.4	607,839	-0.5
1980	7,340	27.6	556,972	-8.4
1990	8,268	12.6	553,099	-0.7
2000	10,807	30.7	608,975	10.1
2010	11,176	3.4	634,266	4.2
2020	12,017	7.5	724,854	14.3

Source: United States Census Bureau

Guttenberg’s age distribution, which is provided in Table 7, Guttenberg Age Distribution, 2010-2020, results in a median age of 38.1 years, which is 1.7 years or about 4.7 percent more than the 2010 median age of 36.4 years. This median age is higher than exhibited by Hudson County, where the median age was 35.9 years in 2020 and 34.2 years in 2010.

The increase in Guttenberg’s median age is reflected in an increased percentage of population in all age cohorts from 55 years. In 2010, a total of about 22.0 percent of the Town’s population was at least 55 years old. By 2020, however, this demographic accounted for about 27.0 percent of the Town’s population. This increase in population aged 55 years and above was accompanied by a decrease in population in the following age cohorts: 10 through 14 years; 20 through 24 years; 25 through 29 years; 40 through 44 years; 45 through 49 years; and 50 through 54 years. In 2010, about 42.9 percent of the Town’s population belonged to these age cohorts, but in 2020 these age cohorts accounted for only about 38.2 percent of the Town’s population.

It is noted that the United States Census Bureau’s 2023 Five-Year American Community Survey estimates the median age of Guttenberg’s population to be 37.8 years, which is 0.3 years less than in 2020. It is noted, however, that the 2023 Five-Year American Community Survey represents *average* values over the five-year period ending in 2023.

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Table 7: Guttenberg Age Distribution, 2010-2020

<i>Age Cohort</i>	<i>2010</i>	<i>Percent</i>	<i>2020</i>	<i>Percent</i>	<i>Percent Change (2010-2020)</i>
Under 5 Years	721	6.5	784	6.5	8.7
5 through 9 Years	609	5.4	643	5.4	5.6
10 through 14 Years	585	5.2	579	4.8	-1.0
15 through 19 Years	608	5.4	637	5.3	4.8
20 through 24 Years	729	6.5	717	6.0	-1.6
25 through 29 Years	1034	9.3	910	7.6	-12.0
30 through 34 Years	1001	9.0	1,084	9.0	8.3
35 through 39 Years	978	8.8	1,046	8.7	7.0
40 through 44 Years	862	7.7	856	7.1	-0.7
45 through 49 Years	832	7.4	800	6.7	-3.8
50 through 54 Years	761	6.8	722	6.0	-5.1
55 through 59 Years	661	5.9	834	6.9	26.2
60 through 64 Years	527	4.7	683	5.7	29.6
65 through 69 Years	406	3.6	559	4.7	37.7
70 through 74 Years	313	2.8	431	3.6	37.7
75 through 79 Years	222	2.0	284	2.4	27.9
80 through 84 Years	187	1.7	229	1.9	22.5
85 Years and Over	140	1.3	219	1.8	56.4
Total Population	11,176	100.0	12,017	100.0	7.5
Median Age	36.4	N/A	38.1	N/A	4.7

Note: Percentage totals may not sum to 100 percent due to rounding

Source: United States Census Bureau

3. Household Characteristics

As defined by the Census Bureau, a household includes all persons who occupy a single housing unit, regardless of blood relation. Thus, a household may also include a group of unrelated individuals sharing group quarters. A family is identified as a group of persons that includes a householder and one or more persons related by blood, marriage or adoption, all living in the same household. According to the 2020 United States Census, there were 4,920 households in the Town, with an average of 2.44 persons per household. In total, there were 2,283 families with an average of 4.79 persons per family. Of these family households, approximately 75.8 percent were comprised of married couples with or without children.

4. Income Characteristics

According to the United States Census Bureau's 2023 Five-Year American Community Survey, the median household income in Guttenberg was \$77,636, which was about 13.8 percent lower than the median household income of \$90,032 in Hudson County overall. Table 8, Household Income – Guttenberg Town and Hudson County, 2023 provides additional information on household income in Guttenberg and Hudson County overall.

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Table 8: Household Income – Guttenberg Town and Hudson County, 2023

	<i>Guttenberg</i>	<i>Hudson County</i>
<i>Total Households</i>	4,953	295,552
Percent of Households with Less than \$5,000	111	9,881
Percent of Households with \$5,000 to \$9,999	53	5,763
Percent of Households with \$10,000 to \$14,999	252	13,027
Percent of Households with \$15,000 to \$19,999	135	8,752
Percent of Households with \$20,000 to \$24,999	300	8,799
Percent of Households with \$25,000 to \$34,999	422	17,065
Percent of Households with \$35,000 to \$49,999	485	23,438
Percent of Households with \$50,000 to \$74,999	648	39,496
Percent of Households with \$75,000 to \$99,999	551	33,329
Percent of Households with \$100,000 to \$149,999	1,019	49,157
Percent of Households with \$150,000 or more	977	86,845
<i>Median Household Income</i>	<i>\$77,636</i>	<i>\$90,032</i>

Note: Percentage totals may not sum to 100 percent due to rounding

Source: United States Census Bureau, 2023 Five-Year American Community Survey

The United States Census Bureau’s 2023 Five-Year American Community Survey indicates that 13.8 percent of the Town’s population lived below the poverty level within the last 12 months. By comparison, 14.8 percent of the County’s population lived below the poverty level within the last 12 months.

5. Resident Employment Characteristics

Table 9, Distribution of Employment by Industry, Employed Guttenberg Residents, 2023, indicates the distribution of Guttenberg’s 6,179 residents aged 16 years and over who are employed in the civilian labor force. The three industries with the largest share of employment in Guttenberg include: Education, Health and Social Services with 25.5 percent of employment; Arts, Entertainment, Recreation, Accommodation and Food Services with 14.2 percent of employment; and Professional, Scientific, Mgmt., Administrative, and Waste Management Services with 14.1 percent of employment.

Town of Guttenberg
2025 Housing Element and Fair Share Plan

Table 9: Distribution of Employment by Industry, Employed Guttenberg Residents, 2023

<i>Industry</i>	<i>Number</i>	<i>Percent</i>
Agriculture, Forestry, Fishing and Hunting, and Mining	0	0.0
Construction	124	2.0
Manufacturing	509	8.2
Wholesale Trade	188	3.0
Retail Trade	467	7.6
Transportation and Warehousing, and Utilities	577	9.3
Information	147	2.4
Finance, Insurance, Real Estate, and Renting and Leasing	408	6.6
Professional, Scientific, Mgmt., Administrative, and Waste Mgmt. Services	872	14.1
Education, Health and Social Services	1,573	25.5
Arts, Entertainment, Recreation, Accommodation and Food Services	875	14.2
Other	319	5.2
Public Administration	120	1.9
Total	6,179	100.0

Note: Percentage totals may not sum to 100 percent due to rounding

Source: United States Census Bureau, 2023 Five-Year American Community Survey

Table 10, Employment by Occupation, Guttenberg Residents, 2023 identifies the occupations of Guttenberg's 6,179 residents aged 16 years and over who are employed in the civilian labor force. The numbers indicate that the most common occupation type is Management, Business, Science and Arts Occupations with 39.5 percent of employment, followed by Service Occupations with 22.7 percent of employment and Sales and Office Occupations with 20.0 percent of employment. In total, these three occupation types account for 82.2 percent of all employment in the Town.

Table 10: Employment by Occupation, Guttenberg Residents, 2023

<i>Occupation Type</i>	<i>Number</i>	<i>Percent</i>
Management, Business, Science and Arts Occupations	2,442	39.5
Service Occupations	1,400	22.7
Sales and Office Occupations	1,235	20.0
Natural Resources, Construction, and Maintenance Occupations	245	4.0
Production, Transportation, and Material Moving Occupations	857	13.9
Total	6,179	100.0

Note: Percentage totals may not sum to 100 percent due to rounding

Source: United States Census Bureau, 2023 Five-Year American Community Survey

6. Employment within Guttenberg

According to the North Jersey Transportation Planning Authority, Guttenberg was estimated to have an average of 1,451 jobs in 2015. As there is minimal vacant developable land, it is anticipated there will be limited employment growth in coming years. This is supported by the fact that the North Jersey Transportation Planning Authority forecasts only about 0.6 percent growth through 2050, when it forecasts a total of 1,794 jobs in the Town.

Town of Guttenberg
2025 Housing Element and Fair Share Plan

III. FAIR SHARE PLAN

A. Introduction

This section presents the Town of Guttenberg's plan to address its fair share obligation. The Town's total fair share obligation broken down as follows:

1. <u>Present Need (i.e., Rehabilitation):</u>	116 units
2. <u>Prospective Need for Rounds 1 and 2:</u>	23 units
3. <u>Prospective Need for Round 3:</u>	74 units
4. <u>Prospective Need for Round 4:</u>	56 units

The remainder of the Fair Share Plan outlines how the Town of Guttenberg proposes to address these obligations.

B. Present Need Obligation

To address the 116-unit present need (i.e., rehabilitation) obligation, the Town intends to participate in the Hudson County Home Investment Partnerships Program (HOME), which is managed by the Hudson County Division of Housing and Community Development, and provides assistance to low- and moderate-income households to make major home repairs to correct code violations.

Please note that although a present need obligation of 116 units is cited in this plan, the Town's present need obligation shall be subject to a Structural Conditions Survey (i.e., "Windshield Survey"). The results of such a survey may determine that the Town has less than 116 units in need of rehabilitation. Should such a survey be prepared, it will be submitted for review and approval by the Dispute Resolution Program created by FHA II.

C. Prospective Need

The Town's combined prospective need for Rounds, 1, 2, 3 and 4 is 153 units. This includes 23 units from Rounds 1 and 2, a total of 74 units from Round 3, and 46 units from Round 4.

The Town of Guttenberg has a limited supply of vacant, developable land and, therefore, applies a Vacant Land Adjustment to its total combined prospective need of 153 units. The Town's Vacant Land Adjustment, which is detailed in Appendix A, results in a Realistic Development Potential (RDP) of nine (9) units and an unmet need of 144 units.

Town of Guttenberg
2025 Housing Element and Fair Share Plan

RDP Compliance

To address its RDP of nine (9) units, the Town proposes to facilitate the redevelopment of the following sites with inclusionary development:

- Municipal Building Site (Block 34, Lot 3): Block 34, Lot 3, which is located at 6808 Park Avenue, contains the Guttenberg Town Hall and an associated surface parking lot. The Town proposes to implement redevelopment within the context of the New Jersey Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.) on the subject property to facilitate the development of a mixed-use building with 44 family rental units above ground floor commercial space. A minimum of 15 percent of all family rental units will be income-restricted units. All income-restricted units will comply with prevailing requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.). As Block 34, Lot 3 is currently developed as the Guttenberg Town Hall and, therefore, includes municipal office uses, this project shall be eligible for Round 4 bonus credits at a rate of one-half bonus credit per income-restricted unit in accordance with N.J.S.A. 52:27D-311.k(6), which stipulates that municipalities may receive one (1) unit of credit and one-half (0.5) bonus credit for a unit of low- or moderate-income housing constructed on land that is or was previously developed and utilized for retail, office, or commercial space. Please note, however, that the Town's ability to claim bonus credits is capped at 25 percent of its RDP.
 - o *Based on the above, this project shall result in nine (9) units of credit, for the seven (7) affordable units (i.e., 15 percent of 44, rounded up) and two (2) bonus credits.*
- Guttenberg Savings and Loan Bank Site (Block 13, Lots 10 and 11): Block 13, Lots 10 and 11 have frontage on Madison Street and Bergenline Avenue, between 68th Street and 70th Street and across from the terminus of 69th Street. The site is currently developed with a commercial bank (viz., Guttenberg Savings and Loan Bank) and associated surface parking lot. The Town proposes to implement redevelopment within the context of the New Jersey Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.) on the subject property to facilitate the development of a high-rise building with a total of 84-multifamily rental units, of which a minimum of 15 percent will be income-restricted. All income-restricted units will comply with prevailing requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.). Additionally, structured parking will be provided, and the existing commercial bank building will become the new site of the Guttenberg Town Hall.
 - o *Based on the above, this project shall result in 13 affordable units (i.e., 15 percent of 84, rounded up).*

Town of Guttenberg
2025 Housing Element and Fair Share Plan

Based on the above, a total of 22 credits would be generated toward the Town's RDP. This includes 20 credits for income-restricted units, and two (2) bonus credits.

Unmet Need Compliance

The above compliance mechanisms for the RDP of nine (9) units result in a surplus of 13 credits, which the Town applies to its unmet need.

D. Bonus Credit Cap

A total of two (2) Round 4 bonus credits result from the RDP compliance mechanisms that are described in this Housing Element and Fair Share Plan. This conforms with the 25-percent cap on bonus credits for the RDP as stipulated by N.J.S.A. 52:27D-311.k(6) as 25 percent of the RDP of nine (9) units is 2.25, which rounds down to a cap of two (2) bonus credits.

E. The 25 Percent Requirement

Pursuant to N.J.S.A. 52:27D-310.1, any municipality that receives an adjustment of its prospective need obligations for Round 4 or subsequent rounds based on a lack of vacant land shall, as part of the process of adopting and implementing its housing element and fair share plan, identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted, and adopt realistic zoning that allows for such adjusted obligation or demonstrate why the municipality is unable to do so. Note that the foregoing requirement applies strictly to Round 4 and subsequent rounds. It does not apply to Rounds 1, 2 or 3.

The portion of the prospective need obligation that has been adjusted is the RDP. With an RDP of nine (9) units, it is determined that parcels likely to redevelop during the current round must be identified to address at least three (3) units because 25 percent of the RDP of nine (9) units is 2.25, which rounds up to three (3). As has been previously demonstrated, this Housing Element and Fair Share Plan identifies concrete mechanisms that could easily result in the potential for at least 13 units of credit toward the Town's unmet need. Therefore, the 25 percent requirement is met.

F. Developers Who Have Committed to a Project with Affordable Housing

FHA II requires municipalities to address the following requirement in their housing element and fair share plans:

Town of Guttenberg
2025 Housing Element and Fair Share Plan

*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** [emphasis added].*

The foregoing requirement is provided at N.J.S.A. 52:27D-310.f.

It is noted that the Town of Guttenberg has not received any specific expressions of commitment to provide low- and moderate-income housing or similar requests of developers to be included in the Town's 2025 Housing Element and Fair Share Plan.

G. Monitoring

Guttenberg will engage a qualified professional to monitor the administrative compliance and creditworthiness of affordable housing projects within the Town.

H. Reservation of Right and Authority

Planning is a dynamic process, not a static one. Over the span of a ten-year compliance period, much may change that might warrant the Town adjusting its approach to how it best addresses its obligations. Accordingly, the Town reserves the right and authority to seek the right to amend or modify this Housing Element and Fair Share Plan for any reason, including, but not limited to the inclusion of specific projects it references.

**Town of Guttenberg
2025 Housing Element and Fair Share Plan**

Appendices

Appendix A – Vacant Land Adjustment

**MEMORANDUM****CLIENT PRIVILEGED COMMUNICATION**

TO: Cosmo Cirillo, Ph.D., Township Administrator, Doug Doyle, Esq., Affordable Housing Attorney

FROM: Paul Ricci, AICP, PP

RE: Draft Vacant Land Adjustment Analysis

DATE: May 17, 2025

N.J.S.A. 52:27D-310.1 permits municipalities to compute an adjustment of their Prospective Need Obligation based on lack of vacant developable land. This adjustment is commonly called a Vacant Land Adjustment.

In consideration of the above, I have reviewed Class 1 (Vacant) and Class 15C (Public) parcels in Guttenberg to determine the potential for a downward adjustment of the Town's Prospective Need Obligation as computed by the New Jersey Department of Community Affairs.

This brief memorandum summarizes the findings of my review.

Prospective Need Obligation

On October 18, 2024, the New Jersey Department of Community Affairs published non-binding Fourth Round Fair Share Obligations for New Jersey municipalities. As calculated by the New Jersey Department of Community Affairs, Guttenberg's Prospective Need Obligation is 56 units.

Calculation of Adjustment

My office examined Class 1 (Vacant) and Class 15C (Public) parcels to determine their potential for development as affordable housing.¹

This research, as informed by 2024 MOD-IV Property Tax Assessment information and the most recent GIS data published by the State of New Jersey, indicates that there are up to 76 Class 1 (Vacant) and Class 15C (Public) parcels within the Town of Guttenberg. However, a review of aerial photography, recent development approvals, and related information indicates that only three (3) of these 76 parcels are, in fact, vacant.

¹ Normally, Class 3A (Farm—Regular) and Class 3B (Farm—Qualified) parcels would also be included in this type of analysis. I note, however, that there are no such parcels within the Town of Guttenberg.



The three (3) vacant properties have a total combined area of approximately 0.34 acres, none of which contains environmental encumbrances (e.g., wetlands and associated buffers, flood hazard areas, stream corridors and associated buffers, recreational and open space lands, blue acres and related lands). Thus, the entirety of the approximate total of 0.34 acres is considered developable.

To determine the developability of these three (3) vacant properties for the purpose of affordable housing, a density ranging from 100 to 174.5 unit per acre was applied to the developable acreage of each parcel.

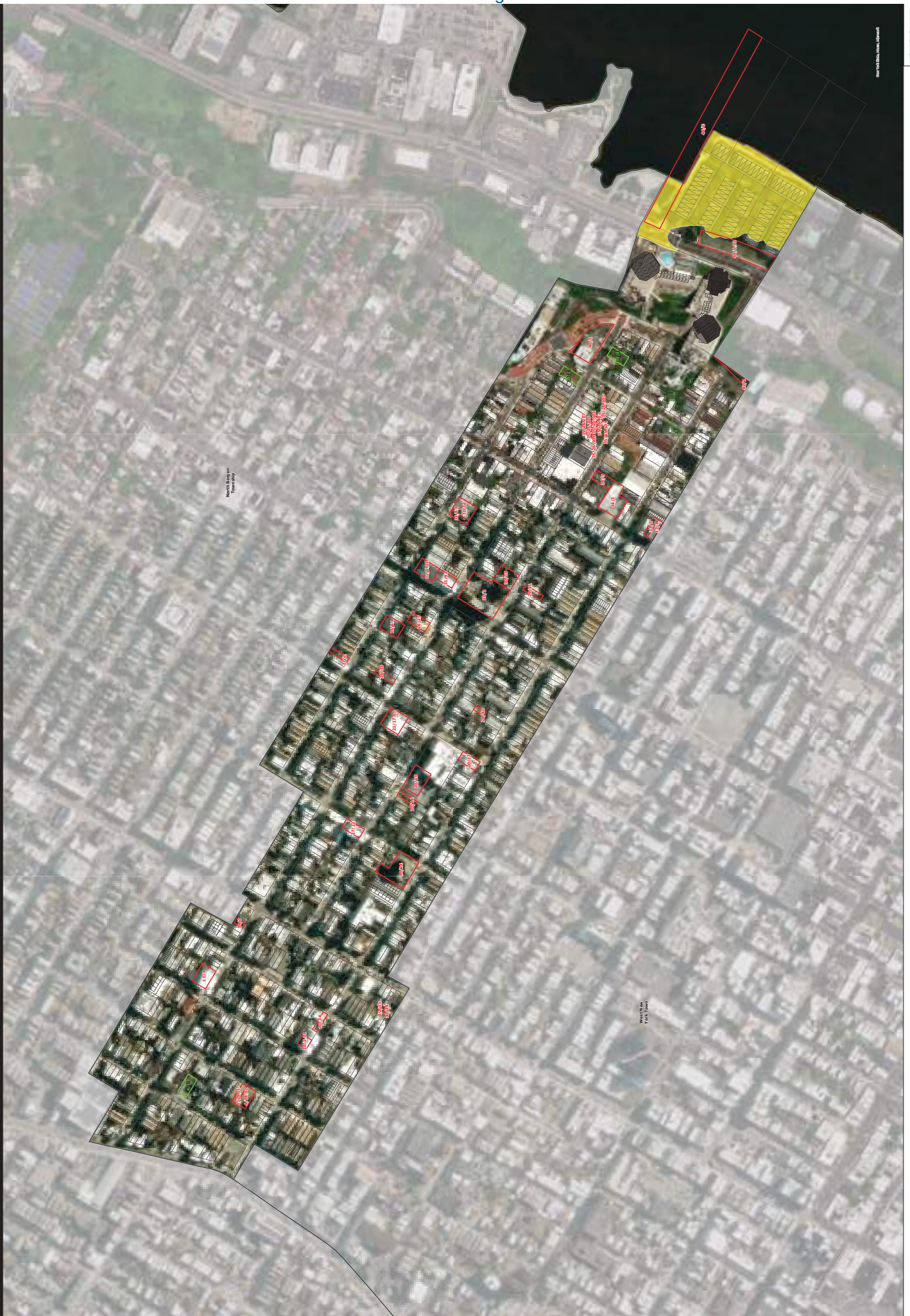
When these densities are applied to the approximate total of 0.34 acres, a total yield of 42.14 units results. Twenty percent of this total yield of 42.14 represents the Town's Realistic Development Potential (RDP). Thus, the Town's RDP is 8.43 units, which rounds up to nine (9) units.

Adjustment of Prospective Need Obligation

When the RDP of nine (9) units is applied to the New Jersey Department of Community Affairs-calculated Prospective Need Obligation of 56 units, an unmet need of 47 units results. This is shown below:

- 56-Unit Prospective Need Obligation – 9-Unit RDP = 47-Unit Unmet Need

Vacant Land Base
Town of Guttenberg, Hudson County, New Jersey



NOT VACANT EXCLUDED
VACANT
UNDEVELOPED/UNIMPROVED AREA

150
US Feet

recreation
Map Data, Imagery, Streets

VACANT LAND ADJUSTMENT
Town of Guttenberg, Hudson County, New Jersey

BLOCK	LOT	QCODE	PROPERTY CLASS	LOCATION	CURRENT OWNER	VACANT	NOTES	TOTAL ACRES	ENCUMBERED ACRES	NET ACRES	ZONING	DENSITY	TOTAL YIELD	RD
36	27		Class: 1 - Vacant Land	52-54 70TH ST.	52-54 70TH STREET, LLC	Y		0.12	-	-	0.12 R4	100.00	11.92	2.30
39	4		Class: 1 - Vacant Land	15-17 70TH ST.	15-17 70TH ST, LLC	Y	PENDING APPLICATION (9-UNIT BUILDING)	0.11	-	-	0.11 R5	174.50	19.00	3.80
40	13		Class: 1 - Vacant Land	6904-06 ADAMS ST.	6904 ADAMS ASSOCIATES, LLC	Y		0.12	-	-	0.12 R1	100.00	11.62	2.32
20	16		Class: 15C - Public Property	315-23 69TH ST.	TOWN OF GUTTENBERG	ROSI		0.25	-	-	0.25 R1			
44	3		Class: 15C - Public Property	7100 RIVER RD.	TOWN OF GUTTENBERG	ROSI		1.91	-	-	1.45 P			
10	1.01		Class: 1 - Vacant Land	6800-02 POLK ST.	6800-02 POLK ST, LLC	N	DEVELOPED	0.06	-	-	0.06 R1			
34	34		Class: 15C - Public Property	6801 MADISON ST.	HUDSON COUNTY IMPROVEMENT AUTH.	N	FIRE HOUSE	0.06	-	-	0.06 R1			
11	1		Class: 1 - Vacant Land	7000-04 POLK ST.	7000 POLK, LLC	N	DEVELOPED	0.17	-	-	0.17 R1			
14	7		Class: 15C - Public Property	506 70TH ST.	TOWN OF GUTTENBERG	N	DRIVEWAY	0.03	-	-	0.03 C			
16	24		Class: 15C - Public Property	400 68TH ST.	TOWN OF GUTTENBERG - HOUSING AUTH.	N	PUBLIC HOUSING	0.43	-	-	0.43 R1			
17	22		Class: 1 - Vacant Land	400-02 69TH ST.	400-02 69TH ST GUTTENBERG, NJ LLC	N	DEVELOPED	0.11	-	-	0.11 R1			
20	14		Class: 1 - Vacant Land	327 69TH ST.	327 69TH STREET, LLC	N	DEVELOPED	0.06	-	-	0.06 R1			
20	17		Class: 15C - Public Property	300-02 68TH ST.	TOWN OF GUTTENBERG	N	DEVELOPED	0.11	-	-	0.11 R1			
21	17.01		Class: 1 - Vacant Land	301-07 70TH STREET	301-07 70TH ST, LLC	N	DEVELOPED	0.22	-	-	0.22 R1			
26	11		Class: 15C - Public Property	217-221 71ST ST.	TOWN OF GUTTENBERG	N	MAINTENANCE BUILDING	0.17	-	-	0.17 R1			
26	25		Class: 1 - Vacant Land	210-12 70TH ST.	GUTTENBERG 70TH ST, LLC	N	DEVELOPED	0.11	-	-	0.11 R1			
26	35		Class: 1 - Vacant Land	2367 0TH ST.	BHO INVESTMENTS	N	DEVELOPED	0.06	-	-	0.06 R1			
27	2		Class: 1 - Vacant Land	2387 71ST STREET	PANNONE, HECTOR MIGUEL	N	DEVELOPED	0.05	-	-	0.05 R1			
30	1		Class: 15C - Public Property	6900 BROADWAY	TOWN OF GUTTENBERG - HOUSING AUTH.	N	PUBLIC HOUSING	0.72	-	-	0.72 R1			
31	1.01		Class: 1 - Vacant Land	136 69TH ST.	TOWN OF GUTTENBERG - HOUSING AUTH.	N	PUBLIC HOUSING	0.19	-	-	0.19 R1			
31	11		Class: 15C - Public Property	1537 71ST ST 7008 BROADWAY	BROADWAY VIEWS, LLC	N	DEVELOPED	0.17	-	-	0.17 R1			
31	12		Class: 15C - Public Property	1271 71ST ST.	TOWN OF GUTTENBERG	N	DEVELOPED	0.06	-	-	0.06 R1			
31	42		Class: 1 - Vacant Land	121-25 71ST ST.	TOWN OF GUTTENBERG	N	PARKING AREA	0.17	-	-	0.17 R1			
33	1		Class: 1 - Vacant Land	148-50 70TH ST.	150 70TH STREET, LLC	N	DEVELOPED	0.11	-	-	0.11 R1			
33	2		Class: 1 - Vacant Land	6710-12 PARK AVE	6710-6712 REALTY, LLC	N	DEVELOPED	0.07	-	-	0.07 C			
34	3		Class: 15C - Public Property	6712 PARK AVE.	6710-6712 REALTY, LLC	N	DEVELOPED	0.06	-	-	0.06 C			
35	5		Class: 15C - Public Property	81-83 69TH ST.	TOWN OF GUTTENBERG TOWN HALL	N	ADMINISTRATIVE BLDG	0.31	-	-	UNKNOWN			
35	26.201		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 201	TOWN OF GUTTENBERG	N	PARKING AREA	0.11	-	-	0.11 R4			
35	26.202		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 202	MONARAK, ERINY	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.203		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 203	SANDYS, CHELSEA	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.204		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 204	PANDYA, SONIA GOPAL	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.205		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 205	GREEN, CELINA	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.206		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 206	KIL VIVIAN & PARK, JONG	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.207		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 207	ALICK, JAMES & RIVERA, JENNIFER	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.208		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 208	GALENGO, OLGA	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.209		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 209	DESOUZA, JESSICA	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.210		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 210	LOPEZ, JOSE LUIS	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.301		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 301	ABELLA, GEOFFREY M & ZHOU, DONGYUAN	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.302		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 302	RODON, RAINER & LOVREKOVIC, MAJIA	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.303		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 303	LOPEZ, JUSTINA & VELEZ, MELISSA	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.304		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 304	VEKSLER, MARLAND & CHEN, GIANNE	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.305		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 305	TAYLOR, ALEX J. & WILLIS, JOSH	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.306		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 306	PENN, TALISHA M.	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.307		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 307	ORTIZ, MONICA LORENA R	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.308		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 308	ZABAL, ETA, JESUS CROSTOBAL	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.309		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 309	KNOX, RICHARD	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.310		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 310	MARTINEZ, DANIEL	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.401		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 401	MATTHEW'S, KIMBERLY N.	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.402		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 402	LOZADA, LOUIS JR	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.403		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 403	DIAZ, JONATHAN	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.404		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 404	RICHARDSON, KAD J.	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.405		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 405	WRIGHT, JERAMIA S	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.406		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 406	BOURHAM, SHADY	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.407		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 407	TULCHINSKY, BORIS	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.408		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 408	WILLIAMS, DONNALUCY	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.409		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 409	MOUSTAFA, FARRIS	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.410		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 410	AUSTIN, LILLY	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.501		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 501	MIAW, RICKY	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.502		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 502	FRANCES KOMLA AGNABODJI	N	DEVELOPED	0.00	-	-	0.00 R4			
35	26.503		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 503	GUO, SHIHAN & YANG, YATING	N	DEVELOPED	0.01	-	-	0.01 R4			
35	26.504		Class: 1 - Vacant Land	62-68 69TH ST. UNIT 504	SANO, AKIRA	N	DEVELOPED	0.00	-	-	0.00 R4			
					BLASCHKE, HENRY & SARAI	N	DEVELOPED	0.00	-	-	0.00 R4			

VACANT LAND ADJUSTMENT
Town of Guttenberg, Hudson County, New Jersey

BLOCK	LOT	QCODE	PROPERTY CLASS	LOCATION	CURRENT OWNER	VACANT	NOTES	TOTAL ACRES	ENCUMBERED ACRES	NET ACRES	ZONING	DENSITY	TOTAL YIELD	RDY
35	26.505	C0505	Class: 1 - Vacant Land	62-68 69TH ST. UNIT 505	WASHINGTON, LEON-JORDAN	N	DEVELOPED	0.00	-	0.00	R4			
35	26.506	C0506	Class: 1 - Vacant Land	62-68 69TH ST. UNIT 506	REFAJ, NOREEN	N	DEVELOPED	0.00	-	0.00	R4			
35	26.507	C0507	Class: 1 - Vacant Land	62-68 69TH ST. UNIT 507	HUDSON, KARL	N	DEVELOPED	0.00	-	0.00	R4			
35	26.508	C0508	Class: 1 - Vacant Land	62-68 69TH ST. UNIT 508	ADEREMI, SADIAT B.	N	DEVELOPED	0.00	-	0.00	R4			
35	26.509	C0509	Class: 1 - Vacant Land	62-68 69TH ST. UNIT 509	ZENGO, ALAN	N	DEVELOPED	0.00	-	0.00	R4			
4	28.01		Class: 1 - Vacant Land	6813 JACKSON ST	BHD INVESTMENTS, LLC	N	PARKING (LEASED)	0.06	-	0.06	R1			
4	28.02		Class: 1 - Vacant Land	6809-11 JACKSON ST	BHD INVESTMENTS, LLC	N	PARKING (LEASED)	0.11	-	0.11	R1			
40	1		Class: 15C - Public Property	7005 BLVD EAST	TOWN OF GUTTENBERG HOUSING AUTH	N	PUBLIC HOUSING	0.45	-	0.45	R5			
44	1.02		Class: 1 - Vacant Land	HULSON RIVER TURNPIKE	THE GALAXY TOWERS CONDOMINIUM ASS.	N	TENNIS COURTS	0.65	0.03	0.63	R3			
12	13		Class: 1 - Vacant Land	6712-REAR MADISON	UNKNOWN	EXCLUDED	LANDLOCKED, PART OF YARD AREA	0.01	-	0.01	R1			
12	14		Class: 1 - Vacant Land	6710-REAR MADISON ST	UNKNOWN	EXCLUDED	LANDLOCKED, PART OF YARD AREA	0.01	-	0.01	R1			
24	42		Class: 1 - Vacant Land	2288 68TH ST	VUKELIC, MICHAEL M.	EXCLUDED	LANDLOCKED, PART OF YARD AREA	0.03	-	0.03	R1			
29	11		Class: 1 - Vacant Land	137 69TH ST	129 69TH ST LLC	EXCLUDED	APPROVED DEVELOPMENT, UNDER CONSTRUCTION (62 UNIT BUILDING)	0.06	-	0.06	R1	1,015.65	-	-
42	1		Class: 15C - Public Property	BOULEVARD EAST	TOWN OF GUTTENBERG % TOWN CLERK	EXCLUDED	SILVER ALONG ROADWAY	0.07	-	0.07	UNKNOWN			
													TOTAL RDY:	9.00

**Town of Guttenberg
2025 Housing Element and Fair Share Plan**

Appendix B – Spending Plan

**Town of Guttenberg
2025 Housing Element and Fair Share Plan**

Appendix C – Proposed Affordable Housing Ordinance

Ordinance No. _____
Affordable Housing Ordinance
Town of Guttenberg, Hudson County

AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWN OF GUTTENBERG TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) REGARDING COMPLIANCE WITH THE TOWN'S AFFORDABLE HOUSING OBLIGATIONS

BE IT ORDAINED by the Mayor and Council of the Town of Guttenberg, Hudson County, New Jersey, that the Code of the Town of Guttenberg is hereby amended to include provisions addressing Guttenberg's affordable housing obligations consistent with applicable law. More specifically, this ordinance is consistent with the Fair Housing Act, as amended in March of 2024 (N.J.S.a.52:27D-301 et seq.); the emergency regulations adopted by the New Jersey Housing and Mortgage Finance Agency in December of 2024; and applicable regulations of the New Jersey Council on Affordable Housing. This Ordinance is intended to provide guidance and direction to developers constructing project with units affordable to low and moderate-income households and to units so restricted. This Ordinance shall apply except where inconsistent with applicable law.

The Town of Guttenberg Land Use Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Mayor and Council have endorsed the Housing Element and Fair Share Plan duly adopted by the Planning Board. This Ordinance is intended to implement this Housing Element and Fair Share Plan in accordance with applicable law.

§ -1 Affordable Housing Requirements

A. Monitoring and Reporting Requirements

The Town of Guttenberg shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its Court-approved Housing Element and Fair Share Plan:

- (1) Beginning on February 1, 2020, and on every anniversary of that date through February 1, 2025, the Town agrees to provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center (FSHC) and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs (NJDC), Council on Affordable Housing (COAH), or Local Government Services (NJLGS). The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.

- (2) Beginning on February 1, 2020, and on every anniversary of that date through February 1, 2025, the Town agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by COAH or any other forms endorsed by the Special Master and FSHC.
- (3) By March 1, 2020, and every third year thereafter, as required by N.J.S.A. 52:27D-329.1, the Town will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very low income requirements, including its family very low income requirements. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very low income and family very low income housing obligations.

B. Definitions

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

“Act” means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

“Adaptable” means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

“Administrative agent” means the entity designated by the Town to administer affordable units in accordance with this Ordinance, N.J.A.C. 5:93, and UHAC (N.J.A.C. 5:80-26).

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

“Affordability average” means the average percentage of median income at which new restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” means, a sales price or rent level that is within the means of a low- or moderate-income household as defined within N.J.A.C. 5:93-7.4, and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable housing development” means a development included in or approved pursuant to the Housing Element and Fair Share Plan or otherwise intended to address the Town's fair share obligation, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable housing development.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act and approved for crediting by the Court and/or funded through an affordable housing trust fund.

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

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

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

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

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

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

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

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

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

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the regional median household income by household size.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

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

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable housing region, as adopted annually by COAH or a successor entity approved by the Court.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the regional median household income by household size.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

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

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by duly adopted Regional Income Limits published annually by COAH or a successor entity.

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

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

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

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26, et seq.

“Very low-income household” means a household with a total gross annual household income equal to 30 percent or less of the regional median household income by household size.

“Very low-income unit” means a restricted unit that is affordable to a very low-income household.

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

C. Applicability

- (1) The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Town of Guttenberg pursuant to the Town's most recently adopted Housing Element and Fair Share Plan.
- (2) Moreover, this Ordinance shall apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

- (3) Any property in the Town of Guttenberg that is currently zoned for nonresidential uses and subsequently receives a zoning change or use variance or approval of a redevelopment plan to permit residential development, or that is currently zoned for residential uses and receives a zoning change or density variance or approval of a redevelopment plan to permit higher density residential development shall provide an affordable housing set-aside of 15% if the affordable units will be for rent and 20% if the affordable units will be for sale when address housing obligations for Rounds 1-3 and 20% for all units types for Round 4.. No property shall be subdivided so as to avoid compliance with this requirement. Moreover, this provision governs municipal actions and shall not entitle any property owner or developer to such action by the Town. All affordable units created pursuant to this paragraph shall be governed by the provisions of this Ordinance.

E. Phasing Schedule for Inclusionary Zoning

- (1) In inclusionary developments the following schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

F. New Construction

- (1) Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:
- (a) The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit. At least 13 percent of all restricted rental units shall be very low income units (affordable to a household earning 30 percent or less of regional median income by household size). The very low income units shall be counted as part of the required number of low income units within the development.
 - (b) In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be very low or low-income units.
 - (c) Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:

- [1] The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
- [2] At least 30 percent of all low- and moderate-income units shall be two bedroom units;
- [3] At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
- [4] The remaining units may be allocated among two and three bedroom units at the discretion of the developer.

(2) Accessibility Requirements:

- (a) The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free SubCode, N.J.A.C. 5:23-7 and the following:
- (b) All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - [1] An adaptable toilet and bathing facility on the first floor; and
 - [2] An adaptable kitchen on the first floor; and
 - [3] An interior accessible route of travel on the first floor; and
 - [4] An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
 - [5] If not all of the foregoing requirements in b.1) through b.4) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of paragraphs b.1) through b.4) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
 - [6] An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a, et seq.) and the Barrier Free SubCode, N.J.A.C. 5:23-7, or evidence that Guttenberg has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:

- [a] Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
- [b] To this end, the builder of restricted units shall deposit funds within the Town of Guttenberg's Affordable Housing Trust Fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
- [c] The funds deposited under paragraph 6)b) above shall be used by the Town of Guttenberg for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
- [d] The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Town of Guttenberg for the conversion of adaptable to accessible entrances.
- [e] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free SubCode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Town's Affordable Housing Trust Fund in care of the Town Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
- [7] Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free SubCode, N.J.A.C. 5:23-7.

(3) Design:

- (a) In inclusionary developments low- and moderate-income units shall be integrated with the market units.
- (b) In inclusionary developments, low- and moderate-income units shall have access to all of the same common elements and facilities as the market units.

(4) Maximum Rents and Sales Prices:

- (a) In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and the calculation procedures set forth in the Consent Order entered on December 16, 2016, by the Honorable Douglas K. Wolfson, JSC, in In the Matter of the Town of East Brunswick for a Judgment of Compliance of its Third Round Housing Element and Fair Share Plan, Docket No.: MID-L-004013-15.
- (b) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52 percent of median income.
- (c) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13 percent of all low- and moderate-income rental units shall be affordable to very low-income households, which very low-income units shall be part of the low-income requirement.
- (d) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.
- (e) In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
 - [1] A studio shall be affordable to a one-person household;
 - [2] A one-bedroom unit shall be affordable to a one and one-half person household;
 - [3] A two-bedroom unit shall be affordable to a three-person household;
 - [4] A three-bedroom unit shall be affordable to a four and one-half person household; and
 - [5] A four-bedroom unit shall be affordable to a six-person household.

- (f) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
 - [1] A studio shall be affordable to a one-person household;
 - [2] A one-bedroom unit shall be affordable to a one and one-half person household; and
 - [3] A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- (g) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (h) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (c) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the Administrative Agent be lower than the last recorded purchase price.
- (j) The rents of very low-, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the Northeast Urban Area. This increase shall not exceed nine percent in any one year. Rent increases for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.

G. Utilities

- (c) Affordable units shall utilize the same type of heating source as market units within an inclusionary development.

- (c) Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance approved by HUD for the Section 8 program.

H. Occupancy Standards

In referring certified households to specific restricted units, the Administrative Agent shall, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

- (1) Provide an occupant for each bedroom;
- (2) Provide children of different sexes with separate bedrooms;
- (3) Provide separate bedrooms for parents and children; and
- (4) Prevent more than two persons from occupying a single bedroom.

I. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

- (1) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance for a period of at least thirty (30) years, until Guttenberg takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- (2) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- (3) Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
- (4) At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the restrictions set forth in this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- (5) The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.

- (6) A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

J. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

- (c) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- (c) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- (c) The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
- (4) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See Section 13.

K. Buyer Income Eligibility

- (c) Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
- (c) Notwithstanding the foregoing, the Administrative Agent may, upon approval by the Town Council, and subject to the Court's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit.

- (c) A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
- (4) The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's eligible monthly income.

L. Limitations on Indebtedness Secured by Ownership Unit; Subordination

- (1) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
- (2) With the exception of First Purchase Money Mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of the unit, as such price is determined by the Administrative Agent in accordance with N.J.A.C.5:80-26.6(b).

M. Capital Improvements To Ownership Units

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

purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

N. Control Periods for Restricted Rental Units

- (1) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 40 years, until Guttenberg takes action to release the unit from such requirements. Prior to such action,
 - a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- (c) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the developer or seller shall file the deed restriction with the records office of the County of Hudson. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- (c) A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
 - (c) Sublease or assignment of the lease of the unit;
 - (b) Sale or other voluntary transfer of the ownership of the unit; or
 - (c) The entry and enforcement of any judgment of foreclosure on the property containing the unit.

O. Rent Restrictions for Rental Units; Leases

- (c) A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- (c) No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- (c) Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

- (4) No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15% of the total number of dwelling units are restricted rental units in compliance with this Ordinance.

P. Tenant Income Eligibility

- (1) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - (a) Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of the regional median household income by household size.
 - (b) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of the regional median household income by household size.
 - © Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of the regional median household income by household size.
- (2) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - (a) The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - (b) The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - © The household is currently in substandard or overcrowded living conditions;
 - (d) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - (e) The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.

- (3) The applicant shall file documentation sufficient to establish the existence of the circumstances in 1.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

Q. Municipal Housing Liaison

- (1) The Town of Guttenberg shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for overseeing the Town's affordable housing program, including overseeing the administration of affordability controls on the affordable units and the affirmative marketing of available affordable units in accordance with the Town's Affirmative Marketing Plan; fulfilling monitoring and reporting requirements; and supervising Administrative Agent(s). Guttenberg shall adopt an Ordinance creating the position of Municipal Housing Liaison and a Resolution appointing the person to fulfill the position of Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full or part time municipal employee. The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.
- (2) The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Guttenberg, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - (c) Serving as Guttenberg's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - (b) Monitoring the status of all restricted units in Guttenberg's Fair Share Plan;
 - (c) Compiling, verifying, submitting and posting all monitoring reports as required by the Court and by this Ordinance;
 - (d) Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
 - (e) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.
- (c) Subject to the approval of the Court, the Town of Guttenberg shall designate one or more Administrative Agent(s) to administer and to affirmatively market the affordable units constructed in the Town in accordance with UHAC and this Ordinance. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of the Court. The Operating Manual(s) shall be available for public inspection in the office of the Town Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the

Administrative Agent(s). The Municipal Housing Liaison shall supervise the work of the Administrative Agent(s).

R. Administrative Agent

An Administrative Agent shall be an independent entity serving under contract to and reporting to the municipality. The fees of the Administrative Agent shall be paid by the owners of the affordable units for which the services of the Administrative Agent are required. The Administrative Agent shall perform the duties and responsibilities of an Administrative Agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

- (1) Affirmative Marketing:
 - (a) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Town of Guttenberg and the provisions of N.J.A.C. 5:80-26.15; and
 - (b) Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (2) Household Certification:
 - (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
 - (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
 - (c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;
 - (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
 - (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;
 - (f) Employing a random selection process as provided in the Affirmative Marketing Plan of the Town of Guttenberg when referring households for certification to affordable units; and
 - (g) Notifying the following entities of the availability of affordable housing units in the Town of Guttenberg: Fair Share Housing Center, the New Jersey State

the Conference of the NAACP, the Latino Action Network, NORWESCAP, Supportive Housing Association, and the Central Jersey Housing Resource Center.

(3) Affordability Controls:

- (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
- (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
- (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Hudson County Register of Deeds or Hudson County Clerk's office after the termination of the affordability controls for each restricted unit;
- (d) Communicating with lenders regarding foreclosures; and
- (e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

(4) Re-sales and Re-rentals:

- (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
- (b) Instituting and maintaining an effective means of communicating information to low- (or very low-) and moderate-income households regarding the availability of restricted units for resale or re-rental.

(5) Processing Requests from Unit Owners:

- (a) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this Ordinance;
- (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems;

- (c) Notifying the municipality of an owner's intent to sell a restricted unit; and
 - (d) Making determinations on requests by owners of restricted units for hardship waivers.
- (6) Enforcement:
 - (a) Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
 - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - (c) Posting annually, in all rental properties (including two-family homes), a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent or other charges can be made;
 - (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
 - (e) Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and
 - (f) Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent, to be approved by the Town Council and the Court, setting forth procedures for administering the affordability controls.
- (7) Additional Responsibilities:
 - (a) The Administrative Agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
 - (b) The Administrative Agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet the Court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this Ordinance.
 - (c) The Administrative Agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.

S. Affirmative Marketing Requirements

- (1) The Town of Guttenberg shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the Court, that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- (2) The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region 3 and is required to be followed throughout the period of restriction.
- (3) The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 3, comprised of Hudson, Essex, Hudson and Warren Counties.
- (4) The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Program, including initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the Town of Guttenberg shall implement the Affirmative Marketing Plan to assure the affirmative marketing of all affordable units.
- (5) In implementing the Affirmative Marketing Plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (6) The Affirmative Marketing Plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Plan, the Administrative Agent shall consider the use of language translations where appropriate.
- (7) The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
- (8) Applications for affordable housing shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Applications shall be mailed to prospective applicants upon request.
- (9) In addition to other affirmative marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units in Guttenberg, and

copies of the application forms, to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center.

- (10) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

T. Enforcement of Affordable Housing Regulations

- (1) Upon the occurrence of a breach of any of the regulations governing an affordable unit by an Owner, Developer or Tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- (2) After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action(s) against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
 - (a) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
 - [1] A fine of not more than \$500.00 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
 - [2] In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Town of Guttenberg Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - [3] In the case of an Owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
 - (b) The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the Owner's equity or other interest in the

unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- or moderate-income unit.

- [1] The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.
- [2] The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.
- [3] Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- [4] If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by

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

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

U. Appeals

Appeals from all decisions of an Administrative Agent appointed pursuant to this Ordinance shall be filed in writing with the Court.

SECTION 2. REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 5. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 6. EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication as provided by law.

ATTEST:

TOWN OF GUTTENBERG

Appendix D – Proposed Development Fee Ordinance

Chapter ____ Development Fees

§ -1 Purpose.

A. In *Holmdel Builder's Association v. Holmdel Town*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.

B. Pursuant to P.L.2008, c.46 section 8 (N.J.S.A. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that were under the jurisdiction of the Council and are now before a court of competent jurisdiction and have a court-approved spending plan may retain fees collected from nonresidential development.

C. This article establishes standards for the collection, maintenance, and expenditure of development fees in a manner consistent with COAH's regulations and in accordance with P.L.2008, c.46, Sections 8 and 32-38 and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7)., as directed by the court. Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing in accordance with a court-approved spending plan. This article shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:93-1, et seq., as amended and supplemented, N.J.A.C. 5:80-26.1, et seq., as amended and supplemented and the New Jersey Fair Housing Act of 1985

§ -2 Basic requirements.

A. This article shall not be effective until approved by the court.

B. Guttenberg Town shall not spend development fees until the court has approved a plan for spending such fees.

§ -3 Definitions.

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

AFFORDABLE HOUSING DEVELOPMENT

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

COAH or THE COUNCIL

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The New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the state.

DEVELOPER

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

DEVELOPMENT FEE

Money paid by a developer for the improvement of property as authorized by Holmdel Builder's Association v. Holmdel Borough, 121 N.J. 550 (1990) and the Fair Housing Act of 1985, N.J.S.A. 52:27d-301, et seq., and as regulated by applicable COAH rules.

EQUALIZED ASSESSED VALUE

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

GREEN BUILDING STRATEGIES

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

§ -4 Residential development fees.

A. Imposed fees.

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

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

- (1) Affordable housing developments and/or developments where the developer has made a payment in lieu of on-site construction of affordable units, if permitted by Ordinance or by Agreement with the Town of Guttenberg, shall be exempt from the payment of development fees.
- (2) Developments that have received preliminary or final site plan approval prior to the adoption of this Ordinance and any preceding Ordinance permitting the collection of

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development fees shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where site plan approval is not applicable, the issuance of a Zoning Permit and/or Construction Permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the Development Fee Ordinance in effect on the date that the Construction Permit is issued.

- (3) Any repair, reconstruction or improvement of a structure, the cost of which is less than 50% of the market value of the structure before the improvement or repair is started. For purpose of this section, "market value" shall mean the equalized assessed value of the existing improvement as established by the Borough Tax Assessor. The cost of the repair, reconstruction or improvements shall be determined by an itemized construction cost estimate prepared and submitted to the Construction Official. The estimate shall be signed and sealed by an architect or professional engineer licensed by the State of New Jersey, or where no such professionals are retained, signed by the contractor or the homeowner. Where prepared by the homeowner or contractor, the Borough Engineer may review such estimates for accuracy. "Substantial improvement" is considered to commence when the first alteration of any wall, floor or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include either:
 - (a) Any project for improvement of a structure to comply with existing state or local building, fire, health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
 - (b) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places but a development fee shall be charged for any new dwelling constructed as a replacement for a previously existing dwelling on the same lot that was or will be demolished, unless the owner resided in the previous dwelling for a period of one year or more prior to obtaining a demolition permit. Where a development fee is charged for a replacement dwelling, the development fee shall be calculated on the increase in the equalized assessed value of the new structure as compared to the previous structure.
- (4) Structural alterations that do not increase gross floor area of a building or structure or increase the equalized assessed value of a property shall be exempted from paying a development fee.
- (5) Nonprofit organizations constructing residential projects which have received tax-exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code, providing current evidence of that status is submitted to the Municipal Clerk, together with a certification that services of the organization are provided at reduced rates to those who establish an inability to pay existing charges, shall be exempted from paying a development fee.
- (6) Federal, state, county and local governments shall be exempted from paying a development fee.

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(7) Homes replaced as a result of a natural disaster, fire or flood shall be exempt from the payment of a development fee. (This exemption applies only for the owner of record at the time of the fire, flood, or natural disaster.)

§ -5 Nonresidential development fees.

A. Imposed fees.

(1) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2 1/2% of the equalized assessed value of the land and improvements, for all new nonresidential construction on an unimproved lot or lots.

(2) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2 1/2% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.

(3) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2 1/2% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

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

(1) The nonresidential portion of a mixed-use inclusionary or market-rate development shall be subject to the development fee of 2 1/2%, unless otherwise exempted below.

(2) The fee of 2 1/2% shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

(3) Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.

(4) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L.2008, c.46, shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.

(5) If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by Guttenberg Town as a lien against the real property of the owner.

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- (6) Federal, state, county and local governments constructing housing shall be exempted from paying a development fee.

§ -6 Collection procedures.

- A.** Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- B.** For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- C.** The construction official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
- D.** Within 90 days of receipt of that notice, the municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- E.** The construction official responsible for the issuance of a final certificate of occupancy notifies the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- F.** Within 10 business days of a request for the scheduling of a final inspection, the municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G.** Should Guttenberg Town fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).
- (1)** Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy.
- (2)** The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- H.** Appeal of development fees.

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(1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by Guttenberg Town. Appeals from a determination of the Board may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

(2) A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by Guttenberg Town. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the State Tax Uniform Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

§ -7 Affordable Housing Trust Fund.

A. There is hereby created a separate, interest-bearing housing trust fund to be maintained by the chief financial officer for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.

B. The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:

- (1) Payments in lieu of on-site construction of affordable units;
- (2) Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
- (3) Rental income from municipally operated units;
- (4) Repayments from affordable housing program loans;
- (5) Recapture funds;
- (6) Proceeds from the sale of affordable units; and
- (7) Any other funds collected in connection with Guttenberg Town's affordable housing program.

C. In the event of a failure by Guttenberg Town to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved Spending Plan and to expend funds within the applicable required time period as set forth in In re Tp. of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within Guttenberg Town, or, if not practicable, then within the County or the Housing Region.

Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to

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respond and/or to remedy the non-compliant condition(s), and upon a finding of continuing and deliberate non-compliance, determine to authorize LGS to direct the expenditure of funds in the Trust Fund or impose such other remedies as may be reasonable and appropriate to the circumstances.

D. All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by the court.

§ -8 Use of funds.

A. The expenditure of all funds shall conform to a spending plan approved by the court. Funds deposited in the housing trust fund may be used for any activity approved by the court to address the Town's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.

B. Funds shall not be expended to reimburse Guttenberg Town for past housing activities.

C. At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.

(1) Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs.

(2) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.

(3) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.

Since the Fair Housing Act, as amended in March of 2024, does not require 30 percent of the fees collected and interest to be restricted to affordability assistance, the Town reserves its right to redirect some of the fees reserved for affordability assistance to other permissible expenditures.

D. Guttenberg Town may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance.

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E. No more than 20% of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with monitoring requirements. In accordance with the trust fund as amended in March of 2024, administrative costs may also include “attorney fees or court costs to obtain a judgment of repose; (ii) to contest a determination of the municipality’s fair share obligation; or (iii) on costs of any challenger in connection to a challenge to the municipality’s obligation, housing element, or fair share plan.” Legal or other fees related to litigation opposing affordable housing sites or related to securing or appealing a judgement from the court are not eligible uses of trust funds.

§ -9 Monitoring.

Guttenberg Town shall provide annual reporting of Affordable Housing Trust Fund activity to the State of New Jersey, Department of Community Affairs, Council on Affordable Housing or Local Government Services or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government Services. The reporting shall include an accounting of all trust fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, payments in lieu of constructing affordable units on site (if permitted by Ordinance or by Agreement with the Town), funds from the sale of units with extinguished controls, barrier free escrow funds, rental income from Borough owned affordable housing units, repayments from affordable housing program loans, and any other funds collected in connection with Guttenberg’s affordable housing programs, as well as an accounting of the expenditures of revenues and implementation of the spending plan approved by the court.

§ -10 Ongoing collection of fees.

The ability for Guttenberg Town to impose, collect and expend development fees shall expire with the expiration of the repose period covered by its Judgment of Compliance unless Guttenberg Town has first filed an adopted Housing Element and Fair Share Plan with the Court or with a designated State administrative agency, has petitioned for a Judgment of Compliance from the Court or for Substantive Certification or its equivalent from a State administrative agency authorized to approve and administer municipal affordable housing compliance and has received approval of its Development Fee Ordinance from the entity that will be reviewing and approving the Housing Element and Fair Share Plan. If Guttenberg Town fails to renew its ability to impose and collect development fees prior to the expiration of judgment of compliance, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (N.J.S.A. 52:27D-320). Guttenberg Town shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall Guttenberg

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Town retroactively impose a development fee on such a development. Guttenberg Town shall not expend development fees after the expiration of its substantive certification or judgment of compliance. Notwithstanding the foregoing, the Town shall impose nonresidential fees in accordance with the New Jersey Statewide Nonresidential Development Fee Act.

Appendix E – Affirmative Marketing Plan

TOWN OF GUTTENBERG
Resolution _____

Motion _____ Second _____

RESOLUTION
ADOPTING THE AFFIRMATIVE FAIR HOUSING MARKETING PLAN FOR
THE TOWN OF GUTTENBERG, COUNTY OF HUDSON, NEW JERSEY

WHEREAS, in accordance with the Fair Housing Act and the New Jersey Uniform Housing Affordability Controls (N.J.A.C. 5:80-26-1, *et seq.*), the Town of Guttenberg is required to adopt by resolution an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created within the Town of Guttenberg are affirmatively marketed to low and moderate income households, particularly those living and/or working within Housing Region 2, the Housing Region encompassing the Town of Guttenberg.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Town of Guttenberg, County of Hudson, State of New Jersey, does hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

All affordable housing units in the Town of Guttenberg shall be marketed in accordance with the provisions herein unless otherwise provided by law or regulation of the State of New Jersey.

This Affirmative Marketing Plan shall apply to all developments that contain or will contain very low, low and moderate income units, including those that are part of the Town's prior round Fair Share Plan and its current Fair Share Plan and those that may be constructed in future developments not yet anticipated by the Fair Share Plan.

The Affirmative Marketing Plan shall be implemented by an Administrative Agent designated by and/or under contract to the Town of Guttenberg. All the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of the affordable unit(s).

The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the Housing Region in which the municipality is located and covers the entire period of the deed restriction for each restricted housing unit. The Town of Guttenberg is in Housing Region 1, consisting of Bergen, Hudson, Passaic and Sussex Counties.

The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy. Advertising and outreach shall take place during the first week of the marketing program and each month thereafter until all available units have been leased or sold.

The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, with the advertisement subject to the review and approval of the Administrative Agent and paid for by the owner/developer/landlord.

Advertisements will be published in the following newspaper covering the entire Housing Region 2: The Star Ledger of Newark.

Advertisements will be published in at least three locally oriented weekly newspapers within the region, one of which shall be circulated primarily within Hudson County and the other two of which shall be circulated primarily outside of Hudson County but within the housing region. In addition, information should be posted in the publications, HudPost and Community Newspapers of Essex County.

Advertisements will be placed on the following websites: Town of Guttenberg Website <https://www.guttenbergnj.org>, NJ Housing Resource Center at <http://www.njhrc.gov/>.

The advertisement shall include a description of the:

1. Street address(es) of the units;
2. Directions to the units;
3. Range of prices for the units;
4. Numbers of bedrooms in units (bedroom mix);
5. Maximum income permitted to qualify for the units;
6. Location of applications;
7. Application fees, if any;
8. Number of units currently available; and
9. Anticipated dates of availability.

The Administrative Agent shall develop, maintain and regularly update a list of community contact person(s) and/or organizations(s) in Bergen, Hudson, Passaic and Sussex Counties that will aid in Guttenberg's affirmative marketing program. The list shall include as many contacts that will reach out to groups that are least likely to apply for housing within the region. Information shall be sent quarterly to every entity on the Town's affirmative marketing list.

Preliminary Applications

Locations of applications, brochures, and flyers to affirmatively market the program will be created. Preliminary applications or links to online preliminary applications shall be provided by the Administrative Agent, the Developer, and the Municipal Housing Liaison to prospective applicants upon request. When on-line preliminary applications are utilized, if prospective applicants do not have internet access they will be given a phone number to call the Administrative

Agent, who will then enter all pre-application information online during the phone call, and mail them a confirmation and details. If applicant prefers completing a paper copy themselves, a paper copy will be sent by mail to the prospective applicant.

Random Selection

Whenever necessary, a random selection method to select occupants of low and moderate income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (l). The Affirmative Marketing Plan shall provide a regional preference for all households that live and/or work in Housing Region 1 comprised of Bergen, Hudson, Passaic and Sussex Counties.

Administration of Affirmative Marketing Plan

The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify low and moderate income households; to place income eligible households in low and moderate income units upon initial occupancy; to provide for the initial occupancy of low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26-1, et seq.

Whenever appropriate, the Administrative Agent shall provide or direct qualified low and moderate income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law. The Administrative Agent shall develop, maintain and update a list of entities and lenders willing and able to perform such services.

All developers/owners of low and moderate income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.

The implementation of the Affirmative Marketing Plan for a new development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all affordable housing units are initially occupied and for as long as affordable units exist that remain deed restricted and for which the occupancy or re-occupancy of units continues to be necessary. Please note that in addition to complying with this Town-wide Affirmative Marketing Plan that the Administrative Agent shall also review and approve a separate Affirmative Marketing Plan for every new affordable development in Guttenberg that is subject to N.J.A.C.5:80-26.1 et seq. That document shall be completed by the owner/developer and will be compliant with the Town's Affirmative Marketing Plan as presented herein, and incorporate development

specific details and permitted options, all subject to the Administrative Agent's review and approval. The development specific affirmative marketing plans will use the standard form for Region 1.

The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, et seq.

**Town of Guttenberg
2025 Housing Element and Fair Share Plan**

Appendix F – Municipal Housing Liaison

**TOWN OF GUTTENBERG
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE #05-25

**AN ORDINANCE AMENDING CHAPTER 25 AFFORDABLE HOUSING TO CREATE
THE POSITION OF THE MUNICIPAL HOUSING LIAISON FOR THE TOWN OF
GUTTENBERG**

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality may make, amend, repeal, and enforce ordinances not contrary to the laws of this State or of the United States, as it may deem necessary and proper for order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

WHEREAS, the Town of Guttenberg is a municipality as defined by Title 40 of the New Jersey Statutes; and

WHEREAS, pursuant to P.L. 2024, c.2, the Town of Guttenberg is required to appoint a Municipal Housing Liaison for the oversight of administration of the Town of Guttenberg's affordable housing program to enforce the requirements of the law and N.J.A.C. 5:80-26.1 et seq.; and

WHEREAS, there exists a need to amend Chapter 25 entitled Affordable Housing to create the position for the appointment of a Municipal Housing Liaison to administer the Town of Guttenberg's affordable housing program.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Town of Guttenberg do hereby amend the Ordinance to create the position for the appointment of a Municipal Housing Liaison to administer the Town of Guttenberg's affordable housing program:

§ 25-2 Municipal Housing Liaison.

§ 25-2.1 Purpose.

The purpose of this Article is to create the administrative mechanisms needed for the execution of the Town of Guttenberg's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

§ 25-2.2 Definitions.

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

ADMINISTRATIVE AGENT — Shall mean the entity responsible for administering the affordability controls of some or all units in the affordable housing program for the Town of Guttenberg to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low- and moderate-income households.

MUNICIPAL HOUSING LIAISON — Shall mean the employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for the Town of Guttenberg.

§ 25-2.3 Establishment of Municipal Housing Liaison Position and Compensation: Powers and Duties.

- a. Establishment of Position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for the Town of Guttenberg.
- b. Subject to the approval of the Council on Affordable Housing (COAH), the Municipal Housing Liaison shall be appointed by the governing body and may be a full or part-time municipal employee.
- c. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Town of Guttenberg, including the following responsibilities which may not be contracted out, exclusive of item 6 which may be contracted out:
 1. Serving as the Town of Guttenberg's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents, and interested households;
 2. Monitoring the status of all restricted units in the Town of Guttenberg's Fair Share Plan;
 3. Compiling, verifying, and submitting annual reports as required by COAH;
 4. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
 5. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 6. If applicable, serving as the Administrative Agent for some or all of the restricted units in the Town of Guttenberg as described in Subsection f below.
- d. Subject to approval by COAH, the Town of Guttenberg may contract with or authorize a consultant, authority, government or any agency charged by the governing body, which entity shall have the responsibility of administering the affordable housing program of the Town of Guttenberg except for those responsibilities which may not be contracted out pursuant to Subsection c above. If the Town of Guttenberg contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.

e. Compensation. Compensation, if any, shall be determined by the governing body at the time of the appointment of the Municipal Housing Liaison.

f. Administrative Powers and Duties Assigned to the Municipal Housing Liaison.

1. Affirmative Marketing.

(a) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of the Town of Guttenberg and the provisions of N.J.A.C. 5:80-26.15; and

(b) Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

2. Household Certification.

(a) Soliciting, scheduling, conducting and following up on interviews with interested households;

(b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;

(c) Providing written notification to each applicant as to the determination of eligibility or non-eligibility;

(d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;

(e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and

(f) Employing the random selection process as provided in the Affirmative Marketing Plan of the Town of Guttenberg when referring households for certification to affordable units.

3. Affordability Controls.

- (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
- (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
- (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;
- (d) Communicating with lenders regarding foreclosures; and
- (e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

4. Resale and Rental.

- (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
- (b) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or rental.

5. Processing Request from Unit Owners.

- (a) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
- (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air-conditioning systems; and
- (c) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.

6. Enforcement.

- (a) Securing annually lists of all affordable housing units for which tax bills are mailed to absentee owners and notifying all such owners that they must either move back to their unit or sell it;
 - (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
 - (c) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;
 - (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
 - (e) Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;
 - (f) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls; and
 - (g) Providing annual reports to COAH as required.
7. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
 8. All or some of the provisions above in Subsection f may be specifically delegated at a later date to an approved Administrative Agent as part of a contract.

SECTION TWO

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION THREE

Repealer. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION FOUR

In order to avoid accidental repeal of existing provisions, the Town Clerk and Corporation Counsel are hereby authorized to change any chapter numbers, article numbers and/or section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code.

SECTION FIVE

When Effective. This Ordinance shall take effect upon passage and publication as required by law.

SUMMARY OF ORDINANCE

This Ordinance amends Chapter 25 to create the position of Municipal Housing Liaison for the oversight of administration of the Town of Guttenberg's affordable housing program to enforce the requirements of the law and N.J.A.C. 5:80-26.1 et seq.

Introduced: January 29, 2025

Adopted: