

FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

Town of Kearny
Hudson County, New Jersey

May 22, 2025

Adopted by the Planning Board on June 4, 2025

Prepared By:



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Town of Kearny, Hudson County
Fourth Round Housing Element and Fair Share Plan

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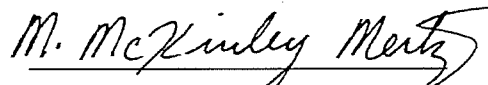
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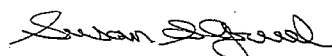
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The original of this report was signed and
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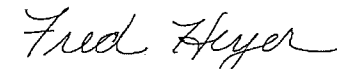

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EXECUTIVE SUMMARY

The following Fourth Round Housing Element and Fair Share Plan has been prepared for the Town of Kearny in the County of Hudson in accordance with the Fair Housing Act as most recently amended (P.L.2024, c.2).

The Town of Kearny is an 8.8 square mile community located in northeast New Jersey, within the western portion of Hudson County that abuts the neighboring Counties of Essex and Bergen. The Town is bordered by both the Passaic and Hackensack Rivers. It also shares municipal boundaries with North Arlington Borough and Lyndhurst Township to the north and Harrison Town and East Newark Borough to the west. Primary US, County and State routes, including Interstate-95, Interstate-280, US Route 1, NJ Route 7, Hudson County Route 699, and Hudson County Route 697 run through the Town.

The Town can be characterized as an urban municipality and, according to the State Development and Redevelopment Plan (SDRP), the Uplands Kearny and South Kearny portions of the municipality are located in Metro Planning Area 1. The Meadowlands District portion of Kearny is excluded from the SDRP as the Meadowlands are governed by their own protective body.

According to the 2020 Census, Kearny's population was 41,999, which represents an increase of 3.2% from 2010. In 2020, the Town's median age was 38.1 years, representing a 4.7% increase from the median age of 36.4 years in 2010. The Town's average household size in 2020 was 2.62 persons, which was slightly higher than the average at the County level (2.38 persons).

The housing stock of the Town is predominantly either single-family detached dwelling units, 2-family structures, or 3-4 family structures. Approximately 74% of the housing stock was built prior to 1970, making these dwellings older than fifty years. According to the guidelines originally established by COAH, the Town is located in Housing Region 1, a region that consists of Bergen, Hudson, Passaic, and Warren counties. Based on the 2025 Regional Income Limits (released by Affordable Housing Professionals of New Jersey on May 5, 2025), the median income in Region 1 for a four-person household is \$127,200, the moderate-income is \$101,760, the low-income is \$63,600, and the very-low-income level is \$38,160.

Affordable housing obligations in New Jersey are divided into "housing rounds," as will be discussed in detail later in this Plan. Each municipality in New Jersey has a constitutional obligation to provide their fair share of the calculated regional need for affordable housing within the respective housing round. These obligations to construct new affordable housing are known as the "Prospective Need" obligation. Municipalities also have an obligation to rehabilitate units that are deemed substandard, pursuant to the criteria of the Fair Housing Act. This obligation is known as the Present Need, or Rehabilitation Share. The housings rounds are as follows: Prior Round (1987-1999), Third Round (1999-2025), and Fourth Round (2025-2035).

Kearny is officially designated as an "Urban Aid" municipality for the Fourth Round, meaning that it has been identified by the State as being particularly distressed across several measures of economic and social wellbeing. The designation relates to affordable housing in that qualified urban aid municipalities are exempt from prospective need obligations for all housing rounds during which the urban aid designation remains. To qualify, municipalities must meet at least one of the following criteria:

- The ratio of substandard existing deficient housing units currently occupied by low- and moderate-income households within the municipality, compared to all existing housing in the municipality, is greater than the equivalent ratio in the region
- The municipality has a population density greater than 10,000 persons per square mile of land area
- The municipality has a population density of more than 6,000, but less than 10,000 persons per square mile of land area, and less than five percent vacant parcels not used as farmland

The Town of Kearny did not participate in the Prior Round. During the Third Round, the Town contested its Third Round obligation, arguing that it qualified as an "Urban Aid Municipality" under the statutory criteria. The Court ultimately ruled in favor of Kearny, identifying it as "Urban Aid Municipality."

The Town was able to fully meet its Prior Round obligations through credit-worthy units that are existing, under construction, or proposed as well as rental bonus credits.

As a designated urban aid municipality, Kearny is exempt from any prospective need obligation for the Fourth Round but still has a present need (rehabilitation) obligation as calculated by DCA:

Rehabilitation Share: 630

Prospective Need: 0

INTRODUCTION

The need to provide a realistic opportunity for the construction of affordable housing in New Jersey, the country's most densely populated state, has been recognized for decades. In the case of Southern Burlington County NAACP v. the Township of Mount Laurel 67 N.J. 151 (1975), (commonly known as Mount Laurel I), the New Jersey Supreme Court established the doctrine that developing municipalities in New Jersey have a constitutional obligation to create a realistic opportunity for their fair share of low and moderate income housing.

In Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158, 456 A.2d 390 (1983), decided on January 20, 1983 (commonly known as Mount Laurel II), the Supreme Court responded to the response of municipalities to Mount Laurel II. The builder's remedy created a mechanism for developers to sue non-compliant municipalities and force them to comply. Mount Laurel II also created the Judgment of Repose to incentivize municipalities to comply. A Judgment of Repose protected municipalities from

potential lawsuits and those who would claim entitlement to a builder's remedy or other relief based upon the claim that the municipality was noncompliant.

In the wake of Mount Laurel II, developers sued municipalities seeking builder's remedies. The wave of builder's remedy lawsuits created the impetus for legislation to protect municipalities from builder's remedies. A decision by Judge Serpentelli, one of three judges appointed by Chief Justice Wilentz to implement Mount Laurel II, increased the need for a legislative cure. More specifically, in 1984, Judge Serpentelli issued the "AMG decision" (AMG Realty Co. v. Warren Twp), which established a formula for any developer to determine the fair share obligation of any municipality.

The pressure of builder's remedy suits, combined with the ease in determining the fair share of any municipality through the AMG formula, culminated in the enactment of the New Jersey Fair Housing Act in 1985. The Fair Housing Act (FHA) is found at N.J.S.A. 52:270-301, et seq. The FHA established the Council on Affordable Housing (COAH) as an administrative alternative to builder's remedy lawsuits and the concomitant jurisdiction of the courts. COAH was given the responsibility of dividing the state into housing regions, determining regional and municipal fair share affordable housing obligations, and adopting regulations that would establish the guidelines and approaches that municipalities may use in addressing their affordable housing need.

In 2008, the Legislature amended the FHA to add requirements for very low-income housing. Very low-income households are those in which the gross household income is 30% or less than the region's median household income. Low-income households are those with incomes no greater than 50% of the region's median household income. Moderate-income households are those with incomes no greater than 80% and no less than 50% of the region's median household income. Each is adjusted for household size and is in relation to the median gross income of the housing region in which the municipality is located.

FIRST AND SECOND ROUNDS

The First and Second Rounds under COAH are collectively referred to as the "Prior Round." The Prior Round obligation is the cumulative 1987-1999 fair share obligation. The First Round consists of the six-year period between 1987 and 1993 for which COAH first established a formula for determining municipal affordable housing obligations (N.J.A.C. 5:92-1 *et seq.*). Then in 1994, COAH established amended regulations (N.J.A.C. 5:93-1.1 *et seq.*) and produced additional municipal affordable housing obligations for the years 1993 to 1999. This second round of obligations is known as the Second Round. When COAH adopted regulations for Round 2, it made the Round 1 and 2 obligations cumulative for both periods.

THIRD ROUND

Housing rounds were originally established by the Fair Housing Act as six-year periods, but in 2001 the Legislature extended the rounds to 10-year periods. This should have meant that the Third Round ran from 1999 to 2009. However, COAH didn't establish new rules for the Third Round until the end of 2004 (N.J.A.C.

5:94-1 and 95-1 et seq.). The Third Round time period was therefore extended to 2014. The Third Round rules established a new method for calculating a municipality's affordable housing obligation, known as "growth share." This method required municipalities to project future residential and non-residential development, and then derive their obligation from that growth.

After the New Jersey Appellate Court invalidated several components of the Third Round rules, COAH released revised rules in 2008. The Third Round was once again extended to 2018 to provide municipalities with the time to apply the amended rules and establish mechanisms to meet their obligations. The revised Third Round rules, like the initial Third Round, rules established the obligations based on a growth share approach.

On October 8, 2010, in response to numerous legal challenges to the second iteration of COAH's Third Round regulations, the Appellate Divisions ruled that COAH could not allocate obligations through a "growth share" formula and directed COAH to use similar methods to those used in the First and Second Rounds. COAH proposed Third Round regulations a third time in 2014 using a formula similar to the ones it had used in the first and second rounds. However, when COAH met to consider adopting these rules on October 20, 2014, it deadlocked.

On March 10, 2015, the New Jersey Supreme Court decided In re Adoption of N.J.A.C. 5:96 & 5:97 by the N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (Mount Laurel IV), wherein it responded to COAH's failure to adopt defensible rules for Round 3. This decision changed the landscape by which municipalities are required to comply with their constitutional obligation to provide their fair share of affordable housing. The Supreme Court held that since COAH was no longer functioning, trial courts were to resume their role as the forum of first instance for evaluating municipal compliance with Mount Laurel obligations, and also established a transitional process for municipalities to seek temporary immunity and ultimately a Judgment of Compliance and Repose ("JOR") from a Court, which was the "judicial equivalent" of Substantive Certification from COAH.

On January 18, 2017, the Supreme Court decided In Re Declaratory Judgment Actions Filed by Various Municipalities, County of Ocean, Pursuant To The Supreme Court's Decision In In re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) ("Mount Laurel V"), which held that need having accrued during the Gap Period (1999-2015) was part of the Present Need, not Prospective Need. The Supreme Court held that there is an obligation with respect to that period for households that came into existence during that gap that are eligible for affordable housing, that are presently (as of 2015) in need of affordable housing, and that are not already counted in the traditional present need.

As the methodology and obligations from the Gap and Prospective Need had not been fully adjudicated at that time, various trial judges issued opinions on the appropriate methodology and 354 municipalities reportedly settled with Fair Share Housing Center wherein they negotiated the obligations for Round 3.

Municipal obligations were therefore broken down in Round Three Housing Element and Fair Share Plans as Present Need/Rehabilitation, Prior Round (1987-1999), and Third Round and Gap Period (1999-2015). Municipalities that received their Final Judgement of Compliance and Repose were guaranteed immunity from builders' remedy lawsuits through the end of the Third Round, June 30, 2025.

FOURTH ROUND

On March 18, 2024, the affordable housing legislation known jointly as Senate Bill S50 and Assembly Bill A4 passed both houses of the legislature. Governor Murphy signed the bill (P.L.2024, c.2) into law on March 20, 2024, establishing a new methodology for determining municipalities' affordable housing obligations for the Fourth Round and beyond. The new legislation, which comprehensively amends the FHA, overhauled the process that municipalities undertake to establish and plan for their constitutionally mandated affordable housing obligation. Most notably, this legislation formally abolished COAH while transferring its functions to the New Jersey Department of Community Affairs (DCA) and Housing Mortgage and Finance Agency (HMFA). As a result, the legislation codified the method for calculating regional and municipal affordable housing needs and returned most of the process from the Courts to state administrative departments.

The amended FHA called on the DCA to issue a non-binding report on the new Present Need Obligation (commonly referred to as the rehab obligation) and the Prospective Need for Round 4 and subsequent rounds. The amended FHA requires the DCA to base its analysis of the obligations for each municipality based upon the standards set forth in the amended FHA. Accordingly, on October 18, 2024 the DCA released a report outlining the Fourth Round (2025-2035) Fair Share methodology and its calculations of low- and moderate-income obligations for each of the State's municipalities. The amended FHA gave municipalities until January 31, 2025, to review the obligation reported by the DCA and perform their own analysis of their obligation based on the methodology in the legislation and previously established by the Courts. If any municipality wished to commit to an obligation different from the one reported by the DCA, the amended FHA required the municipality to adopt a resolution by January 31, 2025, committing to the number that it contended was the appropriate obligation. If a municipality wished to commit to the numbers that the DCA reported, the amended FHA required the municipality to adopt a resolution committing to the DCA numbers.

The amended FHA required any municipality that wished to participate in the new process that the Act created to file a declaratory relief action within 48 hours of adopting the resolution committing to the numbers the municipality deemed appropriate.

The amended FHA gave any interested party who wished to oppose the numbers to which any municipality committed to file an Answer by February 28, 2025 which included a particularized objection to the numbers to which the municipality committed.

The amended FHA gave “the program” until March 31, 2025, to try to resolve any disputes over the fair share numbers to which a municipality committed through an “Affordable Housing Dispute Resolution Program.” The program is a new entity created by the amended FHA. It is staffed with seven current or retired judges and the judges have the authority to use adjudicators to assist it in mediating disputes over the obligations of municipalities.

The amended FHA gives municipalities until June 30, 2025, to file a Housing Element and Fair Share Plan and related documents showing how the municipality will comply with its obligations. The Fourth Round Plans will follow the same general format as they have with certain updates to their requirements dealing with various types of housing and the bonus credit calculation system. Notably, HEFSPs are required to be consistent with the State Development and Redevelopment Plan (SDRP) (a new draft SDRP was released in late 2024 and has yet to be adopted) and the Highlands Regional Master Plan for conforming municipalities. As part of the HEFSP, municipalities shall include an assessment of the degree to which the municipality has met its fair share obligation from the prior rounds of affordable housing (i.e. First, Second, and Third Rounds).

KEARNY’S HISTORY OF AFFORDABLE HOUSING

In December 2008, Kearny’s Planning Board adopted, and the Town’s Governing Body endorsed, a Round 3 Housing Element and Fair Share Plan (“2008 Plan”). On December 30, 2008, the Town filed with COAH its petition for certification of its 2008 Plan, and on March 3, 2009 COAH deemed the petition complete. The Town, however, did not receive substantive certification for the Third Round because the Appellate Division determined the growth share methodology to be invalid.

In response to Mount Laurel IV, Kearny filed a Declaratory Judgment action, along with a motion for temporary immunity, on July 7, 2015. The Town sought from the Court an affirmative declaration of compliance regarding all aspects of its affordable housing obligations.

Because of the uncertainty in the appropriate manner by which to calculate the Town’s obligation at the time, the Town and the Fair Share Housing Center (FSHC) entered into negotiations in order to provide fair and reasonable opportunities for affordable housing for low-, very-low, and moderate-income households within Kearny.

In 2017 the Town contested its Third Round obligation that had been assigned by FSHC’s expert on the grounds that Kearny is an urban aid municipality, as designated by the State, and therefore does not have a Third Round obligation. The Court ruled in an Order and Judgment entered by the Honorable Joseph A. Turula on November 17, 2017 that Kearny is a qualified “Urban Aid Municipality with a qualifying population density,” and therefore does not have a Prospective Need Obligation (Appendix A).

A settlement agreement between the Town and FSHC was signed by the Town on December 11, 2018. An amended settlement agreement, dated March 27, 2020, was prepared to apply inclusionary zoning to additional swaths of land (Appendix B). A new Housing Element and Fair Share Plan ("2020 Plan") was created to reflect the changes in the settlement agreement, adopted by Kearny's Planning Board, and then endorsed by Resolution 2020-478 on October 20, 2020. On that same day, Ordinance 2020-36 was passed, updating the Town's affordable housing code §16-22. Ordinance 2020-35 was also passed which amended the Schuyler Avenue Redevelopment Plan to add two new affordable housing sub-districts.

A joint Order of Fairness and Judgement of Compliance and Repose was issued by Joseph A. Turula on April 6, 2021 for the 2020 HEFSP, settlement agreement, and development fee ordinance (Appendix C).

On January 21, 2025, in accordance with the standards established by the amended FHA and described above, the Town adopted Resolution 2025-66 (Appendix D) and subsequently filed a Complaint for Declaratory Judgment (DJ Action) with the Affordable Housing Dispute Resolution Program (the Program) within 48 hours as required by statute. The resolution and DJ Action accepted the Fourth Round DCA-generated Prospective Need obligation of 0 and Present Need obligation of 630 and thus guarantees protection from builders' remedy suits. The Court issued an order on May 1, 2025 affirming and fixing the Town's present and projective need affordable housing obligation. (Appendix E).

This Fourth Round HEFSP sets forth mechanisms implemented to address the Town's affordable housing obligations and has been prepared in accordance with the Fair Housing Act as most recently amended (P.L.2024, c.2).

PLANNING FOR AFFORDABLE HOUSING

Pursuant to both the FHA (N.J.S.A. 52:27D-310, et seq.) and the Municipal Land Use Law (MLUL) (N.J.S.A. 40:55D-28), municipalities in New Jersey are required to include a housing element in their master plans. The principal purpose of the housing element is to describe the specific, intended methods that a municipality plans to use in order to meet its low- and moderate-income housing needs. Further, the housing element is meant to demonstrate the existing zoning or planned zoning changes that will allow for the provision of adequate capacity to accommodate household and employment growth projections, to achieve the goal of access to affordable housing for present and future populations. The statutorily required contents of the housing element are:

- 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;
- b. A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily

- limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
- c. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
 - d. An analysis of the existing and probable future employment characteristics of the municipality;
 - e. A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing, as established pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1);
 - f. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing;
 - g. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.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.

PART 1: HOUSING ELEMENT**DEMOGRAPHIC CHARACTERISTICS****Population**

Table 1 below depicts the population trends experienced in Kearny, Hudson County, and the State of New Jersey in the 93-year period between 1930 and 2023. In 2023, there were 40,570 residents in Kearny, which indicates a decrease of 1,429 people (-3.4%) from 2020. Kearny's population has ebbed and flowed through the last ninety years, but is more or less the same as it was in 1930 with a slight decrease of 146 people.. Proportionally, the Town's most significant period of growth occurred in the decade between 1990 and 2000 when the Town saw a 16.2% increase in its population. The trend in Kearny is fairly similar to that of Hudson County as a whole with steady decline from a highpoint in 1930 before beginning to trend back up in the late 1990s. During the roughly ninety year period when the populations of Kearny and Hudson County declined and rebounded, the population of the state as a whole more than doubled with an increase of 129.3%.

Table 1: Population Trends, 1930-2023									
Town of Kearny, Hudson County, and New Jersey									
Year	Kearny			Hudson County			New Jersey		
	Population	Change		Population	Change		Population	Change	
		Number	Percent		Number	Percent		Number	Percent
1930	40,716	-	-	690,730	-	-	4,041,334	-	-
1940	39,467	-1,249	-3.1%	652,040	-38,690	-5.6%	4,160,165	118,831	2.9%
1950	39,952	485	1.2%	647,437	-4,603	-0.7%	4,835,329	675,164	16.2%
1960	37,472	-2,480	-6.2%	610,734	-36,703	-5.7%	6,066,782	1,231,453	25.5%
1970	37,585	113	0.3%	607,839	-2,895	-0.5%	7,171,112	1,104,330	18.2%
1980	35,735	-1,850	-4.9%	556,972	-50,867	-8.4%	7,365,011	193,899	2.7%
1990	34,874	-861	-2.4%	553,099	-3,873	-0.7%	7,730,188	365,177	5.0%
2000	40,513	5,639	16.2%	608,975	55,876	10.1%	8,414,350	684,162	8.9%
2010	40,684	171	0.4%	634,266	25,291	4.2%	8,791,894	377,544	4.5%
2020	41,999	1,315	3.2%	724,854	90,588	14.3%	9,288,994	497,100	5.7%
2023	40,570	-1,429	-3.4%	710,478	-14,376	-2.0%	9,267,014	-21,980	-0.2%
Total Change	-	-146	-0.4%	-	19,748	2.9%	-	5,225,680	129.3%

Source: U.S. Census Bureau, Decennial Census and 2023: ACS 5-Year Estimates Table S0101

Population Composition by Age

The median age of the residents in Kearny in 2020 was 38.1 years, which shows a 4.7% increase from the 2010 median age of 36.4 years. Analysis of age group characteristics provides insight into the actual changes in population. This comparison is helpful in determining the impact these changes have on housing needs, community facilities and services for the municipality. As detailed in Table 2 below, the entire composition of Kearny experienced notable shifts in the years between 2010 and 2020. The most significant shift occurred in the population aged 55 and over, which collectively saw a 2,359-person (26.7%) increase. Simultaneously, the Town experienced a significant decrease in its population between 15 to 24 years old (-9.9%) and between the ages 45 to 54 (-9.3%). This data suggests that a larger portion of the Town's residents are transitioning into the senior citizen age range, which will require the Town to consider planning tools and approaches that encourage aging-in-place.

Table 2: Population by Age, 2010 to 2020						
Town of Kearny						
Population	2010		2020		Change (2010 to 2020)	
	Number	Percent	Number	Percent	Number	Percent
Under 5 years	2,231	5.5%	2118	5.0%	-113	-5.1%
5 to 14	4,606	11.3%	4815	11.5%	209	4.5%
15 to 24	6,069	14.9%	5,470	13.0%	-599	-9.9%
25 to 34	6,575	16.2%	6540	15.6%	-35	-0.5%
35 to 44	6,100	15.0%	6172	14.7%	72	1.2%
45 to 54	6,225	15.3%	5647	13.4%	-578	-9.3%
55 to 64	4,516	11.1%	5,524	13.2%	1008	22.3%
65 and over	4,362	10.7%	5,713	13.6%	1351	31.0%
Total population	40,684	100.00%	41,999	100.00%	1315	3.2%
Median Age	36.4	-	38.1	-	1.7	4.7%

Source: U.S. Census Bureau, Decennial Census, Tables DP1, P12 and P13

Hudson County experienced population fluctuation as well. The County also saw the greatest shift of roughly aged 65 and over (24.6%), which was proportionally slightly lower than the increase experienced at the Town level. The County experienced a slight decrease in its population aged 14 to 25 (-2.3%), directly mirroring shifting age trends occurring in the Town. This data is displayed in Table 3 below.

Table 3: Population by Age, 2010 to 2020						
Hudson County						
Population	2010		2020		Change (2000 to 2010)	
	Number	Percent	Number	Percent	Number	Percent
Under 5 years	42,586	6.7%	44,816	6.2%	2,230	5.2%
5 to 14	66,584	10.5%	76,168	10.5%	9,584	14.4%
15 to 24	85,641	13.5%	83,663	11.5%	-1,978	-2.3%
25 to 34	131,508	20.7%	161,172	22.2%	29,664	22.6%
35 to 44	96,716	15.2%	115,232	15.9%	18,516	19.1%
45 to 54	82,985	13.1%	85,205	11.8%	2,220	2.7%
55 to 64	62,180	9.8%	76,308	10.5%	14,128	22.7%
65 and over	66,066	10.4%	82,290	11.4%	16,224	24.6%
Total population	634,266	100.0%	724,854	100.0%	90,588	14.3%
Median Age	34.2	-	34.8	-	0.6	1.8%

Source: U.S. Census Bureau, Decennial Census, Tables DP1, P12 and P13

Households

A household is defined as one or more persons, either related or not, living together in a housing unit. In 2020 there was a total of 14,639 households in Kearny. Over half of the Town's households comprised two or less people. In fact, two-person households were the most common household size at both the Town (29.2%) and County (30.8%) levels, followed by one-person households. The average household size of the Town in 2020 was 2.62, which was slightly higher than that of the County's average of 2.38.

Table 4: Household Size of Occupied Housing Units, 2020				
Town of Kearny and Hudson County				
	Kearny		Hudson County	
	Number	Percent	Number	Percent
1-person household	3,064	20.9%	86,330	29.8%
2-person household	4,271	29.2%	89,247	30.8%
3-person household	2,986	20.4%	50,455	17.4%
4-person household	2,511	17.2%	36,286	12.5%
5-person household	992	6.8%	15,807	5.5%
6-person household	504	3.4%	7,012	2.4%
7-or-more-person household	311	2.1%	4,271	1.5%
Total Households	14,639	100.0%	289,408	100.0%
Average Household Size (2023)	2.62		2.38	

Source: US Census Bureau 2020, H9 and 2023 ACS 5-year Table S1101

According to the United States Census, family households are defined as two or more persons living in the same household, related by birth, marriage, or adoption. As shown in Table 5, most (73%) of all households in the Town in 2020 were categorized as family households. Approximately 49% of households comprised married couples, and 21% of all households consisted of a married couple with children.

In providing more detail on American households, the 2023 American Community Survey includes the sub-groups of non-traditional households, including "Other Family" and "Non-Family" households. "Other Family" households accounted for 28% of all households, broken down into 15% female householders with no spouse or partner present and 9% male householders with no spouse or partner present. "Non-Family" households are defined as those that consist of a householder living alone or sharing the home exclusively with people to whom he/she is not related. Approximately 27% of the Town's households were "Non-Family" households, with male householders (15%) being more common than female householders (13%).

Table 5: Household Size and Type, 2023		
Town of Kearny		
	Total	Percent
Total Households	14,756	100%
Family Households	10,762	73%
Married couple family	7,251	49%
With children	3,172	21%
Without children	4,079	28%
Other Family	3,511	24%
Male householder, no spouse	1,321	9%
With children	428	3%
Without children	893	6%
Female householder, no spouse	2,190	15%
With children	1,103	7%
Without children	1,087	7%
Nonfamily household	3,994	27%
Male householder	2,148	15%
Living alone	1,807	12%
Not living alone	341	2%
With children	18	0%
Female householder	1,846	13%
Living alone	1,472	10%
Not living alone	374	3%
With children	3	0%

Source: 2023 ACS 5-Year B11005 and B11010

Income

As measured in 2020, Kearny had a significantly lower median household income compared to Hudson County and the State of New Jersey. The median income in Kearny was \$83,212, which was roughly \$7,000 lower than that of the County and \$17,000 lower than that of the State. The per capita income in Kearny was significantly lower than that of the County and State. This data is outlined in Table 6 below.

Table 6: Per Capita Household Income, 2023 Town of Kearny, Hudson County, and New Jersey		
	Per Capita Income	Median Household Income
Kearny	\$37,169	\$83,212
Hudson County	\$53,998	\$90,032
New Jersey	\$140,299	\$101,050

Source: 2023 ACS 5-year Estimates, Table S1902

In 2023, roughly 73.7% percent of all households in the Town earned an income of \$50,000 or more, as compared to roughly 70.7% of households in the County. The income range that accounted for the most Town households was the \$50,000 to \$74,999 bracket, which comprised nearly 18.6% of households in Kearny; this was not mirrored across Hudson County, as the most common income range was \$200,000 or more (19.50%). The second largest income bracket in the Town was \$100,000 to \$149,000, comprising 18.4% of households. At the County level, this same income bracket accounted for a lesser 16.6% of households. This suggests that the Town's household income distribution is slightly skewed toward these lower income brackets as compared to the County, which may at least partially help explain the difference between the median income reported at the Town (\$83,212) and County (\$90,032) levels.

Table 7: Household Income, 2023 Town of Kearny and Hudson County				
	Kearny		Hudson County	
	Number	Percent	Number	Percent
Less than \$10,000	605	4.1%	15,664	5.30%
\$10,000 to \$14,999	280	1.9%	13,004	4.40%
\$15,000 to \$24,999	635	4.3%	17,438	5.90%
\$25,000 to \$34,999	1,151	7.8%	17,142	5.80%
\$35,000 to \$49,999	1,210	8.2%	23,349	7.90%
\$50,000 to \$74,999	2,745	18.6%	39,604	13.40%
\$75,000 to \$99,999	2,331	15.8%	33,397	11.30%
\$100,000 to \$149,999	2,715	18.4%	49,062	16.60%
\$150,000 to \$199,999	1,490	10.1%	29,260	9.90%
\$200,000 or more	1,594	10.8%	57,633	19.50%
Total Households	14,756	100.0%	295,552	100.0%
Median Household Income	\$83,212		\$90,032	

Source: 2023 ACS 5-Year Estimates, Table S1901

Poverty Status

Of the 38,622 people in Kearny for which poverty status was determined, 4,811 (12.5%) individuals lived in poverty in 2023; this was slightly lower than the County's poverty rate of 14.8%. Of Kearny's population that fell below the poverty level in 2023, nearly half were between the ages of 18 to 64; this trend was mirrored at the County level as well. Proportionally the Town and County had similar percentages of children and elderly living in poverty. This data is presented in Table 8 below.

Table 8: Poverty Status, 2023 Town of Kearny and Hudson County				
	Kearny		Hudson County	
	Number	Percent	Number	Percent
Total persons	38,622	100.0%	701,665	100.0%
Total persons below poverty level	4,811	12.5%	103,860	14.8%
Under 18	1,568	4.1%	29,616	4.2%
18 to 64	2,593	6.7%	57,370	8.2%
65 and over	650	1.7%	16,874	2.4%

Source: 2023 American Community Survey 5-Year Estimate, Table S1701

Household Costs

Tables 9 and 10 below show the expenditures on housing as a percentage of household income for those who own and rent in Kearny and Hudson County. In 2023, a majority of Town residents lived in homes they rented, which was the same at the County level as well. General affordability standards set a limit at 30% of gross income to be allocated for owner-occupied housing costs and 28% of gross income to be allocated for renter-occupied housing costs. Approximately 38.3% of Town residents who owned the units they occupied spent 30% or more of their household income on housing, as compared to 48.3% of Town residents who rented the units they occupied. These figures were on par with those of the County.

Table 9: Selected Monthly Owner Costs as a Percentage of Household Income, 2023				
Town of Kearny and Hudson County				
	Kearny		Hudson County	
	Number	Percent	Number	Percent
Total Owner-Occupied Housing Units	6,706	100.0%	92,160	100.0%
Less than 20.0%	2,739	40.8%	41,646	45.2%
20.0 to 24.9%	881	13.1%	10,714	11.6%
25.0 to 29.9%	508	7.6%	7,984	8.7%
30.0 to 34.9%	679	10.1%	5,361	5.8%
35.0% or more	1891	28.2%	25,825	28.0%
Not computed	8	0.1%	630	0.7%

Source: 2023 American Community 5-Year Estimates, Table DP04

Table 10: Gross Rent as a Percentage of Household Income, 2023				
Town of Kearny and Hudson County				
	Kearny		Hudson County	
	Number	Percent	Number	Percent
Total Renter-Occupied Housing Units	8,050	100.00%	203,392	100.00%
Less than 10%	157	2.0%	9,130	4.5%
10.0 to 14.9%	717	8.9%	20,730	10.2%
15.0 to 19.9%	893	11.1%	28,038	13.8%
20.0 to 24.9%	934	11.6%	25,735	12.7%
25.0 to 29.9%	1,054	13.1%	22,986	11.3%
30.0 to 34.9%	532	6.6%	17,061	8.4%
35.0 to 39.9%	737	9.2%	12,391	6.1%
40.0 to 49.9%	565	7.0%	15,095	7.4%
50% or more	2,052	25.5%	45,116	22.2%
Not computed	409	5.1%	7,110	3.5%

Source: 2023 American Community 5-Year Estimates, Table B25070

EXISTING HOUSING CONDITIONS

Housing Unit Data

Kearny's housing stock largely consists of structures built prior to the year 1969. In 2023, Kearny had a total of 15,340 occupied housing units, roughly 43.7% of which were owner-occupied and 52.5% of which were renter-occupied. Over a third of the Town's housing stock was built in 1939 or earlier, and there has been a slow decrease in housing units built with each consecutive decade. According to 2023 American Community Survey Estimates, the Town has seen very few housing structures built between 2010 and 2020 comparatively to earlier decades. The median year of construction for the housing stock in Kearny is 1952. This data is outlined in Tables 11 and 12 below.

Table 11: Housing Data, 2023 Town of Kearny			
	Number	% of Total Housing Units	% of Occupied Housing Units
Total Housing Units	15,340	100.00%	-
Occupied Housing Units	14,756	96.2%	100.00%
Owner Occupied	6,706	43.7%	45.4%
Renter Occupied	8,050	52.5%	54.6%
Vacant Housing Units	584	3.8%	-

Source: 2023 American Community Survey 5-Year Estimates, Table DP04

Table 12: Year Structure Built, 2023 Town of Kearny		
	Number	Percent
Total Housing Units	15,340	100.00%
Built 1939 or earlier	5,653	36.9%
Built 1940 to 1949	1,625	10.6%
Built 1950 to 1959	2,329	15.2%
Built 1960 to 1969	1,739	11.3%
Built 1970 to 1979	1,084	7.1%
Built 1980 to 1989	906	5.9%
Built 1990 to 1999	770	5.0%
Built 2000 to 2009	453	3.0%
Built 2010 to 2019	702	4.6%
Built 2020 or later	79	0.5%
Median Year Structure Built	1952	

Source: 2023 American Community Survey 5-Year Estimates, Tables B25034 and B25035

According to the 2023 Census, Kearny has a high occupancy rate, with very few of their housing units vacant. Of Kearny's 15,340 housing units, 14,756 (96.2%) were occupied and 584 (3.8%) were vacant. Of those that are vacant, 38.9% are "For Rent/Rented Not Occupied", 23.5% are "For Sale Only", 32.4% are listed as "Other Vacant", and just 5.3% are listed as "For Seasonal, Recreational or Occasional Use".

Table 13: Housing Occupancy, 2023			
Town of Kearny			
	Total	% of Total Housing Units	% of Vacant Housing Units
Total Housing Units	15,340	100.00%	-
Occupied	14,756	96.2%	-
Vacant Housing Units	584	3.8%	100.0%
For Rent/Rented Not Occupied	227	1.5%	38.9%
For Sale Only	137	0.9%	23.5%
Sold, not occupied	0	0.0%	0.0%
For Seasonal, Recreational or Occasional Use	31	0.2%	5.3%
For migrant workers	0	0.0%	0.0%
Other Vacant	189	1.2%	32.4%

Source: ACS 5-Year DP04 and B25004

Housing Type and Size

In 2023, single-family detached housing made up the majority of the Town's housing stock at 31.3%. Two-unit structures were the next most common housing type, representing 27.9% of the Town's housing stock. The median number of rooms within housing structures in the Town was 7.0, with nearly 80% of housing units having a minimum of 4.9 rooms and less than 8% of housing units having 2 or less rooms.

Table 14: Housing Type and Size, 2023		
Town of Kearny		
Units in Structure	Total	Percent
1, detached	4,807	31.3%
1, attached	704	4.6%
2	4,275	27.9%
3 or 4	2,221	14.5%
5 to 9	870	5.7%
10 to 19	1,002	6.5%
20 or more	1,447	9.4%
Mobile home	10	0.1%
Boat, RV, van, etc.	4	0.0%
Total Housing Units	15,340	100.00%
Rooms	Total	Percent
1 room	535	3.5%
2 rooms	561	3.7%

3 rooms	1,574	10.3%
4 rooms	3,582	23.4%
5 rooms	3,539	23.1%
6 rooms	2,521	16.4%
7 rooms	1,121	7.3%
8 rooms	850	5.5%
9 or more rooms	1,057	6.9%
Total Housing Units	15,340	100.00%
Median number of rooms	4.9	

Source: 2023 ACS 5-Year Estimates, Tables DP04

Housing Growth and Projections

In terms of residential growth, the issuance of building permits serves as one of the indicators that help to determine housing needs in a given municipality. Table 15 below illustrates the number of building permits that were issued over the 10-year period between January 2015 through December 2024, when the Town issued building permits authorizing the development of 1,025 housing units. Within this time frame, the busiest years for building permits occurred in 2018 and 2020, with roughly half of all building permits since 2015 having been issued in those years. The vast majority of the permits issued during this time frame were for multi-family homes, while only 95 permits were issued for one & two family homes and none were issued for mixed-use structures. Kearny is projected to follow the same trend of housing unit permits throughout 2035. It is expected that the majority of residential development within Kearny will occur through smaller infill development.

Further, throughout the same 10-year period, Kearny issued permits authorizing the demolition of 65 units, which averages to approximately 6.5 units per year. The average demolition rate is approximately 6.3% of the abovementioned development rate (i.e., a home net increase of around 93.7%). If the demolition rate were to remain relatively constant over the next approximately 10-year period, an additional 65 residential units could be expected to be demolished between July 2025 and the end of June 2035, resulting in a projected net increase of 974 units.

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Table 15: Housing Units Authorized by Building Permits, 2015-2024				
Town of Kearny				
Year	1 & 2 Family	Multi Family	Mixed-Use	Total
2015	6	150	0	156
2016	2	3	0	5
2017	15	81	0	96
2018	5	280	0	285
2019	0	12	0	12
2020	7	268	0	275
2021	12	0	0	12
2022	24	9	0	33
2023	7	69	0	76
2024	6	69	0	75
Total 2015-2024				1,025
10-Year Average				102.5
10-Year Permit Projection (2025-2035)				1,025

Source: State of New Jersey Department of Community Affairs Building Permits: Yearly Summary Data

Table 16: Housing Units Demolished by Building Permits, 2015-2024				
Town of Kearny				
Year	1 & 2 Family	Multi Family	Mixed-Use	Total
2015	12	0	0	12
2016	9	0	0	9
2017	4	0	0	4
2018	5	4	0	9
2019	11	0	0	11
2020	4	0	0	4
2021	10	0	0	10
2022	1	0	0	1
2023	1	0	0	1
2024	-	-	-	-
Total 2015-2024				61
10-Year Average				6.1
10-Year Demolition Projection (2025-2035)				61

Source: State of New Jersey Department of Community Affairs Building Permits: Yearly Summary Data

Housing Values and Contract Rents

According to the 2023 American Community Survey, approximately 83% of the owner-occupied housing stock in Kearny in 2023 was valued at over \$300,000, which is mirrored at the County level. In addition, the Town's median home value (\$431,700) was lower than that of the County (\$508,600) by an estimated \$76,000. This data is outlined in Table 17 below.

Table 17: Value for Owner-Occupied Housing Units, 2023				
Town of Kearny and Hudson County				
	Kearny		Hudson County	
	Number	Percent	Number	Percent
Total	6,706	100.0%	92,160	100.0%
Less than \$50,000	96	1.4%	2,633	2.9%
\$50,000 to \$99,999	24	0.4%	703	0.8%
\$100,000 to \$149,999	9	0.1%	1,065	1.2%
\$150,000 to \$199,999	120	1.8%	2,362	2.6%
\$200,000 to \$299,999	895	13.3%	8,531	9.3%
\$300,000 to \$499,999	3561	53.1%	29,911	32.5%
\$500,000 to \$999,999	1,990	29.7%	37,116	40.3%
\$1,00,000 and greater	11	0.2%	9,839	10.7%
Median Value	\$431,700		\$508,600	

Source: 2023 American Community Survey 5-Year Estimates, Tables B25075 and B25077

As shown on Table 18 below, it is estimated that 58.6% of owner-occupied units in the Town were financed by a primary mortgage, contract to purchase, or similar debt. Of those units, 89.2% did not have any additional lines of credit associated with the unit, while 7.2% were associated with a home equity loan, 2% were associated with a second mortgage, and 5.4 were associated with both a second mortgage and a home equity loan. Proportionally there were slightly more owner-occupied housing units with a mortgage at the County level; more specifically, 65.9% of such units had a primary mortgage, while 34.1% of units did not. Of those units in the County tied to a primary mortgage, 7.9% did not have any additional lines of credit associated with the unit, while 0.4% were associated with a home equity loan, 1.4% were associated with a second mortgage, and 6.1% were associated with both a second mortgage and a home equity loan. Overwhelmingly, of the units with a with a mortgage, contract to purchase, or similar debt, most were made up of a home equity loan without a primary mortgage (90.7%).

Table 18: Mortgage Status, 2023
Town of Kearny and Hudson County

	Kearny			Hudson County		
	Number	% of Total Units	% of Units with Mortgage	Number	% of Total Units	% of Units with Mortgage
Total Owner-Occupied Units	6,706	100.00%	-	92,160	100.00%	-
Housing units with a mortgage, contract to purchase, or similar debt:	3,931	58.6%	100.00%	60,723	65.9%	100.00%
Housing units with no second mortgage and no home equity loan	3,505	52.3%	89.2%	4,791	5.2%	7.9%
Housing units with multiple mortgages:	361	5.4%	9.2%	888	1.0%	1.5%
Mortgage with both second mortgage and home equity loan	0	0.0%	0.0%	3,688	4.0%	6.1%
Mortgage, with only home equity loan	284	4.2%	7.2%	215	0.2%	0.4%
Mortgage, with only second mortgage	77	1.1%	2.0%	866	0.9%	1.4%
Home equity loan without a primary mortgage	65	1.0%	1.7%	55,066	59.8%	90.7%
Housing units without a mortgage	2,775	41.4%	-	31,437	34.1%	-

Source: 2023 American Community Survey 5-Year Estimates, Table B25081

As shown in Table 19 below, the median contract rent in Kearny in 2023 was \$1,436, which was roughly \$220 lower than the County median rent of \$1,673. Within the Town, the highest percentage of renters paid between \$1,000 to \$1,499 for monthly rent (45.5%), followed by \$1,500 to \$1,999 (29.9%). Overall, nearly three-quarters (72.6%) of renters in the Town paid between \$1,000 and \$1,999 for monthly rent in 2023. At the County level, only about half (46.2%) of renters paid between \$1,000 to \$1,999 for monthly rent, and there was a significantly higher occurrence of renters paying more than \$2,000 for rent (34.8%) than in Kearny (12.7%). This data suggests that rent in the Town is more affordable than it is throughout the County as a whole.

Table 19: Contract Rent, 2023
Town of Kearny and Hudson County

	Kearny		Hudson County	
	Number	Percent	Number	Percent
Total Renter-Occupied Units	8,050	100.0%	203,392	100.0%
Less than \$500	162	2.0%	13,608	6.7%
\$500 to \$999	523	6.5%	21,841	10.7%
\$1,000 to \$1,499	3,661	45.5%	49,214	24.2%
\$1,500 to \$1,999	2,405	29.9%	44,740	22.0%
\$2,000 to \$2,499	720	8.9%	25,091	12.3%
\$2,500 to \$2,999	100	1.2%	15,714	7.7%
\$3,000 or More	207	2.6%	30,007	14.8%
No Rent Paid	272	3.4%	3,177	1.6%
Median Contract Rent	\$1,436		\$1,673	

Source: 2023 American Community Survey 5-Year Estimates, Table B25056 and B25058

Housing Conditions

Table 20 below details the conditions of the Town's housing stock in 2023. Overcrowding and age, plumbing, and kitchen facilities are used to determine housing deficiency. In 2023, three-quarters (75.5%) of the Town's housing stock relied on utility gas for heating, followed by electricity (15.2%). A total of 784 (5.4%) occupied housing units experienced overcrowding (more than one person per room). Throughout the Town, there were 81 units (0.5%) that lacked complete plumbing, 367 units (2.4%) that lacked complete kitchen facilities, and 251 units (1.7%) lacked telephone service.

Table 20: Housing Conditions, 2023		
Town of Kearny		
	Number	Percent
House Heating Fuel-Occupied Housing Units		
Total	14,756	100.0%
Utility gas	11,134	75.5%
Bottled, tank, or LP gas	628	4.3%
Electricity	2,245	15.2%
Fuel oil, kerosene, etc.	558	3.8%
Coal or coke	0	0.0%
Wood	0	0.0%
Solar energy	22	0.1%
Other fuel	38	0.3%
No fuel used	131	0.9%
Occupants per Room – Occupied Housing Units		
Total	14,756	100.0%
1.00 or Less	13,972	94.7%
1.01 to 1.50	524	3.6%
1.51 or More	260	1.8%
Facilities – Total Units		
Total	15,340	100.0%
Lacking complete plumbing facilities	81	0.5%
Lacking complete kitchen facilities	367	2.4%
Telephone Service – Occupied Housing Units		
Total	14,756	100.0%
No Service	251	1.7%

Sources: 2023 ACS 5-Year Estimates DP04, B25047, and B25051

EMPLOYMENT DATA

Tables 21, 22, and 23 below detail the changes in employment between the years 2010 and 2023 in Kearny, Hudson County, and New Jersey, respectively. Throughout this thirteen-year period, the Town saw an overall 6.5% decrease in its unemployment rate; although the Town experienced an 8.6% spike in unemployment between 2019 and 2020 due to the COVID-19 pandemic, it has rebounded to a considerably lower unemployment rate in recent years. This overall trend is mirrored at both the County and State level as well, although in comparison the County and State has consistently exhibited a lower unemployment rate throughout this time period. In 2023, the Town's unemployment rate was 5.0%, which was 0.6% higher than the County and State (both at 4.4%).

Table 21: Employment and Residential Labor Force, 2010 to 2023				
Town of Kearny				
Year	Labor Force	Employment	Unemployment	Unemployment Rate
2010	21,167	18,735	2,432	11.5%
2011	21,258	18,988	2,270	10.7%
2012	21,296	19,081	2,215	10.4%
2013	20,937	19,014	1,923	9.2%
2014	20,690	19,172	1,518	7.3%
2015	20,776	19,429	1,347	6.5%
2016	20,651	19,528	1,123	5.4%
2017	21,146	20,160	986	4.7%
2018	20,892	19,944	948	4.5%
2019	21,131	20,341	790	3.7%
2020	21,036	18,458	2,578	12.3%
2021	35,189	32,066	3,123	8.9%
2022	21,002	20,025	977	4.7%
2023	21,395	20,327	1,068	5.0%

Source: NJ Dept. of Labor & Workforce Development Labor Force Estimates

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Table 22: Employment and Residential Labor Force, 2010 to 2023				
Hudson County				
Year	Labor Force	Employment	Unemployment	Unemployment Rate
2010	354,033	319,761	34,272	9.7%
2011	357,688	325,075	32,613	9.1%
2012	360,326	328,212	32,114	8.9%
2013	358,402	329,693	28,709	8.0%
2014	358,235	335,556	22,679	6.3%
2015	359,627	340,535	19,092	5.3%
2016	360,852	344,126	16,726	4.6%
2017	373,664	357,779	15,885	4.3%
2018	370,168	356,342	13,826	3.7%
2019	376,568	364,570	11,998	3.2%
2020	372,954	335,061	37,893	10.2%
2021	370,608	344,250	26,358	7.1%
2022	377,810	363,504	14,306	3.8%
2023	385,860	368,978	16,882	4.4%

Source: NJ Dept. of Labor & Workforce Development Labor Force Estimates

Table 23: Employment and Residential Labor Force, 2010 to 2023				
New Jersey				
Year	Labor Force	Employment	Unemployment	Unemployment Rate
2010	4,559,800	4,119,000	440,800	9.7%
2011	4,561,800	4,134,700	427,100	9.4%
2012	4,576,300	4,147,200	429,100	9.4%
2013	4,528,000	4,147,700	380,400	8.4%
2014	4,493,900	4,191,300	302,600	6.7%
2015	4,494,600	4,237,900	256,700	5.7%
2016	4,492,800	4,271,200	221,600	4.9%
2017	4,615,000	4,406,200	208,800	4.5%
2018	4,604,800	4,420,700	184,100	4.0%
2019	4,686,300	4,524,300	162,000	3.5%
2020	4,650,300	4,212,400	437,900	9.4%
2021	4,666,100	4,357,200	308,900	6.6%
2022	4,739,800	4,564,100	175,700	3.7%
2023	4,829,671	4,615,722	213,949	4.4%

Source: NJ Dept. of Labor & Workforce Development Labor Force Estimates

Employment Status

It is estimated that nearly two-thirds (67%) of Kearny's population over the age of 16 was in the labor force in 2023, which was slightly lower than the County's rate of 70.3%. Of the Town's labor force, 99.6% of workers were civilians and a vast majority (94.4%) were employed. At the County level, 99.9% of workers were civilians and 94% of the labor force was employed, indicating that the Town and County exhibited similar trends. This data is shown in Table 24 below.

Table 24: Employment, 2023 Town of Kearny and Hudson County						
	Kearny			Hudson County		
	Number	% of 16+ Population	% of Labor Force	Number	% of 16+ Population	% of Labor Force
Population 16 years and over	33,359	100.0%	-	582,051	100.0%	-
In labor force	22,344	67.0%	100.0%	408,999	70.3%	100.0%
Civilian Labor Force	22,250	66.7%	99.6%	408,443	70.2%	99.9%
Employed	21,103	63.3%	94.4%	384,403	66.0%	94.0%
Unemployed	1,147	3.4%	5.1%	24,040	4.1%	5.9%
Armed Forces	94	0.3%	0.4%	556	0.1%	0.1%
Not in labor force	11,015	33.0%	-	173,052	29.7%	-

Source: 2023 American Community Survey 5-Year Estimates, Table DP03

Class of Worker and Occupation

According to the 2023 American Community Survey Estimates, the majority of workers (74.7%) living in Kearny were a part of the private wage and salary worker group. This group includes people who work for wages, salary, commission, and tips for a private for-profit employer or a private not-for-profit, tax-exempt or charitable organization. The next largest category was local government workers (8.4%), followed by those who were self-employed or an unpaid family worker (5.5%). This data is outlined in Table 25 below.

Table 25: Class of Worker, 2023 Town of Kearny		
	Number	Percent
Total Civilian Employed Workers (Age 16+)	21,103	100.0%
Private Wage and Salary Worker	15,763	74.7%
Private not-for-profit wage and salary workers	1,091	5.2%
Local Government Worker	1,779	8.4%
State Government Worker	859	4.1%
Federal Government Worker	453	2.1%
Self-Employed Worker or Unpaid Family Worker	1,158	5.5%

Source: 2023 American Community Survey 5-Year Estimates, Table S2408

The occupational breakdown shown in Table 26 below includes only private wage and salary workers. Town residents who worked within the private wage field were concentrated heavily in Management, Business, Science, and Arts occupations as well as Sales and Office occupations. Collectively, the two fields accounted for just over 52% of the entire resident workforce over the age of 16.

Table 26: Resident Employment by Occupation, 2023		
Town of Kearny		
	Number	Percent
Employed Civilian population 16 years and over	21,103	100.0%
Management, business, science and arts occupations	7,049	33.4%
Service occupations	3,764	17.8%
Sales and office occupations	4,087	19.4%
Natural resources, construction and maintenance occupations	2,214	10.5%
Production Transportation and material moving occupations	3,989	18.9%

Source: 2023 American Community Survey 5-Year Estimates, Table DP03

As portrayed in Table 27, the industry that employed the greatest number of Kearny residents in 2023 was the Educational Services, and Health Care and Social Assistance sector, which accounted for 19.4% of the Town's resident workforce. The second most common industry during this time was the Retail Trade sector, which accounted for 11.1% of jobs occupied by Town residents.

Table 27: Employment by Industry, 2023		
Town of Kearny		
Industry	Number	Percent
Employed Civilian Population 16 Years and Over	21,103	100.00%
Agriculture, forestry, fishing and hunting, mining	44	0.2%
Construction	1,946	9.2%
Manufacturing	2,227	10.6%
Wholesale Trade	979	4.6%
Retail Trade	2,345	11.1%
Transportation and Warehousing, and Utilities	2,223	10.5%
Information	377	1.8%
Finance and insurance, and real estate and rental and leasing	1,347	6.4%
Professional, scientific, and management, and administrative and waste management services	2,281	10.8%
Educational services, and health care and social assistance	4,099	19.4%
Arts, entertainment, and recreation, and accommodation and food services	1,299	6.2%
Other Services, except public administration	1,009	4.8%
Public administration	927	4.4%

Source: 2023 American Community Survey 5-Year Estimates, Table DP03

Commuting to Work

In 2023, it is estimated that nearly two-thirds (63.6%) of the employed population that did not work from home commuted up to 35 minutes to their place of work. Approximately 85% of the Town's workers commuted up to an hour, with the last quarter of the population traveling between an hour to an hour and a half to get to work. A vast majority (64.1%) of the Town's working population drove alone as their primary means of travel to work. Roughly 24.7% of workers carpooled or utilized public transportation, a taxicab, motorcycle, bike, or other means of transportation to commute to work, 6% walked to work, while the remaining 5.3% of the population worked from home. This data is outlined in Tables 28 and 29 below.

Table 28: Travel Time to Work, 2023		
Town of Kearny		
	Number	Percent
Workers who did not work at home	19,725	100.0%
Less than 5 minutes	398	2.0%
5 to 9 minutes	1,243	6.3%
10 to 14 minutes	1,676	8.5%
15 to 19 minutes	2,103	10.7%
20 to 24 minutes	2,939	14.9%
25 to 29 minutes	1,193	6.0%
30 to 34 minutes	3,002	15.2%
35 to 39 minutes	429	2.2%
40 to 44 minutes	1,196	6.1%
45 to 59 minutes	2,583	13.1%
60 to 89 minutes	1,803	9.1%
90 or more minutes	1,160	5.9%
Mean Travel Time to Work (minutes)	33.5	

Source: 2023 American Community Survey 5-Year Estimates, Table B08303 and DP03

Table 29: Means of Travel to Work, 2023		
Town of Kearny		
	Number	Percent
Workers 16 years and over	20,827	100.0%
Car, truck, van - Drove Alone	13,345	64.1%
Car, truck, van - Carpooled	2,173	10.4%
Public Transportation	2,763	13.3%
Walked	1,243	6.0%
Taxicab, Motorcycle, Bike, or Other	201	1.0%
Worked at home	1,102	5.3%

Source: 2023 American Community Survey 5-Year Estimates, Table DP03

Covered Employment

There is currently very limited information available on actual job opportunities within municipalities. The Department of Labor and Workforce Development collects information on covered employment, which is employment and wage data for private employees covered by unemployment insurance. The following table provides a snapshot of private employers located within Kearny.

According to data from the New Jersey Department of Labor and Workforce Development, the highest number of covered jobs in Kearny between 2013 and 2023 was in 2023 when 14,019 jobs were covered by unemployment insurance. Private employment has slowly increased in Kearny since 2013, with its largest gain occurring between 2021 and 2022 (11%), and largest loss occurring between 2019 and 2020 (-13.5%). Kearny Borough experienced a gain of 954 jobs in 2023, representing an increase of 7.3% from 2022.

Table 30: Private Wage Covered Employment 2013 - 2023			
Town of Kearny			
Year	Number of Jobs	# Change	% Change
2013	11,179	-	-
2014	11,123	-56	-0.5%
2015	11,123	0	0.0%
2016	11,899	776	7.0%
2017	12,005	106	0.9%
2018	12,201	196	1.6%
2019	12,742	541	4.4%
2020	11,018	-1,724	-13.5%
2021	11,773	755	6.9%
2022	13,065	1,292	11.0%
2023	14,019	954	7.3%

Source: NJ Dept. of Labor & Workforce Development Labor Force Estimates

In-Town Establishments and Employees by Industry: 2023

Table 31 below depicts the average annual number of establishments and employees by industry sector that exist within the Town, as reported in the Quarterly Census of Employment and Wages (QCEW) published by the New Jersey Department of Labor and Workforce Development (NJDLWD). The QCEW provides a quarterly accounting of employment, establishments, and wages throughout the State of New Jersey, and accounts for over 95% of available jobs in the state. The annual municipal reports group data according to the North American Industry Classification System (NAICS). The QCEW considers an establishment to be a single economic unit, which is located at one physical location and engaged in one type of economic activity. The NJDLWD specifies that establishments differ from firms or companies in the sense that the latter can have multiple establishments.

In 2023, the Town had an annual average of 1,062 establishments employing an average of 14,019 persons in the private sector. In the private sector, the sectors employing the most people included Transportation/Warehousing (3,680) with 152 units, Retail Trade (2,192) with 111 units, Admin/Waste Remediation (1,392) with 54 units, and Wholesale Trade (1,256) with 78 units. The sectors employing the least people included Information (36) with 10 units, Education (19) with 8 units, and Arts/Entertainment with zero total units.

Table 31: Average Number of Establishments and Employees by Industry, 2023			
Town of Kearny			
Industry ID and Description		2023 Average	
		Units	Employment
11	Agriculture	-	-
23	Construction	106	573
31	Manufacturing	50	998
42	Wholesale Trade	78	1,256
44	Retail Trade	111	2,192
48	Transp/Warehousing	152	3,680
	Information	10	36
52	Finance/Insurance	27	220
53	Real Estate	33	282
54	Professional/Technical	57	264
56	Admin/Waste Remediation	54	1,392
61	Education	8	19
62	Health/Social	163	911
71	Arts/Entertainment	-	-
72	Accommodations/Food	71	856
81	Other Services	78	726
	Unclassifieds	47	59
	Private Sector Totals	1,062	14,019
	Local Government Totals	3	1,756

Source: NJ Dept. of Labor & Workforce Development Labor Force, Quarterly Census of Employment and Wages (QCEW), Municipal Report by Sector (NAICS Based), 2022

Data has been suppressed (-) for industries with few units or where one employer is a significant percentage of employment or wages of the industry.

Probable Future Employment Opportunities

The North Jersey Transportation Planning Authority (NJTPA) completes regional forecasts for the New York/New Jersey metropolitan area every four years for population, households, and employment. The most recent report was released in 2021, documenting projections between 2015 and 2050. The 2021 report predicts that the Town's population (0.39%), households (0.4%), and employment (0.68%) will see steady annualized growth through 2050. It is estimated that the population will see an overall 14.5% increase, while households will increase by 15% and employment will increase by 26.6%.

Table 32: Population and Employment Projections, 2015 to 2050					
Town of Kearny					
Category	2015	2050 (Projected)	Annualized	Overall Projected Change	
			Percent Change	Number	Percent
Population	41,558	47,587	0.39%	6,029	14.5%
Households	14,007	16,107	0.40%	2,100	15.0%
Employment	15,174	19,204	0.68%	4,030	26.6%

Source: NJTPA Municipal Forecasts, dated 9/13/2021

PART 2: FAIR SHARE PLAN**INTRODUCTION**

The following Fair Share Plan ("Plan") details the Town of Kearny's Prior Round (1987-1999), Third Round (1999-2025), and Fourth Round (2025-2035) Prospective Need obligations, as well as Kearny's Fourth Round Present Need. This Plan proposes mechanisms by which the Town can realistically provide opportunities for affordable housing for those moderate-, low-, and very low- income households.

CURRENT STANDARDS

The amended Fair Housing Act includes a number of changes associated with the application of various categories of credits. The below walks through the current standards applicable to the Town's Fourth Round obligation.

Age-Restricted Housing

A municipality may not satisfy more than 30% of the affordable units, exclusive of bonus credits, to address its prospective need affordable housing through the creation of age-restricted housing.

Transitional Housing

Transitional housing units, which will be affordable for persons of low- and moderate-income, were not previously categorized by the Fair Housing Act as a standalone housing type. The amended legislation includes such transitional housing units as a new category which may be included in the HEFSP and credited towards the fulfillment of a municipality's fair share obligations. This is limited to a maximum of 10% of the municipality's obligations, however.

Veterans Housing

Up to 50% of the affordable units in any particular project may be prioritized for low- and moderate-income veterans.

Families with Children

A minimum of 50% of a municipality's actual affordable housing units, exclusive of bonus credits, must be made available to families with children.

Rental Units

A minimum of 25% of a municipality's actual affordable housing units, exclusive of bonus credits, shall be satisfied through rental units. At least half of that number shall be available to families with children.

Very-Low Income Requirement

At least 13% of the housing units made available for occupancy by low-income and moderate-income houses shall be reserved for low-income households earning 30% or less of the median income pursuant to the Fair Share Housing Act, N.J.S.A. 52:27D-301, et seq. Half of the very low-income units will be made available to families with children.

Low/Moderate Income Split

At least 50% of the units addressing the Town's obligation shall be affordable to very-low income and low-income households, and the remaining may be affordable to moderate-income households.

Affordability Controls

Newly created rental units shall remain affordable to low-and moderate-income households for a period of not less than 40 years, 30 years for for-sale units, and 30 years for housing units for which affordability controls are extended for a new term of affordability, provided that the minimum extension term may be limited to no less than 20 years as long as the original and extended terms, in combination, total at least 60 years.

Affirmative Marketing

The affordable units shall be affirmatively marketed in accordance with UHAC and applicable law, to include the community and regional organizations identified in the agreement as well as the posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law.

Uniform Housing Affordability Controls (UHAC)

All affordable units created through the provisions of this Plan shall be developed in conformance with the Uniform Housing Affordability Controls (UHAC) pursuant to N.J.A.C. 5:80-26.1 et seq. as amended.

Unit Adaptability

All new construction units shall be adaptable in conformance with P.L.2005, c.250/N.J.S.A. 52:27D-311a and -311b and all other applicable laws.

Bonus Credits

Bonus credits shall not exceed 25% of a municipality's prospective need obligation, nor shall a municipality receive more than one type of bonus credit for any one unit. Bonus credits may be granted on the following schedule:

Unit Type	Unit Credit	Bonus Credit
Each unit of low- or moderate-income housing for individuals with special needs or permanent supportive housing, as those terms are defined in section 2 of P.L. 2004, c.70 (C.34:1B-21.24).	1	1
Each low- or moderate-income ownership unit created in partnership sponsorship with a non-profit housing developer.	1	0.5
Each unit of low- or moderate-income housing located within a one-half mile radius, or one-mile radius for projects located in a Garden State Growth Zone, as defined in section 2 of P.L.2011, c.149 (C.34:1B-243), surrounding a New Jersey Transit Corporation, Port Authority Transit Corporation, or Port Authority Trans-Hudson Corporation rail, bus, or ferry station, including all light rail stations. ¹	1	0.5
A unit of age-restricted housing, provided that a bonus credit for age-restricted housing shall not be applied to more than 10 percent of the units of age-restricted housing constructed in compliance with the Uniform Housing Affordability Controls promulgated by the New Jersey Housing and Mortgage Finance Agency in a municipality that count towards the municipality's affordable housing obligation for any single 10-year round of affordable housing obligations.	1	0.5
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.	1	0.5
Each existing low- or moderate-income rental housing unit for which affordability controls are extended for a new term of affordability, in compliance with the Uniform Housing Affordability Controls promulgated by the New Jersey Housing and Mortgage Finance Agency, and the municipality contributes funding towards the costs necessary for this preservation.	1	0.5
Each unit of low- or moderate-income housing in a 100 percent affordable housing project for which the municipality contributes toward the costs of the project. ²	1	1
Each unit of very low-income housing for families above the 13 percent of units required to be reserved for very low-income housing pursuant to section 7 of P.L.2008, c.46 (C.52:27D-329.1).	1	0.5
Each unit of low- or moderate-income housing created by transforming an existing rental or ownership unit from a market rate unit to an affordable housing unit. ³	1	1

¹ The distance from the bus, rail, or ferry station to a housing unit shall be measured from the closest point on the outer perimeter of the station, including any associated park-and-ride lot, to the closest point of the housing project property.

² This contribution may consist of: (a) real property donations that enable siting and construction of the project or (b) contributions from the municipal affordable housing trust fund in support of the project, if the contribution consists of no less than three percent of the project cost.

³ A municipality may only rely on this bonus credit as part of its fair share plan and housing element if the municipality demonstrates that a commitment to follow through with this market to affordable agreement has been made and: (a) this agreement has been signed by the property owner; or (b) the municipality has obtained ownership of the property.

KEARNY'S AFFORDABLE HOUSING OBLIGATIONS

The Town's affordable housing obligations are as follows:

Prior Round Obligation	211
Third Round Obligation	0
Fourth Round Prospective Need	0
Fourth Round Present Need / Rehabilitation Obligation	630

REVIEW OF PREVIOUS ROUND COMPLIANCE

As part of any Housing Element and Fair Share Plan, a municipality shall include an assessment of the degree to which the municipality has met its fair share obligation from the previous rounds of affordable housing obligations as established by prior court approval or approval by COAH and determine to what extent this obligation is unfulfilled or whether the municipality has credits in excess of its previous round obligations. If a previous round obligation remains unfulfilled, or a municipality never received an approval from the court or COAH for any previous round, the municipality shall address such unfulfilled previous round obligation in its Housing Element and Fair Share Plan.

In addressing previous round obligations, the municipality shall retain any sites that, in furtherance of the previous round obligation, are the subject of a contractual agreement with a developer, or for which the developer has filed a complete application seeking subdivision or site plan approval prior to the date by which the Housing Element and Fair Share Plan are required to be submitted, and shall demonstrate how any sites that were not built in the previous rounds continue to present a realistic opportunity.

Prior Round Compliance 1987-1999

The Town had a Prior Round obligation of 211 units. Per the court approved Third Round Settlement Agreement amended in 2020, Kearny has met their Prior Round obligation through the following mechanisms:

Summary of Kearny Town's Prior Round of 211	
Existing Senior Housing: <i>Spruce Terrace</i> <i>Kearny Senior Housing</i>	52
Existing Group Homes: <i>494 Belgrove Drive</i> <i>47 Clinton Avenue</i> <i>59 Clinton Avenue</i> <i>132 Pleasant Place</i>	18
Schuyler Avenue Redevelopment Area Inclusionary Zoning: <i>Phase 1B</i> <i>Phase II</i> <i>Phase III</i>	88
Possible Rental Bonus Credits	53
Total Units	211

Spruce Terrace Senior Housing

Spruce Terrace Senior Housing is a four-story 100% affordable senior housing development located at 21 Spruce Street (Block 202 Lot 12) at the intersection with Schuyler Avenue. The development was constructed in 1995 and provides a total of 74 affordable senior rentals. The property received capital advance financing and project rental assistance from HUD, and therefore has a 40-year use restriction to be used as rental housing for very low-income seniors or disabled persons beginning October 1, 1993.

All associated documentation for Spruce Terrace can be found in the Town's Court-approved Third Round Housing Element and Fair Share Plan, adopted October 7, 2020.

Kearny Senior Housing

Kearny Senior Housing is a four-story 100% affordable senior housing development, which is located at 681-697 Schuyler Avenue. The Kearny Senior Housing development was constructed in 2005 and provides a total of 50 age-restricted affordable units. The property received capital advance financing and project rental assistance from HUD, and therefore has a 40-year use restriction to be used as rental housing for very low-income seniors or disabled persons beginning July 21, 2005.

All associated documentation for Kearny Senior Housing can be found in the Town's Court-approved Third Round Housing Element and Fair Share Plan, adopted October 7, 2020.

Group Homes

There are several alternative living arrangements currently offered within the Town of Kearny through group homes. There are two non-profit providers that administer licensed group home facilities within the Town. These providers are Hudson Milestones and Developmental Disabilities Association of New Jersey, Inc. Overall, these entities provide four (4) alternative living arrangement facilities for a total of 18 bedrooms.

- Developmental Disabilities Association operates a licensed group home at 494 Belgrove Drive. The project contains 5 permanent supportive housing units for very-low-income developmentally disabled adults. The facility is licensed through the Department of Human Services Division of Developmental Disabilities. The property was purchased in October 1991 and the facility was established in 1992.
- The Hudson Milestones, Inc. 1 property, located at 59 Clinton Avenue, is a licensed group home containing 5 permanent supportive housing units for very-low-income intellectually/developmentally disabled adults. The property was purchased in November 1984 and received its Certificate of Occupancy from the Town of Kearny on June 27, 1985.
- The Hudson Milestones, Inc. 2 property, located at 47 Clinton Avenue, is a licensed group home containing 5 permanent supportive housing units for very-low-income intellectually/developmentally disabled adults. The property was purchased in June 1998 and received its Certificate of Occupancy from the Town of Kearny on November 3, 1998.
- The Hudson Milestones, Inc. 3 property, located at 132 Pleasant Place, is a licensed group home containing 3 permanent supportive housing units for very-low-income intellectually/developmentally disabled adults. The property was purchased in August of 2000 and received its Certificate of Occupancy from the Town of Kearny on September 6, 2000.

Schuyler Avenue Redevelopment Area – Bergen Avenue

The Schuyler Avenue Redevelopment Area is located on the west side of Kearny and is bordered by Schuyler Avenue to the west and the Meadowlands to the east. The Area historically acted as a buffer between the established residential neighborhood to the west and landfill activities in the meadowlands. The 197-acre Redevelopment Area was designated as an 'area in need of redevelopment' in December 2000 and a subsequent Redevelopment Plan was adopted by the Town in January 2002 and amended in October 2008. The plan included eight (8) distinct land use districts.

As detailed in the Third Round Housing Element and Fair Share Plan, the Schuyler Avenue Redevelopment Plan was amended in 2019 and adopted by Ordinance 2019-O-19 on June 11, 2019. The section of the Redevelopment Area targeted by the amendment has significant frontage along Bergen Avenue, and is herein after referred to as the "Bergen Avenue Development." The Bergen Avenue Development consists of multiple phases, and the undeveloped phases were amended to provide higher densities with affordable

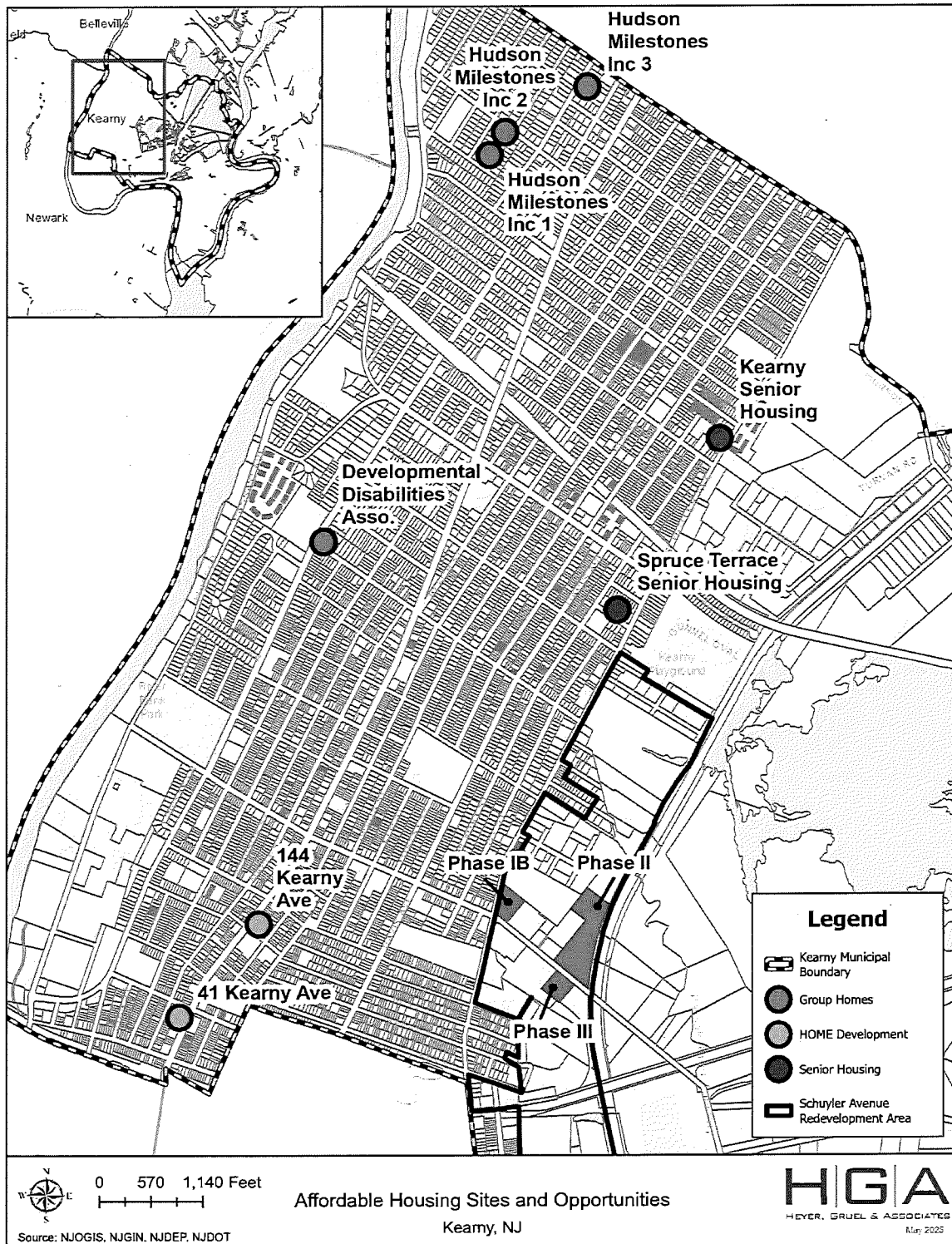
set-asides. Phase 1B consists of Block 242, Lots 1, 2, and 37 (approximately 1.84 acres); Phase II consists of Block 242, Lots 26 through 29 (approximately 6.82 acres); and Phase III consists of Block 252, Lot 3.01 (approximately 1.46 acres).

The amendment added two new sub-districts each with their own minimum affordable family rental unit requirements. Phase 1B was placed in the new "TOD Mixed-Use Affordable Housing Sub-District". This district established a density of 38 units per acre, which would produce 14 units of affordable housing. Phase II and Phase III were placed in the new "TOD Affordable Housing Sub-District" and are permitted to be developed at 45 dwelling units per acre, which would produce 61 market-rate and 13 affordable units, respectively. In total, the Schuyler Avenue Redevelopment Area is positioned to provide an additional 88 affordable housing units. As of the writing of this Plan, Phases IB, II, and III have yet to be developed but the Town remains confident that they are viable properties for redevelopment and the production of affordable units. The sites are surrounded by other residential developments and are in close proximity to open space and recreational amenities. The existing uses on these sites have active lease agreements in place. It often takes time to see the results of a rezoning given various factors, such as length of existing leases, market demands, and regulatory procedures. The duration of existing leases can delay redevelopment, as tenants may have long-term agreements that need to expire or be renegotiated before the site can be repurposed. Additionally, market conditions can influence the pace of redevelopment, with economic factors like supply and demand, financing availability, and shifting trends in real estate influencing when and how rezoning is pursued.

The Schuyler Avenue Redevelopment Area has seen many developments come to fruition and the Town is confident Phases IB, II, and III will follow.

Excess Credits

Under N.J.S.A 5:93-5.14, the Town is permitted to meet 25% of its Prior Round obligation through age-restricted affordable units. As such, of the 124 total units that Spruce Terrace Senior Housing and Kearny Senior Housing provide, 52 units were applied to fulfill the Prior Round obligation. It should be noted the Town has an additional 72 age-restricted units that can be utilized to address future obligations.



Third Round Compliance 1999-2025

As previously discussed, in 2017 the Town contested its Third Round obligation that had been assigned by FSHC's expert on the grounds that Kearny is an urban aid municipality. The Court ruled that Kearny is a qualified "Urban Aid Municipality with a qualifying population density," and therefore does not have a Prospective Need Obligation for the Third Round.

FOURTH ROUND OBLIGATION

On January 21, 2025, the Town adopted Resolution 2025-66, accepting their Fourth Round Prospective Need obligation of 0 and a Rehabilitation Obligation of 630. On October 20, 2024, the New Jersey Department of Community Affairs ("DCA") released a report outlining the Fourth Round (2025-2035) Fair Share methodology and its calculations of low- and moderate-income obligations for each of the State's municipalities. The obligations were calculated in alignment with the formulas and criteria found in P.L.2024, c.2.

The amended Fair Housing Act affirms that the DCA report is not binding on any municipality and that "a municipality shall determine its present and prospective fair share obligation for affordable housing in accordance with the formulas established in sections 6 and 7 of P.L.2024, c.2...by resolution..." The 2025-66 resolution adopted by the Town determined a Prospective Need obligation of 0 and a Rehabilitation Obligation of 630, the same as the obligations determined by DCA.

FOURTH ROUND PRESENT NEED / REHABILITATION OBLIGATION

Present Need was previously determined in N.J.A.C. 5:93-1.3 to be the sum of a municipality's indigenous need, the deficient housing units occupied by low- and moderate-income households, and the reallocated present need, which is the portion of a housing region's present need that is redistributed throughout the housing region. Under the Second Round rules, evidence for deficient housing included: year structure was built, persons per room, plumbing facilities, kitchen facilities, heating fuel, sewer service, and water supply. (N.J.A.C. 5:92).

The Third Round Rules (N.J.A.C. 5:97-1.1 et seq.) reduced the number of criteria of evidence of deficient housing to three: pre-1960 over-crowded units, which are units that have more than 1.0 persons per room; incomplete plumbing, and incomplete kitchen facilities. (N.J.A.C. 5:97). This reduction in the number of criteria was found to be by the Appellate Division to be within the Council's discretion and was upheld in the Supreme Court's decision in Mount Laurel IV.

The previously discussed Mount Laurel IV decision found that the reallocated need is no longer a component in the determination of Present Need. Therefore, the Present Need now equates to indigenous need, which means the obligation is based on deficient housing as determined by pre-1960 over-crowded units, incomplete plumbing, and incomplete kitchen facilities.

The Town intends to address its 630-unit Fourth Round Rehabilitation Obligation through the following mechanisms:

The HOME Investment Partnership Program (HOME)

The HOME Investment Partnership Program (HOME) works with communities to provide assistance in funding a wide range of affordable housing projects. The Hudson County Consortium (the "Consortium") for the HOME Program is comprised of eleven municipalities within Hudson County including the Town of Kearny (Appendix F).

41 KEARNY AVENUE: Utilizing HOME Investment Partnership Program funds available through the Hudson Urban County Consortium, Habitat for Humanity built a new house at 41 Kearny Avenue for the purposes of providing affordable housing opportunities. The building at 41 Kearny Avenue consists of three (3) units, all of which are deed restricted for-sale units and are occupied by low-income households. The building was completed in 2015 and each of the three units is occupied. Because each unit is deed restricted for 20 years (from May 2016 until at least May 2036), these units qualify under the Town's Present Need obligation. The deeds and agreements for each of the three units can be found in the Court-approved 2020 Housing Element and Fair Share Plan.

144 KEARNY AVENUE: Garden State Episcopal received a \$616,750 loan through the Hudson County Consortium HOME funds. The funds were used to acquire the property located at 144 Kearny Avenue (which was purchased by Garden State Episcopal in 2017) and rehabilitate three (3) units consisting of one (1) for-sale unit and two (2) rental units for the purpose of providing affordable housing. Garden State Episcopal completed the rehabilitation of the three-family home and then, per the mortgage agreement, sold the property to household whose household income does not exceed eighty percent (80%) of the Area Median Income ("AMI") as defined by HUD. The owner of the property lives in the principal residence. The second and third units are at a fixed rent and are to be rented to tenants at or below sixty percent (60%) of the Area Median Income. All three (3) units are restricted for a 15-year period. The mortgage and rehabilitation agreement between Garden State Episcopal and Hudson County can be found in the Court-approved 2020 Housing Element and Fair Share Plan.

Community Development Block Grant (CDBG) Program

Hudson County, along with seven of its municipalities, including Kearny, receives CDBG funds on an entitlement basis as an Urban County Consortium. The County administers the program, provides funding to communities, non-profits, and public agencies to help address a range of development needs, mainly involving affordable housing projects and developments. In a resolution adopted by the Council on May 23, 2017, the Council authorized continued participation in the Hudson County Community Development Block Grant Program and to continue as a member of the Hudson Urban County Consortium. The Town is an active participant in the Consortium and intends to continue its participation.

It should be noted that developers that use County funds to create new affordable housing units through either the HOME Program or the CDBG Program are required to submit to the County their affirmative marketing plan. The County requires this affirmative marketing plan to be identical or substantially consistent with the Department of Community Affairs' affirmative marketing plan, which is consistent with the Council on Affordable Housing and the Uniform Housing Affordability Controls ("UHAC", N.J.A.C. 5:50-26.1 et seq.).

Development Fee Ordinance and Affordable Housing Trust Fund (AHTF) Rehabilitation

In conformance with the Town's development fee ordinance (§16-22), which was updated in 2020 via Ordinance 2020-36 and approved by the Court, developers must deposit an affordable housing development fee into the Town's Affordable Housing Trust Fund.

Kearny has implemented a Town-wide rehabilitation program, funded with Affordable Housing Trust Fund monies, aimed at the rehabilitation of both owner- and renter-occupied units. Community Grants, Planning & Housing (CGP&H) was selected to establish and administer the rehabilitation program on Kearny's behalf and continues to do so today (Appendix G). The initiative is actively marketed, posted on the Town's website, and shared through community spaces. Kearny will continue to advertise the program to residents.

Since the Town Rehabilitation Program's inception in 2020, 15 units were rehabilitated for an average cost of \$19,900 each during the Third Round. Common repairs that were conducted include window, gutter, and roofing replacement as well as electrical work. See Appendix H for the complete list of rehabilitated units. During the Fourth Round the program aims to rehabilitate up to 21 units annually for an estimated average cost of \$20,000 per unit based on past performance. See the Spending Plan, Appendix I for more information. Over the 10-year timeframe of the Fourth Round, Kearny projects to rehabilitate a total of 210 units.

Additional Measures

Kearny seeks to build a 100% affordable housing development for veterans on Block 169, Lots 3-5. The Town intends to select a qualified developer for this project and will coordinate a realistic development program for the site at that time. Kearny anticipates that funding from the trust fund may be appropriate to facilitate in the construction of this 100% affordable development.

Summary of Rehabilitation Obligation Mechanisms

Kearny will continue to pursue affordable housing development opportunities through funding partnerships with HOME and CDBG. The Town's development fee ordinance will further enlarge the affordable housing trust fund and, consequently, increase opportunities to rehabilitate units via the program run by CGP&H. As evidenced by the proposed 100% affordable veteran housing project, Kearny is committed to providing affordable housing for the area's residents.

Affordable Housing Ordinance

An Affordable Housing Ordinance was adopted by the Town of Kearny (Ordinance No. 2020-36), establishing the criteria for implementing affordable housing units in conformance with the Uniform Housing Affordability Controls (UHAC). While this Plan acknowledges that an amendment to the UHAC was released on an emergency basis in December 2024, those rules are set to expire in December 2025. It is also the understanding that the Housing Mortgage and Finance Agency (HMFA), the entity currently responsible for the UHAC regulations, is in the process of establishing further amendments to those rules. Because of the uncertainty with the UHAC regulations, the Borough will refrain from adopting an updated ordinance until such rules are finalized, acknowledging that the December 2024 UHAC rules adopted under emergency measures are the current governing regulations. Should there be any discrepancy between the Town's adopted ordinance and the current UHAC regulations, the current UHAC regulations shall govern.

CONSISTENCY WITH STATE PLANNING REQUIREMENTS**State Plan**

In accordance with the amended Fair Housing Act, Housing Elements and Fair Share Plans shall provide an analysis of consistency with the State Development and Redevelopment Plan (SDRP), including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

Sites that are located in the Metropolitan Planning Area 1 are the preferred location for municipalities to address their fair share obligation.

The 2001 State Plan describes Planning Area 1 as "a variety of communities that range from large Urban Centers such as Newark, to 19th century towns shaped by commuter rail and post-war suburbs, such as Englewood and Cherry Hill. As the name implies, the communities in this Planning Area often have strong ties to, or are influenced by, major metropolitan centers" These communities often exhibit traits like mature settlement patterns, diminished supply of vacant land, infrastructure systems beyond or approaching their reasonable life expectancy; housing stock in need of rehabilitation; positioned for redevelopment, and the need for regionalized services.

Planning Area 1 is delineated in the 2024 Preliminary State Plan by:

- Density of more than 1,000 people per square mile.
- Existing public water and sewer systems, or physical accessibility to those systems, and access to public transit systems.
- Land area greater than one (1) square mile.
- A population of not less than 25,000 people.

A draft SDRP was approved by the New Jersey State Planning Commission December 4, 2024. This draft does not include mapping alterations. Instead, the Planning Commission is relying on municipalities to propose where Planning Areas should change. The Planning Commission has final say on whether to accept the proposed changes.

Kearny is entirely within Planning Area 1 due to its intensive urban development. Consequently, all possible housing sites in the municipality are within a Planning Area that the State Plan deems preferable for development. By placing affordable housing in Kearny, low-resource households are co-located with job opportunities, public transit, and social service providers. Further, established municipalities like Kearny already possess the infrastructure necessary to physically support additional housing. Affordable housing developments can be utilized to refresh Kearny's aging housing stock and to redevelop the Town's underutilized industrial areas, as is encouraged by the State Plan.

Multigenerational Family Housing

A previous amendment to the Fair Housing Act requires "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)." As of the date of this Housing Plan there have been no recommendations by the Multigenerational Family Housing Continuity Commission for which to provide an analysis.

USE OF SURPLUS CREDITS

Any surplus credits generated would be applied to any future obligation that the Town may have.

Town of Kearny, Hudson County
Fourth Round Housing Element and Fair Share Plan

May 22, 2025

SUMMARY OF FAIR SHARE COMPLIANCE

Summary of Kearny Town's Obligation				
	Total	Very Low	Low	Moderate
Fourth Round Present Need Obligation	630			
HOME	6	2	4	-
CDBG	-	-	-	-
Town Rehabilitation Program-Completed	15	-	-	-
Town Rehabilitation Program- Planned	210	-	-	-
PROJECTED PRESENT NEED UNITS ADDRESSED	231			
Prospective Need Obligations				
Prior Round Obligation	211	-	-	-
Existing Senior Housing	52	52	-	-
Existing Group Homes	18	13	5	-
Schuyler Avenue Redevelopment Area*	88	-	-	-
<i>Possible Rental Bonus</i>	53	-	-	-
TOTAL PRIOR ROUND	211			
Third Round Obligation	0			
Fourth Round Obligation	0			

*The Schuyler Avenue Redevelopment Area will follow an income distribution in accordance with UHAC standards.

APPENDIX A

2017 Court Order of Urban Aid Status

FILED

NOV 17, 2017

JOSEPH A. TURULA, J.S.C.

CASTANO QUIGLEY LLC
 Gregory J. Castano Jr. – Attorney ID No. 040701992
 155 Passaic Avenue, Suite 340
 Fairfield, N.J. 07004
 (973) 808-1234
 Attorneys for Plaintiff/petitioner

IN THE MATTER OF THE APPLICATION
 OF THE TOWN OF KEARNY, a municipal
 corporation of the State of New Jersey,
Plaintiff/petitioner.

SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION – HUDSON COUNTY
 DOCKET NO. HUD-L-2880-15

Civil Action
 (Mount Laurel)

ORDER AND JUDGMENT

THIS MATTER before the Court on motion of the Town of Kearny for the entry of summary judgment pursuant to R. 4:46-1, *et seq.*, on the issue of whether it is an “Urban Aid Municipality,” and the Court having considered the papers filed and arguments of counsel, and for good cause appearing, it is

November

On this 17 day of ~~October~~ 2017,

ORDERED that the Town of Kearny’s motion for summary judgment is granted such that it shall have no obligation to plan for “Prospective Need” pursuant to the Second Round Rules at N.J.A.C. 5:93-2.3(b) because it is an “Urban Aid Municipality” with a qualifying population density.



Joseph A. Turula, J.S.C.

Opposed.
 Granted for the reasons stated on the record.

APPENDIX B

2020 Amended Settlement Agreement



Meeting: 04/07/20 07:00 PM

Kearny Town Council
402 Kearny Avenue
Kearny, NJ 07032
ADOPTED
RESOLUTION 2020-208

DOC ID: 11514

**Resolution Authorizing and Approving an Amended Settlement Agreement
Relating to the Town's Affordable Housing Obligations.**

WHEREAS, pursuant to the 2015 New Jersey Supreme Court Decision In re: N.J.A.C. 5:96 and 5:97, 221 NJ 1 § (2015) commonly referred to as the "Mount Laurel IV Decision", the Court essentially negated the role of the New Jersey Council on Affordable Housing ("COAH") and set a procedure for court approval of municipal affordable housing fair share plans; and

WHEREAS, pursuant to the Mount Laurel IV Decision, the Town filed a Declaratory Judgment Action, entitled In the Matter of the Application of the Town of Harrison County of Hudson, Docket No. HUD-L-2880-15 and the Fair Share Housing Center was a court designated interested party in that action; and

WHEREAS, by Resolution dated December 4, 2018, the Town approved the terms of a settlement of the issues raised in the Mount Laurel Litigation and agreed to the terms of the Town's fair share plan through 2025; and

WHEREAS, the Town subsequently negotiated certain revisions to the settlement agreement which, among other things, changes the area where inclusionary affordable housing would be permitted; and

WHEREAS, the terms of the amended settlement agreement are set forth in the attached Letter Agreement, now therefore be it

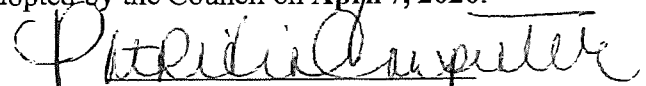
RESOLVED, by the Mayor and Council of the Town of Kearny that:

The Mayor or Town Administrator is authorized to execute the amended settlement agreement substantially in the form attached hereto, with such modifications as may be approved by the Mayor, and to execute any other document necessary to effectuate the terms of the settlement.

James Bruno

ADOPTED: April 7, 2020

I hereby certify that the foregoing resolution was adopted by the Council on **April 7, 2020**.


PATRICIA CARPENTER
 TOWN CLERK

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Carol Jean Doyle, Council Member
SECONDER:	Alberto G. Santos, Mayor
AYES:	Doyle, McCurrie, Eckel, Cardoso, Konopka, DeCastro, Santana, Ficeto, Santos



Peter J. O'Connor, Esq.
 Kevin D. Walsh, Esq.
 Adam M. Gordon, Esq.
 Laura Smith-Denker, Esq.
 David T. Rammler, Esq.
 Joshua D. Bowers, Esq.

March 27, 2020

Gregory J. Castano Jr., Esq.
 Castano Quigley, LLC
 155 Passaic Avenue, Suite 340
 Fairfield, NJ 07004

**Re: In the Matter of the Application of the Town of Kearny, County of
 Hudson, Docket No. HUD-L-2880-15**

Dear Mr. Castano:

This letter memorializes the terms of an agreement reached between the Town of Kearny (the "Town" or "Kearny"), the declaratory judgment plaintiff, and Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015)(Mount Laurel IV) and, through this settlement, a defendant in this proceeding. This letter amends and restates certain provisions of the Settlement Agreement letter dated December 2, 2018 and therefore supercedes that prior letter.

Background

Kearny filed the above-captioned matter on July 7, 2015 seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. in accordance with In re N.J.A.C. 5:96 and 5:97, supra. Through the declaratory judgment process, the Town and FSHC agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.

Settlement terms

The Town and FSHC hereby agree to the following terms:

1. FSHC agrees that the Town, through the adoption of a Housing Element and Fair Share Plan conforming with the terms of this Agreement (hereafter "the Plan") and through the implementation of the Plan and this Agreement, satisfies its obligations under the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., for the Prior Round (1987-1999) and Third Round (1999-2025).
2. At this time and at this particular point in the process resulting from the Supreme Court's Mount Laurel IV decision, when Third Round fair share obligations have yet to be definitively determined, it is appropriate for the parties to arrive at a settlement regarding a municipality's Third Round present and prospective need instead of doing so through plenary adjudication of the present and prospective need.
3. FSHC and Kearny hereby agree that Kearny's affordable housing obligations are as follows:

March 27, 2020
Page 2

Rehabilitation Share (per Kinsey Report ¹)	168
Prior Round Obligation (pursuant to N.J.A.C. 5:93)	211
Third Round (1999-2025) Prospective Need	0

4. For purposes of this Agreement, the Third Round Prospective Need shall be deemed to include the Gap Period Present Need, which is a measure of households formed from 1999-2015 that need affordable housing, that was recognized by the Supreme Court in In re Declaratory Judgment Actions Filed By Various Municipalities, 227 N.J. 508 (2017). The Third Round Prospective Need is deemed to be zero by a decision by the Hon. Joseph A. Turula that Kearny meets the criteria for a qualified urban aid municipality and the parties agree for the purpose of settlement to accept that decision through July 1, 2025 without prejudice to any position that either party may assert as to any future methodology beyond that point.
5. The Town's efforts to meet its present need include the following:

Present Need	
<i>Town Rehabilitation Program using funds from the AHTF</i>	<i>162</i>
<i>41 Kearny Avenue (Habitat for Humanity)</i>	<i>3</i>
<i>144 Kearny Avenue (Garden State Episcopal)</i>	<i>3</i>
Total Present Need	168

The Town shall prior to the Final Compliance Hearing in this matter enter into a contract with an entity experienced in administering Mount Laurel-compliant rehabilitation programs to establish and administer such a program including creation of a rehabilitation manual and marketing plan for the program; provision of rehabilitation of both owner-occupied and renter-occupied units; amend its Spending Plan to provide for sufficient funding for the rehabilitation program based on an average cost of at least \$12,500 (inclusive of 20% administrative cost) per unit and based on the administrative agent's analysis of the cost needed to administer a rehabilitation program compliant with applicable COAH regulations and addressing the rehabilitation needs and costs to address those needs in the Kearny housing stock; and pass a resolution committing to supplemental municipal funding sources if required to supplement the municipal Affordable Housing Trust Fund for this program; and phase in the program over the remainder of the Third Round period with roughly 32 units rehabilitated each one year period from July 1, 2020 to June 30, 2025. This is sufficient to satisfy the Town's present need obligation of 168 units.

6. As noted above, the Town has a Prior Round need of 211 units, which is met through the following compliance mechanisms:

¹ David N. Kinsey, PhD, PP, FAICP, NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY, May 2016.

Prior Round Obligation (1987-1999)	
<i>Spruce Terrace Senior Housing</i>	52
<i>Group Homes (5 from 494 Belgrove Avenue; 5 from 47 Clinton Avenue; 5 from 59 Clinton Avenue; 3 from 132 Pleasant Place)</i>	18
<i>Inclusionary Zoning for Family Rental in the Schuyler Avenue Redevelopment Area (Phase 1B, II and III)</i>	88
Rental Bonus Credits	
<i>Inclusionary Zoning for Family Rental in Schuyler Avenue Redevelopment Area</i>	53
<i>Total Rental Bonus Credits</i>	53
Total Prior Round	211

7. The Town will provide a realistic opportunity for the development of affordable housing through the adoption of inclusionary zoning on the following sites:

By the time of the final compliance hearing, the Town will adopt an amendment to the Schuyler Avenue Redevelopment Plan that designates the properties highlighted by color and denoted as Phase IB, Phase II and Phase III on Exhibit A for residential development, allowing for multifamily development at a density ranging from 38 to 45 units per acre with a 20 percent set-aside of affordable family rental units, which would allow for the development of up to 88 affordable units in this area.

8. [INTENTIONALLY OMITTED]

9. The Town agrees to require 13% of all units referenced in this Agreement, excepting those units that were constructed or granted preliminary or final site plan approval prior to July 1, 2008, to be very low income units, with half of the very low income units being available to families. The municipality will comply with those requirements by requiring 13 percent of any development in the Schuyler Avenue Redevelopment Area to be affordable to very low income households.

10. The Town shall meet its Third Round Prospective Need in accordance with the following standards as agreed to by the Parties and reflected in the table in paragraph 6 above:

a. Third Round bonuses will be applied in accordance with N.J.A.C. 5:93-5.15(d).

- b. At least 50 percent of the units addressing the Third Round Prospective Need shall be affordable to very-low-income and low-income households with the remainder affordable to moderate-income households.
 - c. At least twenty-five percent of the Third Round Prospective Need shall be met through rental units, including at least half in rental units available to families.
 - d. At least half of the units addressing the Third Round Prospective Need in total must be available to families.
 - e. The Town agrees to comply with an age-restricted cap of 25% and to not request a waiver of that requirement. This shall be understood to mean that in no circumstance may the municipality claim credit toward its fair share obligation for age-restricted units that exceed 25% of all units developed or planned to meet its cumulative prior round and third round fair share obligation.
11. The Town shall add to the list of community and regional organizations in its affirmative marketing plan, pursuant to N.J.A.C. 5:80-26.15(f)(5), Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, the Jersey City NAACP, the Hoboken NAACP, and the Supportive Housing Association, and shall, as part of its regional affirmative marketing strategies during its implementation of the affirmative marketing plan, provide notice to those organizations of all available affordable housing units. The Town also agrees to require any other entities, including developers or persons or companies retained to do affirmative marketing, to comply with this paragraph.
12. All units shall include the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et. seq. or any successor regulation, with the exception that in lieu of 10 percent of affordable units in rental projects being required to be at 35 percent of median income, 13 percent of affordable units in such projects shall be required to be at 30 percent of median income, and all other applicable law. The Town as part of its HEFSP shall adopt and/or update appropriate implementing ordinances in conformance with standard ordinances and guidelines developed by COAH to ensure that this provision is satisfied. Income limits for all units that are part of the Plan required by this Agreement and for which income limits are not already established through a federal program exempted from the Uniform Housing Affordability Controls pursuant to N.J.A.C. 5:80-26.1 shall be updated by the Town annually within 30 days of the publication of determinations of median income by HUD as follows:
- a. Regional income limits shall be established for the region that the Town is located within (i.e. Region 1) based on the median income by household size, which shall be established by a regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial Census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial Census in the Town's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80 percent of the regional weighted average median income for a family of four. The income

limit for a low-income unit for a household of four shall be 50 percent of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very low income unit for a household of four shall be 30 percent of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.

- b. The income limits attached hereto as Exhibit B are the result of applying the percentages set forth in paragraph (a) above to HUD's determination of median income for FY 2019, and shall be utilized until the Town updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
- c. The Regional Asset Limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3 shall be calculated by the Town annually by taking the percentage increase of the income limits calculated pursuant to paragraph (a) above over the previous year's income limits, and applying the same percentage increase to the Regional Asset Limit from the prior year. In no event shall the Regional Asset Limit be less than that for the previous year.
- d. The parties agree to request the Court prior to or at the fairness hearing in this matter to enter an order implementing this paragraph of this Agreement.

13. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311a and -311b and all other applicable law.

14. As an essential term of this Agreement, within ninety (90) days of Court's approval of this Agreement, the Town shall introduce and adopt an ordinance or ordinances providing for the amendment of the Town's Affordable Housing Ordinance and Zoning Ordinance to implement the terms of this Agreement and the zoning contemplated herein and adopt a Housing Element and Fair Share Plan and Spending Plan in conformance with the terms of this Agreement.

15. The parties agree that if a decision of a court of competent jurisdiction in Hudson County, or a determination by an administrative agency responsible for implementing the Fair Housing Act, or an action by the New Jersey Legislature, would result in a calculation of an obligation for the Town for the period 1999-2025 that would be lower by more than twenty (20%) percent than the total prospective Third Round need obligation established in this Agreement, and if that calculation is memorialized in an unappealable final judgment, the Town may seek to amend the judgment in this matter to reduce its fair share obligation accordingly. Notwithstanding any such reduction, the Town shall be obligated to adopt a Housing Element and Fair Share Plan that conforms to the terms of this Agreement and to implement all compliance mechanisms included in this Agreement, including by adopting or leaving in place any site specific zoning adopted or relied upon in connection with the Plan adopted pursuant to this Agreement; taking all steps necessary to support the development of any 100% affordable developments referenced herein; maintaining all mechanisms to address unmet need; and otherwise fulfilling fully the fair share obligations as established herein. The reduction of the Town's obligation below that established in this Agreement does not provide a basis for seeking leave to amend this Agreement or seeking leave to amend an order or judgment pursuant to R. 4:50-1. If the Town prevails in reducing its prospective need for the Third Round, the Town may carry

over any resulting extra credits to future rounds in conformance with the then-applicable law.

16. The Town shall prepare a Spending Plan within the period referenced above, subject to the review of FSHC and approval of the Court, and reserves the right to seek approval from the Court that the expenditures of funds contemplated under the Spending Plan constitute "commitment" for expenditure pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period for expenditure designated pursuant to those provisions beginning to run with the entry of a final judgment approving this settlement in accordance with the provisions of In re Tp. Of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563). On the first anniversary of the execution of this Agreement, which shall be established by the date on which it is executed by a representative of the Town, and on every anniversary of that date thereafter through the end of the period of protection from litigation referenced in this Agreement, the Town agrees to provide annual reporting of 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 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 housing trust fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
17. On the first anniversary of the execution of this Agreement, and every anniversary thereafter through the end of this Agreement, 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 the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC.
18. The Fair Housing Act includes two provisions regarding action to be taken by the Town during the ten-year period of protection provided in this Agreement. The Town agrees to comply with those provisions as follows:
 - a. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Town will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of the Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced. Any interested party may by motion request a hearing before the court regarding these issues.
 - b. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of this Agreement, and every third year thereafter, the Town will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.

19. FSHC is hereby deemed to have party status in this matter and to have intervened in this matter as a defendant without the need to file a motion to intervene or an answer or other pleading. The parties to this Agreement agree to request the Court to enter an order declaring FSHC is an intervenor, but the absence of such an order shall not impact FSHC's rights.
20. This Agreement must be approved by the Court following a fairness hearing as required by Morris Cty. Fair Hous. Council v. Boonton Twp., 197 N.J. Super. 359, 367-69 (Law Div. 1984), aff'd o.b., 209 N.J. Super. 108 (App. Div. 1986); East/West Venture v. Borough of Fort Lee, 286 N.J. Super. 311, 328-29 (App. Div. 1996). The Town shall present its planner as a witness at this hearing. FSHC agrees to support this Agreement at the fairness hearing. In the event the Court approves this proposed settlement, the parties contemplate the municipality will receive "the judicial equivalent of substantive certification and accompanying protection as provided under the FHA," as addressed in the Supreme Court's decision in In re N.J.A.C. 5:96 & 5:97, 221 N.J. 1, 36 (2015). The "accompanying protection" shall remain in effect through July 1, 2025. If this Agreement is rejected by the Court at a fairness hearing it shall be null and void.
21. If an appeal is filed of the Court's approval or rejection of this Agreement, the Parties agree to defend the Agreement on appeal, including in proceedings before the Superior Court, Appellate Division and New Jersey Supreme Court, and to continue to implement the terms of this Agreement if the Agreement is approved before the trial court unless and until an appeal of the trial court's approval is successful, at which point the Parties reserve their right to rescind any action taken in anticipation of the trial court's approval. All Parties shall have an obligation to fulfill the intent and purpose of this Agreement.
22. This Agreement may be enforced through a motion to enforce litigant's rights or a separate action filed in Superior Court, Hudson County. A prevailing movant or plaintiff in such a motion or separate action shall be entitled to reasonable attorney's fees.
23. Unless otherwise specified, it is intended that the provisions of this Agreement are to be severable. The validity of any article, section, clause or provision of this Agreement shall not affect the validity of the remaining articles, sections, clauses or provisions hereof. If any section of this Agreement shall be adjudged by a court to be invalid, illegal, or unenforceable in any respect, such determination shall not affect the remaining sections.
24. This Agreement shall be governed by and construed by the laws of the State of New Jersey.
25. This Agreement may not be modified, amended or altered in any way except by a writing signed by each of the Parties.
26. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same Agreement.
27. The Parties acknowledge that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each party is the proper person and possess the authority to sign the Agreement, that this Agreement contains the entire understanding of the Parties and that there are no representations, warranties, covenants or undertakings other than those expressly set forth herein.

28. Each of the Parties hereto acknowledges that this Agreement was not drafted by any one of the Parties, but was drafted, negotiated and reviewed by all Parties and, therefore, the presumption of resolving ambiguities against the drafter shall not apply. Each of the Parties expressly represents to the other Parties that: (i) it has been represented by counsel in connection with negotiating the terms of this Agreement; and (ii) it has conferred due authority for execution of this Agreement upon the persons executing it.
29. Any and all Exhibits and Schedules annexed to this Agreement are hereby made a part of this Agreement by this reference thereto. Any and all Exhibits and Schedules now and/or in the future are hereby made or will be made a part of this Agreement with prior written approval of both Parties.
30. This Agreement constitutes the entire Agreement between the Parties hereto and supersedes all prior oral and written agreements between the Parties with respect to the subject matter hereof except as otherwise provided herein.
31. No member, official or employee of the Town shall have any direct or indirect interest in this Agreement, nor participate in any decision relating to the Agreement which is prohibited by law, absent the need to invoke the rule of necessity.
32. Anything herein contained to the contrary notwithstanding, the effective date of this Agreement shall be the date upon which all of the Parties hereto have executed and delivered this Agreement.
33. All notices required under this Agreement ("Notice[s]") shall be written and shall be served upon the respective Parties by certified mail, return receipt requested, or by a recognized overnight or by a personal carrier. In addition, where feasible (for example, transmittals of less than fifty pages) shall be served by facsimile or e-mail. All Notices shall be deemed received upon the date of delivery. Delivery shall be affected as follows, subject to change as to the person(s) to be notified and/or their respective addresses upon ten (10) days notice as provided herein:

TO FSHC:

Adam M. Gordon, Esq.
 Fair Share Housing Center
 510 Park Boulevard
 Cherry Hill, NJ 08002
 Phone: (856) 665-5444
 Telecopier: (856) 663-8182
 E-mail: adamgordon@fairsharehousing.org

TO THE TOWN:

Gregory J. Castano Jr., Esq.
 Castano Quigley, LLC
 155 Passaic Avenue, Suite 340
 Fairfield, NJ 07004

 Telecopier: (973) 808-8480
 Email: gcastano@cq-law.com

WITH A COPY TO THE

a

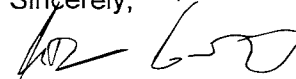
March 27, 2020
Page 9

MUNICIPAL CLERK: Pat Carpenter, Town Clerk
402 Kearny Avenue
Kearny, NJ 07032

Telecopier: (201) 991-0608
Email: pcarpenter@kearnynj.org

Please sign below if these terms are acceptable.

Sincerely,



Adam M. Gordon, Esq.
Counsel for Intervenor/Interested Party
Fair Share Housing Center

On behalf of the Town of Kearny, with the authorization
of the governing body:



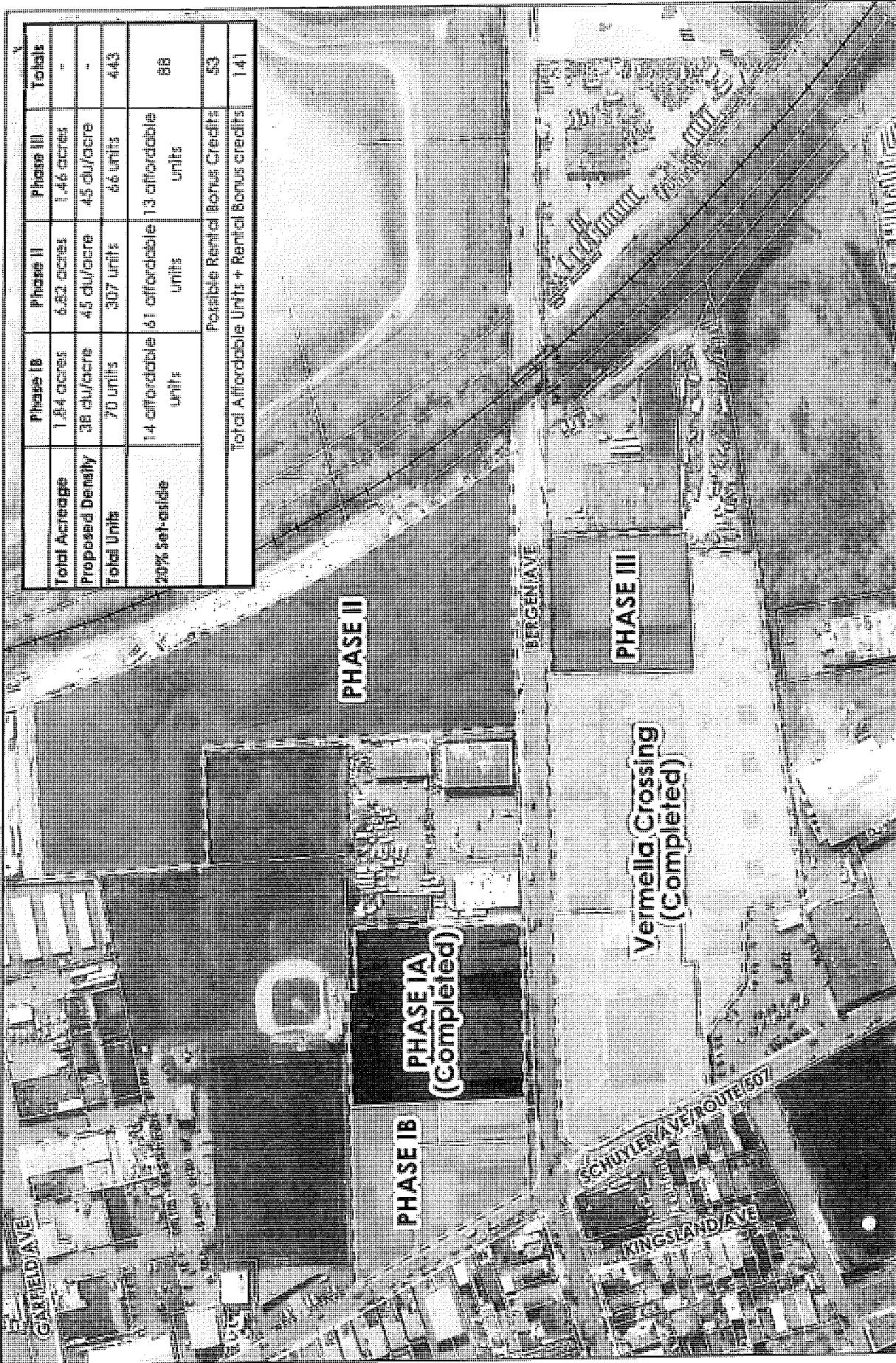
Mayor = Alberto G. Santos

Dated: April 7, 2020

Attachment: v3-kearny town settlement agreement 11-30 - changes accepted 3-27-20 ((R)-2020-208 : Authorizing & Approving Amended

EXHIBIT A

a



	Phase IB	Phase II	Phase III	Totals
Total Acreage	1.84 acres	6.82 acres	1.46 acres	-
Proposed Density	38 du/acre	45 du/acre	45 du/acre	-
Total Units	70 units	307 units	66 units	443
20% Set-aside	14 affordable units	61 affordable units	13 affordable units	88
	Possible Rental Bonus Credits			53
	Total Affordable Units + Rental Bonus credits			141

Bergen Avenue Redevelopment
Kearny, NJ

HEYER GRUEL & ASSOCIATES

January 2020

Source: NJGIS, NJGIN, NJDEP, NJDOT

Packet Pg. 116

Attachment: v3-kearny town settlement agreement 11-30 - changes accepted 3-27-20 (R)-2020-208 : Authorizing & Approving Amended

Prepared by Affordable Housing Professionals of New Jersey (AHPNJ) - May 2019

2019 AFFORDABLE HOUSING REGIONAL INCOME LIMITS BY HOUSEHOLD SI

Income limits not officially adopted by the State of New Jersey. Contact your municipality to see if applicable in your jurisdiction. Additional information about AHPNJ

		1 Person	*1.5 Person	2 Person	*3 Person	4 Person	*4.5 Person	5 Person	6 Person	7 Person	8+ Person
Region 1 Bergen, Hudson, Passaic and Sussex	Median	\$66,607	\$71,365	\$76,122	\$85,637	\$95,153	\$98,959	\$102,765	\$110,377	\$117,989	\$125,602
	Moderate	\$53,286	\$57,092	\$60,898	\$68,510	\$76,122	\$79,167	\$82,212	\$88,302	\$94,391	\$100,481
	Low	\$33,303	\$35,682	\$38,061	\$42,819	\$47,576	\$49,479	\$51,382	\$55,189	\$58,995	\$62,801
	Very Low	\$19,982	\$21,409	\$22,837	\$25,691	\$28,546	\$29,688	\$30,829	\$33,113	\$35,397	\$37,680
Region 2 Essex, Morris, Union and Warren	Median	\$70,537	\$75,576	\$80,614	\$90,691	\$100,767	\$104,798	\$108,829	\$116,890	\$124,952	\$133,013
	Moderate	\$56,430	\$60,460	\$64,491	\$72,553	\$80,614	\$83,838	\$87,063	\$93,512	\$99,961	\$106,410
	Low	\$35,269	\$37,788	\$40,307	\$45,345	\$50,384	\$52,399	\$54,414	\$58,445	\$62,476	\$66,506
	Very Low	\$21,161	\$22,673	\$24,184	\$27,207	\$30,230	\$31,439	\$32,649	\$35,067	\$37,485	\$39,904
Region 3 Hunterdon, Middlesex and Somerset	Median	\$82,810	\$88,725	\$94,640	\$106,470	\$118,300	\$123,032	\$127,764	\$137,228	\$146,692	\$156,156
	Moderate	\$66,248	\$70,980	\$75,712	\$85,176	\$94,640	\$98,426	\$102,211	\$109,782	\$117,354	\$124,925
	Low	\$41,405	\$44,363	\$47,320	\$53,235	\$59,150	\$61,516	\$63,882	\$68,614	\$73,346	\$78,078
	Very Low	\$24,843	\$26,618	\$28,392	\$31,941	\$35,490	\$36,910	\$38,329	\$41,168	\$44,008	\$46,847
Region 4 Mercer, Monmouth and Ocean	Median	\$72,165	\$77,319	\$82,474	\$92,783	\$103,092	\$107,216	\$111,340	\$119,587	\$127,834	\$136,082
	Moderate	\$57,732	\$61,855	\$65,979	\$74,226	\$82,474	\$85,773	\$89,072	\$95,670	\$102,268	\$108,865
	Low	\$36,082	\$38,660	\$41,237	\$46,392	\$51,546	\$53,608	\$55,670	\$59,794	\$63,917	\$68,041
	Very Low	\$21,649	\$23,196	\$24,742	\$27,835	\$30,928	\$32,165	\$33,402	\$35,876	\$38,350	\$40,825
Region 5 Burlington, Camden and Gloucester	Median	\$63,070	\$67,575	\$72,080	\$81,090	\$90,100	\$93,704	\$97,308	\$104,516	\$111,724	\$118,932
	Moderate	\$50,456	\$54,060	\$57,664	\$64,872	\$72,080	\$74,963	\$77,846	\$83,613	\$89,379	\$95,146
	Low	\$31,535	\$33,788	\$36,040	\$40,545	\$45,050	\$46,852	\$48,654	\$52,258	\$55,862	\$59,466
	Very Low	\$18,921	\$20,273	\$21,624	\$24,327	\$27,030	\$28,111	\$29,192	\$31,355	\$33,517	\$35,680
Region 6 Atlantic, Cape May, Cumberland, and Salem	Median	\$53,714	\$57,550	\$61,387	\$69,061	\$76,734	\$79,803	\$82,873	\$89,011	\$95,150	\$101,289
	Moderate	\$42,971	\$46,040	\$49,110	\$55,248	\$61,387	\$63,843	\$66,298	\$71,209	\$76,120	\$81,031
	Low	\$26,857	\$28,775	\$30,694	\$34,530	\$38,367	\$39,902	\$41,436	\$44,506	\$47,575	\$50,644
	Very Low	\$16,114	\$17,265	\$18,416	\$20,718	\$23,020	\$23,941	\$24,862	\$26,703	\$28,545	\$30,387

Moderate income is between 80 and 50 percent of the median income. Low income is 50 percent or less of median income. Very low income is 30 percent or less of median income.

* These columns are for calculating the pricing for one, two and three bedroom sale and rental units as per N.J.A.C. 5:80-26.4(a).

**This column is used for calculating the pricing for rent increases for units (as previously calculated under N.J.A.C. 5:97-9.3). The increase for 2015 was 2.3%, the increase for 2017 was 1.7%, and the increase for 2018 was 2.2%. The increase for 2019 is 2.6% (Consumer price Index for All Urban Consumers (CPI-U): Regions I commodity and service group). Landlords who did not increase rents in 2015, 2016, 2017, or 2018 may increase rent by up to the applicable combined percentage in accordance with N.J.A.C. 5:97-9.3(c). In no case can rent for any particular apartment be increased more than one time per year.

*** This column is used for calculating the pricing for resale increases for units (as previously calculated under N.J.A.C. 5:97-9.3). The price of owner-occupied 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 be lower than the last recorded purchase price.

Low income tax credit developments may increase based on the low income tax credit regulations.

**** The Regional Asset Limit is used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)3.

APPENDIX C

2021 Joint Order of Fairness and Judgement of Compliance and Repose

FILED

Apr 6, 2021

JOSEPH A. TURULA, P.J. Cv.

CASTANO QUIGLEY LLC
 Gregory J. Castano Jr. – Attorney ID No. 040701992
 155 Passaic Avenue, Suite 340
 Fairfield, N.J. 07004
 (973) 808-1234
 Attorneys for Plaintiff/Petitioner

IN THE MATTER OF THE APPLICATION
 OF THE TOWN OF KEARNY, a municipal
 corporation of the State of New Jersey,
Plaintiff/petitioner.

SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION – HUDSON COUNTY
 DOCKET NO. HUD-L-2880-15

Civil Action
 (Mount Laurel)

**ORDER OF FAIRNESS AND
 JUDGMENT OF
 COMPLIANCE AND REPOSE**

THIS MATTER having come before the Court for an Amended Fairness and Final Compliance Hearing on January 20, 2021; and Gregory J. Castano Jr., Esq., of Castano Quigley LLC appearing for the Town of Kearny (“Town”); and Bassam F. Gergi, Esq., appearing for intervenor, Fair Share Housing Center Inc. (“FSHC”); and the hearing having been conducted pursuant to, and in accordance, with *East/West Venture v. Borough of Fort Lee*, 286 N.J. Super 311 (App. Div. 1996); and sufficient notice of the hearing having been given in accordance with *In the Matter of the Adoption of N.J.A.C. 5:96 & 5:97 by the New Jersey Council on Affordable Housing*, 221 N.J. 1 (2015) (“Mount Laurel IV”), and *Morris County Fair Housing Council v. Boonton Twp.*, 197 N.J. Super 359 (Law Div. 1984); and

WHEREAS the Town and FSHC previously entered into a settlement agreement on December 2, 2018, as amended and superseded by the Settlement Agreement dated March 27, 2020 (“Settlement Agreement”), attached hereto as **Exhibit A**, which was authorized by Kearny Township Resolution 2020-208; and the Court having conducted a combined amended fairness

and final compliance hearing for the purpose of reviewing the terms of the March 27, 2020 Settlement Agreement and Town's *Mount Laurel IV* compliance plan to determine whether it complies with the Town's affordable housing obligations as previously approved and determined by the Court; and

WHEREAS, the Town and its Planning Board adopted and endorsed the Town's September 22, 2020 Housing Element and Fair Share Plan; adopted Ordinance No. 2020-36 on October 20, 2020, which is the Town's Affordable Housing Ordinance and Development Fee Ordinance; appointed Stephen Marks as municipal housing liaison for the Town in a resolution memorialized on October 20, 2020; adopted a resolution on October 20, 2020 appointing Community Grants Planning and Housing as administrative agents for the Town, which was later renewed on January 12, 2021, via Resolution No. 2021-59; adopted a resolution on October 20, 2020 approving the "Affirmative Marketing Plan" for the Town; adopted a resolution on October 20, 2020 approving the Spending Plan for the Affordable Housing Trust Fund; adopted an Ordinance on October 20, 2020, Ordinance No. 2020-35, amending its Schuyler Avenue Redevelopment Plan to provide a realistic opportunity for at least 88 affordable family non-age-restricted rental units in an inclusionary development with a 20% affordable housing set-aside; adopted an Ordinance on October 20, 2020, amending and replacing the Town's Municipal Code to address the requirements of the Fair Housing Act and the Uniform Housing Affordability Controls and Development Fee regarding compliance with the Town's affordable housing obligations, all of which have been submitted to the Court and Fair Share Housing Center; and

WHEREAS, the Court had received a report from the Special Master, supporting the entry of an order of judgment of compliance and repose, having noted the efforts made by the Town since the initiation of these proceedings to comply with the requirements of the March 10, 2015

Mt. Laurel IV decision and the Court having entered an order granting the Town temporary immunity and carried that temporary immunity forward, through and including these proceedings, and no party having objected to the terms of the settlement agreement with the Fair Share Housing Center; and

WHEREAS, the Court having considered the expert testimony of the Town's planner, McKinley Mertz, P.P., A.I.C.P.; and Plaintiff's **Exhibits P1 through P14**, which are listed below; and no written objection to the Settlement Agreement having been received; and the Court having considered the January 14, 2021 report and testimony of the Court-appointed Special Master, Christine A. Nazzaro-Cofone, P.P., A.I.C.P., which is attached hereto as **Exhibit B**, and for good cause appearing;

It is hereby **ORDERED** on this 6th day of April, 2021 as follows:

1. The Court finds that adequate notice was given, including to members of the protected class and others who have an interest in the Settlement Agreement, and a fairness hearing was conducted on the Settlement Agreement where any interested parties had an opportunity to object.
2. The Court finds that the Settlement Agreement is fair and adequately protects the interests of very-low-, low-, and moderate-income persons within the Town's housing region based upon the criteria set forth in *East/West Venture v. Borough of Fort Lee*, 286 N.J. Super. 311 (App. Div. 1996), for approving a settlement of *Mount Laurel* litigation.
3. It is adjudged and declared that a Judgement of Compliance and Repose is entered in favor of the Town in this declaratory judgment action.
4. The Town's September 22, 2020 Housing Element and Fair Share Plan adopted by the Planning Board, and endorsed by the Town, is hereby approved. The Court also finds and

determines that the Settlement Agreement and the Town's Housing Element and Fair Share Plan, as well as all the Ordinances, Resolutions and other documents that were adopted by the Planning Board to implement the Town's Housing Element and Fair Share Plan, are consistent with and are in compliance with the Fair Housing Act (N.J.S.A. 52:27D-301 et. seq.), the Uniform Housing Affordability Controls (N.J.S.A. 5:80-26.1 et. seq.), the applicable Council on Affordable Housing substantive regulations, and the body of case law including the N.J. Supreme Court *Mt. Laurel IV* decision. (collectively the "Affordable Housing Laws").

5. Kearny's Affordable Housing Spending Plan and Development Fee Ordinance has been reviewed and is hereby approved.

- a. Kearny is authorized to impose and collect affordable housing development fees, to deposit and maintain those fees in its Affordable Housing Trust Fund, and to expend those fees in accordance with its approved Spending Plan and this Judgment, subject to applicable law.
- b. The proposed expenditure of funds from the Kearny Affordable Housing Trust Fund is found and determined to be consistent with and authorized by the Fair Housing Act, and as such, those funds are properly committed for expenditure as required by the 2008 amendments to the Fair Housing Act, P.L. 2008, c.46.

6. The judgment of compliance and repose given to the Town will remain in effect for ten years beginning retroactively to July 1, 2015 and ending on July 1, 2025 and during this period the Town shall have immunity from all Mt. Laurel builders remedy type lawsuits as well as any other lawsuits under the Affordable Housing Laws or other litigation challenging the terms set forth in the Settlement Agreement or subsequent resolutions and ordinances, plans and reports,

other than actions brought to enforce the terms of the Settlement Agreement, the September 22, 2020 Housing Element and Fair Share Plan, and the court's prior orders, including this Judgment.

7. Reporting and Monitoring obligations of Kearny:

- a. On March 27, 2021, and every anniversary thereafter through July 1, 2025, Kearny shall provide an annual reporting of its affordable housing trust fund activity to the New Jersey Department of Community Affairs ("DCA"), Council on Affordable Housing ("COAH"), Division of Local Government Services ("DLGS"), or other entity designated by the State of New Jersey, with a copy provided to FSHC and posted on the municipal website, using forms developed for this purpose by DCA, COAH or DLGS, or approved and endorsed by FSHC.
- b. On March 27, 2021, and every anniversary thereafter through July 1, 2025, Kearny shall provide an annual reporting of the status of all affordable housing activity within the municipality, using forms previously developed for this purpose by COAH (or any other form(s) endorsed by the Special Master and FSHC), by posting the completed forms on the municipal website and providing a copy to FSHC. The annual report shall state how many units have been rehabilitated to satisfy the Present Need obligation and the status of development in the Schuyler Avenue Redevelopment Area, including whether any development has applied for approval, been approved, and/or been constructed and the number of total dwelling units and the number and type, income distribution, and bedroom distribution of the affordable units.

c. Within thirty (30) days of March 27, 2023, and every third year thereafter, Kearny shall 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 the family very low income requirements in the Settlement Agreement. Such posting shall invite any interested party to submit comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low-income housing obligation under the terms of the Settlement Agreement.

8. Kearny shall not repeal, modify or amend its Affordable Housing Ordinance, Housing Element and Fair Share Plan, Spending Plan, Schuyler Avenue Redevelopment Plan, or any other municipal ordinance in effect as of the date of this Judgment that affects the use or development of the affordable housing committed to, except with the consent of FSHC and the Court's approval upon notice and opportunity to be heard to all interested parties.

9. Pursuant to Paragraph 22 of the Settlement Agreement, FSHC and/or Kearny may enforce any provision of the Settlement Agreement, and by extension this Judgment, through a motion to enforce litigant's rights or by the filing of a separate action in the Superior Court, Hudson County.

10. The Court retains jurisdiction over this matter solely for the purposes of enforcement of this Judgment and the Settlement Agreement.

11. Counsel for the Town of Kearny shall forward a copy of this order to the Special Master and counsel on behalf of Fair Share Housing Center within seven (7) days of receipt from the Court.

12. A Copy of the Housing Element and Fair Share Plan and other documents submitted to the Court shall be retained by the Clerk's office in the Town of Kearny and shall be made available upon request for inspection by any interested party at the offices of the Town Clerk during normal business hours of the Town of Kearny.



Joseph A. Turula, P.J. Cv.

APPENDIX D

Resolution 2025-66 Adopting Fourth Round Obligations



Meeting: 01/21/25 07:00 PM

Kearny Town Council
402 Kearny Avenue
Kearny, NJ 07032
ADOPTED
RESOLUTION 2025-66

DOC ID: 15520

Resolution Accepting the Fourth Round Affordable Housing Present Need and Prospective Need Numbers Promulgated by the New Jersey Department of Community Affairs for the Town of Kearny

WHEREAS, on March 20, 2024, Governor Murphy signed into law an Amendment to the Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*) (hereinafter "Amended FHA"); and

WHEREAS, the Amended FHA requires the Department of Community Affairs ("DCA") to produce non-binding estimates of fair share obligations on or before October 20, 2024; and

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

WHEREAS, the DCA Report calculates Kearny's Round 4 (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of 630 and a Prospective Need or New Construction Obligation of ZERO; and

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

WHEREAS, the Amended FHA further provides that "[a]ll parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute, including P.L. 2024, c.2, or binding court decisions" (N.J.S.A. 52:27D-311(m)); and

WHEREAS, based on the foregoing, the Town of Kearny accepts the DCA calculations of Kearny's fair share obligations and accepts its fair share of 630 units present need/rehabilitation obligation and ZERO units prospective need subject to any vacant land and/or durational downward adjustments it may seek as part of the Housing Plan element and Fair Share Plan element it subsequently submits in accordance with the Amended FHA; and

WHEREAS, the Town reserves all rights as to compliance with any additional amendments to the FHA that the Legislature may enact; and

WHEREAS, the Town of Kearny also reserves the right to adjust its position in the event of any rulings in the *Montvale* case (MER-L-1778-24) or any other such action that alters the deadlines and/or requirements of the Amended FHA; and

WHEREAS, in the event that a third party challenges the calculations provided for in this Resolution, the Town of Kearny reserves the right to take such position as it deems appropriate in response thereto, including that its Round 4 Present/Rehabilitation or Prospective

Resolution 2025-66

Meeting of January 21, 2025

Need Obligations should be lower than described herein; and

WHEREAS, in light of the above, the Mayor and Council of the Town of Kearny finds that it is in the best interest of the Town of Kearny to declare its acceptance of the obligations reported by the DCA on October 18, 2024 subject to the reservations set forth herein; and

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

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

WHEREAS, the Town of Kearny seeks a certification of compliance with the FHA and, therefore, directs its Town Attorney to file a declaratory relief action in Hudson County within 48 hours of the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED on this 21st day of January 2025 by the Mayor and Council of the Town of Kearny as follows:

1. All of the above Whereas Clauses are incorporated into the operative clauses of this resolution.

2. The Town of Kearny hereby accepts the DCA Round 4 Present Need/Rehabilitation Obligation of 630 units and the Round 4 Prospective Need Obligation of ZERO units described in this resolution, subject to all reservations of rights set forth above.

3. The Town of Kearny hereby directs its Town Attorney, Castano Quigley Cherami LLC, to file a declaratory judgment complaint in Hudson County within 48 hours after adoption of this resolution.

4. The Town of Kearny authorizes the Town Attorney to attach this resolution as an exhibit to the declaratory judgment action that is filed and to submit and/or file this resolution with the DCA or any other such entity as may be determined to be appropriate.

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

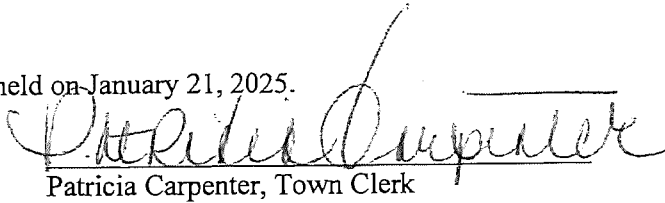
CERTIFICATION

I, Patricia Carpenter, Town Clerk of the Town of Kearny, County of Hudson, State of New Jersey, do hereby certify that the foregoing is a true copy of a resolution adopted by the

Resolution 2025-66

Meeting of January 21, 2025

Mayor and Council at a meeting held on January 21, 2025.

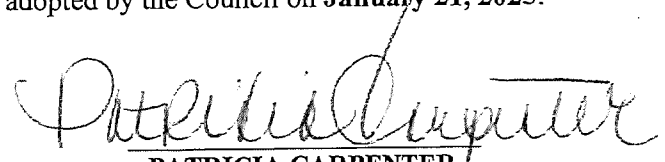


Patricia Carpenter, Town Clerk

James Bruno

ADOPTED: January 21, 2025

I hereby certify that the foregoing resolution was adopted by the Council on January 21, 2025.



PATRICIA CARPENTER
TOWN CLERK

RESULT:	ADOPTED [7 TO 0]
MOVER:	Carol Jean Doyle, Mayor
SECONDER:	Stathis Theodoropoulos, Council Member
AYES:	Doyle, Eckel, DeCastro, Ficeto, Zapata, Theodoropoulos, Esteves
ABSTAIN:	Jose Rodrigues
ABSENT:	Dennis Solano

APPENDIX E

2025 Court Order Affirming and Fixing the Town's Present and Projective Need Affordable Housing Obligation

FILED

May 1, 2025

JOSEPH A. TURULA, P.J.Cv.

CASTANO QUIGLEY CHERAMI LLC
Gregory J. Castano Jr. – Attorney ID No. 040701992
Schuyler Abbott – Attorney ID No. 433022023
7 Giralda Farms – Suite 170
Madison, N.J. 07940
(973) 808-1234
Attorneys for the Town of Kearny

IN THE MATTER OF THE APPLICATION
FOR THE TOWN OF KEARNY, a municipal
corporation of the State of New Jersey
Plaintiff/petitioner,

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
HUDSON COUNTY

Docket No. HUD-L-278-25

Civil Action

**ORDER AFFIRMING AND FIXING
PRESENT AND PROSPECTIVE NEED
AFFORDABLE HOUSING
OBLIGATION**

THIS MATTER having been opened to the Court by way of Complaint for Declaratory Judgment (“DJ Action”) as authorized by Directive #14-24 of the Administrative Office of the Courts, dated December 13, 2024 (the “Directive”), implementing the Affordable Housing Dispute Resolution Program (the “Program”) by Castano Quigley Cherami LLC, counsel for the Town of Kearny, for good cause shown and for the reasons set forth on the record, it is

On this 1st day of May, 2025, ORDERED that:

1. The Town of Kearny has established jurisdiction for the Program by filing the DJ action within forty-eight hours of adopting a binding resolution, Resolution #2025-66 adopted on January 21, 2025 (the “Resolution”), to confirm its present and prospective affordable housing obligations; and
2. The Town of Kearny’s present and prospective affordable housing obligations are as follows: (i) a present need obligation of 630 and (ii) a prospective need

obligation of 0, as calculated by the New Jersey Department of Consumer Affairs and as set forth in the Resolution; and

3. The Town of Kearny will prepare and adopt a Fourth Round Housing Element and Fair Share Plan ("HEFSP"), in accordance with its present and prospective need obligations and the New Jersey Fair Housing Act, *N.J.S.A.* 52:27D-301, *et seq.* (the "Act"), which will be adopted by the Town of Kearny's Planning Board and subsequently adopted by the Town of Kearny no later than June 30, 2025; and
4. The Town of Kearny is immune from all exclusionary zoning litigation, including but not limited to builder's remedy lawsuits, during the pendency of the process outlined in the Act.


Joseph A. Turula, P.J.Cv.

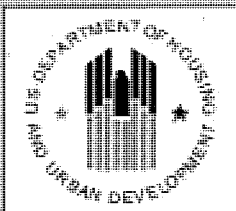
APPENDIX F

2018 HOME Program Policies and Procedures

Hudson County
Division of Housing and
Community Development



HOME Program
Policies and Procedures



Revised January 2018

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I. Introduction

The HOME Program was created by the National Affordable Housing Act of 1990 (NAHA) and is designed to strengthen public-private partnerships and to expand the supply of decent, safe, sanitary, and affordable housing.

HOME funds are used to achieve the following objectives:

- To provide decent affordable housing to lower-income households.
- To expand the capacity of non-profit housing providers.
- To strengthen the ability of state and local governments to provide housing.
- To leverage private sector participation.

Eligible activities are defined in accordance with the following categories:

- Housing rehabilitation,
- Homebuyer activities,
- Rental housing activities, &
- Tenant-based Rental Assistance (TBRA).

The HOME Investment Partnership Program (HOME) is designed to assist communities- often in partnership with local, non-profit projects. The Hudson County Consortium (the "Consortium") for the HOME Program includes the eleven communities in the Hudson Urban County, East Newark, Guttenberg, Harrison, Kearny, Secaucus, Weehawken and West New York as well as the Entitlement municipalities of Bayonne, Hoboken, Union City, and North Bergen. The City of Jersey City is the direct recipient of HOME funds and is not included in the Consortium.

The Hudson County Consortium utilizes its HOME Program allocation to carry out activities that provide funds for the rehabilitation of very low and low income homeowners' units; to increase homeownership opportunities for very low and low income persons and families; and to increase the supply of affordable rental units for very low and low income persons at or below 80% of the Jersey City, New Jersey HUD Metropolitan area median income. These activities are consistent with the priorities set forth in the Hudson County Consortium's Consolidated Plan.

Although many types of activities are eligible under the federal HOME Investment Partnership Program (HOME) regulations, applications for funds must be in conformance with the housing priorities in the Consortium's submitted 2015-2019 Consolidated Plan. These priorities include:

- Supporting the creation of new rental units through new construction or rehabilitation. Within this priority, there is also a focus on creating housing for individuals and families (under 55) and permanent housing for homeless individuals and families.
- Priority will be given to any project that is consistent with County initiatives, including but not limited to: ending veteran homelessness, housing for the very-low and extremely-low income, and redevelopment of foreclosed or abandoned properties.

II. Distribution of Funding

The Consortium distributes HOME funds geographically within the 11 municipalities listed above and among different categories of housing need, according to the priorities identified in its approved consolidated plan. The Consortium only invests HOME funds in eligible projects within its boundaries, or in joint projects within the boundaries of contiguous local jurisdictions, which serve residents from both jurisdictions.

The Hudson County Consortium municipalities include all Hudson County municipalities except the City of Jersey City which has its own HOME allocation and may only be funded by the Hudson County Consortium in select circumstances. In order for the Division to fund projects in the City of Jersey City, the applicant must have a documented commitment from Jersey City and units developed must be for populations that are consistent with the County's priorities such as homeless veterans and families.

Applications for Hudson County HOME funds are accepted on a rolling basis. Before committing funds to a project, the County of Hudson evaluates the project and will not invest any more HOME funds, in combination with other governmental assistance, than is necessary to provide affordable housing.

Recognizing that Hudson County HOME funds are limited, funds are typically intended to provide gap financing for development projects and to fund projects that would otherwise not be available in the community.

A link to Hudson County's online HOME application may be found [through this link](#) or a paper copy may be requested by contacting the Housing & Community Development office.

III. Eligible Projects

A. Eligible Activities

HOME funds may be used to develop and support affordable rental housing and homeownership units. HUD regulations mandate that all housing supported with HOME funds must be permanent. Below is a list of eligible activities:

- New construction
- Rehabilitation
- Reconstruction
- Conversion
- Site improvements
- Acquisition of property
- Acquisition of vacant land if construction will begin on a HOME project within 12 months of purchase. Land banking is prohibited.
- Demolition of an existing structure may be funded through HOME only if construction will begin on the HOME project within 12 months.
- Relocation costs
- Refinancing
- Initial operating reserve
- Project-related soft costs
- Community Housing Development Organization (CHDO) Costs

B. Eligible Property Types

Both single site and scattered site developments are eligible for the HOME program. Single site developments are one or more buildings on one site that are under common ownership, management, and financing. Buildings scattered on more than one site as long as the sites are under common ownership, management, and financing, are eligible to received HOME assistance as part of a single undertaking.

Single Room Occupancy (SRO)/Group Housing

Permanent SRO's and group housing are eligible under the HOME Program, though they will not receive priority points. SROs are subject to more stringent underwriting guidelines and, minimally, must provide a set-aside of units with deep affordability for extremely low income persons. SROs must generally comply with rental housing guidelines. Specific guidance is available through CPD Notice 94-01 "Using HOME funds for Single Room Occupancy (SRO) and Group Housing" available from the County. Please request this notice if you are applying for such a project.

Mixed-Income/ Mixed-Use Projects

Mixed-income and mixed-use (i.e. residential and commercial) are eligible for HOME funds in the affordable portions of the building. However, project costs must be allocated on a rational, documented basis in accordance with the actual unit-by-unit expenditures; or prorating of expenditures reflecting the proportion of HOME units in the project; or a combination of both.

In a mixed-income project, designated HOME-assisted units may change over time (called "floating units as long as the total number of affordable units remains the same and the substituted units are comparable in size, features, and number of bedrooms).

Tax Credit Funded Properties

Tax credits and HOME funds may be used together and for the most part the rules are compatible. The general rule is that when Tax Credit and HOME rules conflict Tax Credit rules are to be followed. Any project receiving Tax Credit and HOME funds requires a layering review to ensure that the project is not receiving an excess amount of subsidy.

Ineligible properties include: projects assisted under title VI of NAHA- Prepayment of Mortgages Insured under the National Housing Act; Public Housing projects; Rental Rehabilitation Program funded projects; properties with existing obligations to any federal, state, or local housing program.

C. Site and Neighborhood Standards

Housing provided through the HOME program must promote greater choice of housing opportunities. Specifically:

- HOME funded housing must be suitable from the standpoint of facilitating and furthering full compliance with Title VI of the Civil Rights Act- 1964, the Fair Housing Act and Executive Order 11063.
- New construction rental projects must meet the site and neighborhood standards from 24CFR 983.6(b), which places limiting conditions on buildings in areas of minority concentration and that are racially mixed.

The Consortium will consider siting and neighborhood standards during the application process. Neighborhood amenities such as access to transportation, healthcare facilities, supportive services, targeted development areas, environmentally safe areas, and access to grocery stores and banking will be considered.

The Consortium will also place priority on project sites that do not have any known environmental hazards. The County must conduct an environmental review on every project. It is the responsibility of the owner to ensure that the County has all the information necessary to complete the review. Project may not begin and funds may not be expended until the review is completed and funds are released by HUD.

D. Forms of Subsidy

HOME allows for a variety of forms of financial assistance to be provided for eligible projects and to eligible beneficiaries. The Consortium's approach to providing HOME funds is to provide the "gap" financing necessary to make the project affordable under the HOME rental / purchase and income guidelines. The focus of this type of underwriting is to maximize private financing and minimize HOME funds. Some forms of assistance will require legal instruments for implementation. HOME regulations list the following forms of assistance as eligible:

- Interest or non-interest bearing loans or advances
- Deferred Loans (forgivable or repayable)
- Grants
- Interest Subsidies
- Equity Investments

Applicants may propose any of the forms listed above; however the Division determines what forms of assistance it will provide. In general the Division provides funds in the form of loans. Projects that can be completed solely with private financing are not eligible.

Detailed underwriting standards for rental housing projects are noted under the rental housing section of these guidelines.

E. Subsidy Limits

The minimum amount of HOME funds that must be invested in a project involving rental housing or home ownership is \$1,000 times the number of HOME-assisted units in the project. Maximum per unit subsidy amounts are included in Appendix 2: Subsidy Limits.

Actual funding levels will vary project by project and may be lower based on cost reasonableness and needs of project.

F. Eligible Beneficiaries/Residents

The Hudson County HOME Program is designed to provide affordable housing to low and very-low-income households and individuals living in Hudson County. For local income limits and Fair Market Rents as defined by HUD, please see Appendix 3: HUD Area Income Limits.

While different restrictions apply to each type of activity, the method for calculating income is the same. The annual income definition found at 24 CFR Part 5 is used by a variety of Federal programs including Section 8, public housing and the Low-Income Housing Tax Credit Program and will be used as the qualifying standard for all County of Hudson HOME programs.

The Part 5 definition of annual income is the *gross amount of income of all adult household members* that is *anticipated to be received* during the coming 12-month period by all adult household members (everyone 18 years of age and older).

Detailed instructions for calculating annual income and determining eligibility for residents can be found in Appendix 6: Calculating Income Eligibility or completed using HUD's online calculator at <https://hudexchange.info/incomecalculator>.

Rental Projects

For rental projects with four or fewer HOME units, all households must be at or below 60% of Area Median Income (AMI). For projects with five or more units, 20% of the households must be at or below 50% of AMI and the remaining 80% of the units must be at or below 60% of AMI.

Units with multiple sources of funding may be governed by HOME rules as well as other restrictions. In these cases, the stricter of the two regulations will apply. For example, tenants of HOME-assisted units that have been allocated low-income housing tax credits by a housing credit agency pursuant to section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42) must pay rent governed by section 42.

To ensure ongoing compliance owners must establish systems to re-certify tenant income on an annual basis. Recertification documents will be monitored by the Division. Units must remain affordable for the duration of the affordability period. These provisions are provided in Section G below. For additional guidance, please see the Rental Compliance Monitoring Guide in Appendix 7: Rental Compliance Monitoring Guide.

Homeowner Projects

Eligible homebuyers must meet the following requirements:

- Household must be at or below 80% of area median income (*At time of purchase*);
- Household will ultimately use the dwelling unit as their principal residence; and
- Household will ultimately legally own the dwelling unit/property (as evidenced though a fee simple title, 99 year leasehold interest, or equivalent form of ownership approved by the County of Hudson)

Hudson County Continuum of Care

The Hudson County Alliance to End Homeless (HCAEH), the local administrator of the Continuum of Care, operates under Coordinated Assessment. All supportive housing for the homeless constructed with Hudson County HOME funds must fill those units through the Coordinated Assessment process. All HMIS data collection and usage must maintain compliance with the Dept. of Housing and Urban Development's HMIS Requirements and NJ Housing and

Mortgage Finance Agency's statewide NJ HMIS Policies and Procedures Manual. Please see the Coordinated Assessment Policies under the Library Tab. The U.S. Department of Housing and Urban Development is encouraging communities to use resources such as the HOME Program to assist in the creation of permanent housing for the homeless with a focus on the chronically homeless. As such the creation of such housing is a priority in our Consolidated Plan and the HOME application review.

In addition, the Veteran Committee of the HCAEH has established a working list of homeless veterans in Hudson County. All projects proposing to serve homeless veterans must work with the Committee and only take referrals from this list.

If you would like further information on how to use HOME funds to assist the homeless please refer to CPD Notice 03-08 which is available at the following website: <http://www.hud.gov/offices/cpd/affordablehousing/lawsandregs/notices/index.cfm>

IV. Long Term Affordability and Occupancy Requirements

A. Rental Projects

The Consortium will provide initial maximum rent limits for each funded project, which may not exceed the published HOME Rents. For projects with five or more HOME units, 20% of the units must be at or below the following Low HOME rent and the remaining units must be below the High HOME rents. The Consortium may designate more than the minimum HOME units in a rental housing project to have Low HOME rents. The rent limit includes both rent and a utility allowance. If an applicant chooses to not include utilities in the rent, the rents must be reduced by the applicable allowances. Allowances are based on building type. Current rent limits and utility allowances are attached in Appendix 4 and Appendix 5.

The Division will allow the developer to determine if the assisted units are “fixed” or “floating”.

- A “fixed” unit is when the owner applies funding requirements to specific units throughout the affordability period.
- A “floating” unit is when the units designated as HOME assisted may change over the term of affordability, as long as the number of HOME assisted unit in the project remains constant.

Whether units are fixed or floating, there always has to be the required amount of designated HOME units in the projects.

Every unit assisted with HOME funds is subject to annually updated rent limits. The maximum HOME rent limits are recalculated on a periodic basis after HUD determines fair market rents and median incomes. Regardless of changes in fair market rents and in median income over time, the HOME rents for a project are not required to be lower than the HOME rent limits for the project in effect at the time of project commitment.

The Division must review and approve rents for each HOME-assisted project annually. The Developer must submit proposed rents to the Division each year (during the period of affordability) for review and approval. Undue rent increases from year to year are prohibited.

If the assisted unit has multiple subsidies, e.g. HOME and LIHTC the more restrictive guidelines must be met for the rent and income limits. Any increase in rents for HOME-assisted units is

subject to the provisions of outstanding leases, and in any event, the owner must provide tenants of those units not less than 30 days prior written notice before implementing any increase in rents.

Additional information on rent limits can be found in the Consortium's Rental Compliance Guide included in Appendix 6.

Lease Requirements

The lease between a tenant and an owner of rental housing assisted with HOME funds must be for not less than one year, unless by mutual agreement between the tenant and the owner. There are a number of prohibited lease provisions. Lease requirements can be found at §92.253. Further lease and compliance information may be found in the Consortium's Rental Compliance Monitoring Guide found in Appendix 6.

Affordability Compliance Period

The minimum length of an affordability period depends on the amount of the HOME Investment in the property and the nature of the activity:

HOME Investment per Unit	Minimum Affordability Period
Less than \$15,000	5 years
\$15,000-\$40,000	10 years
More than \$40,000	15 years
New Construction or acquisition of newly constructed rental housing	20 years
Refinancing of rental housing	15 years

The Division reserves the right to impose longer affordability periods on a case by case basis.

Throughout the period of affordability, income eligible households must occupy the assisted units. When designated rental units become vacant during the period of affordability, subsequent tenants must be income eligible and must be charged the applicable rent. In projects in which the HOME units are designated as floating, tenants who no longer qualify as low-income are not required to pay as rent an amount that exceeds the market rent for comparable, unassisted units in the neighborhood.

Tenants who no longer qualify as low-income (exceeding 80% of Area Median Income) families must pay as rent:

1. The lesser of the amount payable by the tenant under State or local law; or
2. 30 percent of the family's adjusted income.

B. Homeowner Projects

All units must be sold at or below the HOME Unit Sale Limits (95 percent of the median purchase price for the area for the specified housing type) to an eligible buyer at or below 80

percent area median income. The sale price must be such that the amount of Principal, Interest, Taxes, and Insurance does not exceed 35 percent of the Buyer's annual income.

Unit prices may vary (underneath this limit) based on neighborhood trends, target buyers, and project underwriting.

The sale of a property and any assistance to a homebuyer require that the buyer be underwritten according to the County's HOME project underwriting guidelines for homebuyers. This underwriting will include standards for the first mortgage and establish the terms for any subordination of the HOME loan.

If HOME funds are used to help a purchase/acquire one or more rental units along with the homeownership unit, the HOME rental affordability requirements apply to the rental units.

The ownership interest may be subject only to the following:

- Mortgages, deeds of trust or other debt instruments approved by the County of Hudson; or
- Any other encumbrances or restrictions that do not impair the marketability of the ownership interest, other than the HOME Program restrictions on resale.

All homeowners must be provided homebuyer counseling prior to purchase.

Forgiveness of homebuyer debt will be conditioned on the requirement that the properties must be maintained in accordance with minimum local codes and standards throughout the affordability period.

Resale and Recapture Policy

To ensure investments provide affordable housing over the long term occupancy restrictions continue throughout the period of affordability. If a home purchased with HOME assistance is sold during the period of affordability ***resale provisions*** apply to ensure the continued provision of affordable housing over the entire period of affordability. Resale provisions are used because the Hudson County HOME program does not provide direct assistance to the homebuyer.

If the housing does not continue to be the principal residence of the family for the duration of the period of affordability, that housing must be made available for subsequent purchase only to a buyer whose family qualifies as a low-income family and will use the property as its principal residence.

The minimum length of an affordability period depends on the amount of the HOME Investment in the property and the nature of the activity:

HOME Investment per Unit	Minimum Affordability Period
Less than \$15,000	5 years
\$15,000-\$40,000	10 years

More than \$40,000	15 years
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The Division reserves the right to impose longer affordability periods on a case by case basis.

All designated HOME-assisted property sales or transfers under the resale provision during the period of affordability shall meet the following criteria:

1. Sales prices shall be set such that the amount of Principal, Interest, Taxes, and Insurance does not exceed 35 percent of the new Buyer's annual income. Exceptions may be made for multi-unit HOME-assisted housing to account for rental income as needed.
2. The new purchaser must meet the criteria of low income, having an income between 60% and 80% of AMI, and occupy the property as the family's principal residence.
3. Net proceeds from the sale must provide the original homebuyer, a "fair return" on his/her investment (including any down payment and capital improvement investment made by the seller since purchase). The sales price may encompass the following in its formula:
 - a. The cost of any capital improvements documented with receipts including but not limited to the following:
 - i. Any additions to the home such as a bedroom, bathroom, or garage;
 - ii. Replacement of heating, ventilation, and air conditioning systems;
 - ii. Accessibility improvements such as bathroom modifications for disabled or elderly which were not installed through a federal, state, or locally funded grant program; and
 - iv. Outdoor improvements such as a new driveway, walkway, retaining wall, or fence.
 - b. The increase in the value of owner equity and investment as calculated by the cumulative percentage of change as calculated by the Housing Price Index (HPI) calculator of the Federal Housing Finance Agency <http://www.fhfa.gov/DataTools/Tools/Pages/HPI-Calculator.aspx> and projects what a given house purchased at a point in time would be worth today if it appreciated at the average appreciation rate of all homes in the area.

The resale policy is enforced through the use of restrictive covenants. The restrictive covenant will include the following:

1. Length of affordability;
2. Requirement that the home remain the buyer's principal residence throughout the affordability period; and
3. The conditions and obligations of the owner, should the owner wish to sell before the affordability period has expired, including:
 - a. Owner must notify the Hudson County Division of Housing and Community Development in writing if the wish to sell a HOME-assisted unit during the affordability period;

- b. The subsequent purchaser must be between 60% and 80% AMI and occupy the home as their primary residence;
- c. The sales price must be affordable to the subsequent purchaser; affordable is defined as limiting the principal, interest, taxes and insurance total amount to no more than 30% of the new purchaser's monthly income.

Throughout the period of affordability, income eligible households must occupy the assisted units. When designated rental units become vacant during the period of affordability, subsequent tenants must be income eligible and must be charged the applicable rent.

V. Funding and Underwriting

A. Application

Applications to the HOME program are accepted on a rolling basis. The application may be found and completed online [through this link](#). Please contact the Hudson County Consortium directly to receive a paper copy. Only complete applications will be reviewed.

Applicants and developers must be in compliance at all existing Hudson County Consortium funded developments in order to be eligible for new funding.

B. HOME Subsidy Layering and Underwriting Policy

Before committing funds to a project, the Consortium will evaluate each application to determine the feasibility and eligibility. The experience of the project sponsor or developer in the field of housing development, rehabilitation and/or housing management will be assessed. In addition, the financial stability and quality of the project will be evaluated by the Division. This will include, at a minimum, an examination of the sources and uses of funds for the project and a determination that the costs are reasonable; and an assessment of the current market demand in the neighborhood in which the project will be located, level of site control, amount of funding required, level of displacement and firm written financial commitments for the project.

General Underwriting Guidelines

- a. Debt Service Coverage Test. Net operating income, after vacancy reserve and expenses, must be at least 115 percent (1.15 DCR) of the total annual debt service payments due from loan financing, if applicable.
- b. Minimum vacancy allowances of at least 5% will be used for underwriting purposes. Higher vacancy allowances may be used for smaller projects, consistent with sound underwriting practice.
- c. The Division will underwrite stabilized operating expenses as if the property were owned and managed at “arm’s length”, as in foreclosure. Management fees of 4-6% annually will be based on those commonly available in the market, and appropriate reserves based on scale and construction type will be used for replacement of capital items.

- d. The construction and rehabilitation budget must be adequate to complete the proposed work and bring the property into full code compliance. All cost estimates will be reviewed by a County architect to determine reasonableness.
- e. Return on investment will be determined based on the size, type, and level of complexity. Generally, for-profit developments will follow HMFA's guidelines of a return on investment of a base rate (30 year Treasury bond) plus 6 percent for low-income and 4 percent for moderate-income developments. Non-profit developers are not subject to caps on return but must submit an annual statement of how the realized profits are being reinvested into the operation or creation of affordable housing. Development fees may be up to 15 percent of total development costs not including acquisition except in select circumstances.
- f. If additional funding is received from either a state or federal program, the more stringent regulations of either the other program or the HOME Program shall apply.

The County reserves the right to request a letter of credit, a payment and performance bond, or other liquid security acceptable to the County, to ensure successful completion of the project. The bond will be required for the amount of construction or rehabilitation being financed. The bond must be provided by a recognized bonding company or guarantor acceptable to the Department. The amount of a letter of credit will be determined by the County. This letter of credit is particularly important when an owner is acting as a general contractor. In such a case the County will request a letter of credit in an amount equal to the difference between the contractor's cost and the County's cost to hire a general contractor through a public bidding process. Letters of credit must be irrevocable, non-documentary, issued by a reputable bank approved by the County and in a form acceptable to the County. Other forms of security will be subject to County approval. The Department will consider alternative forms of surety that both insulate the Consortium from construction risk, and promote the affordability goals of the program.

The Division may rely upon the guidelines developed and/or evaluations conducted by other agencies, such as when Low Income Housing Tax Credits (LIHTC) or New Jersey Housing and Mortgage Finance Agency.

C. Commitment Letter

Upon review of the completed application package, a positive or negative recommendation to fund the project will be made to the County Administrator and the County Executive. The Project sponsor will be advised, in writing, of the Consortium's approval of the application.

Once an application is approved, a funding commitment letter will be prepared which describes the specific terms of the grant/loan, including rate, amount, collateral, equity requirements, and affordability requirements. The Commitment letter will also specifically identify which units will be HOME assisted and how many are designated as High and Low HOME units.

D. Administrative Plan

An administrative Plan (the “Plan”) must be submitted by the project sponsor to the Division prior to closing. The Plan must provide detail of the project throughout the construction period and lease-up. The Plan will be used by the Division to estimate the payment schedule and monitor the progress of the project. The Plan may be based on the budget and timetable that were submitted in Rental Production Program application. The Plan must include, at a minimum, the following items:

- a. A schedule of construction and/or rehabilitation activities detailing when items will start and finish, as well as which items will overlap. The schedule should include all activity that will take place after the loan contract has been executed.
- b. A complete description of the staff responsible for the implementation of the project. The staff description should include the person responsible for the submission of payment vouchers and monthly reports, as well as the person on site who will be in charge of daily activity.
- c. A sample monthly monitoring report to be used by developers of construction and/or rehabilitation projects. The report should compare actual progress and expenses with the original schedule and budget. The report should provide space to explain any variances.
- d. Any information unique to the project should be detailed in a narrative and incorporated into the schedule, if necessary.

E. Closing Documents

Depending on the type of funding provided, the applicable legal documents will be executed. This typically includes the mortgage, note, regulatory agreement and deed restriction. Various documents will be required before the closing may proceed. Please see the Closing Checklist in Appendix 8: Closing Checklist.

F. Drawdown Process

Beginning of Construction

Construction may not begin on an approved project until the development has been awarded HOME funds and has closed with the County. Costs incurred prior to this date are ineligible for reimbursement.

Release of Funds

All owner equity must be invested in the project prior to the release of any County funds. Prior to the initial release of funds all applicable items on the project checklist included in Appendix 8 must be satisfied. All requests for payment must include an invoice on agency letterhead and the proper Hudson County voucher. Items submitted for reimbursement must include a copy of the original invoice and a copy of the cashed check or bank record. Construction draws will be permitted on a monthly basis. An executed Application & Certificate for Payment (AIA) form must accompany all construction drawdown requests. Correct and complete draw requests submitted by the 5th of the month will be processed for payment by the end of the month.

There will be a maximum of 10% retainage on each contract or subcontract until all work under that contract is completed, lien release is obtained and until the issuance of Certificates of Occupancy by the local municipality.

Taxes, insurance, and debt service payments on the construction loan must be current at the time of each draw. In addition, all of the project sponsor's reporting requirements (construction schedule, draw schedule, Administrative Plan, Affordable Housing Agreement, or other requirements of the commitment or closing documents) must be current to the satisfaction of the Division.

Construction inspections will be conducted by staff of the Division in consultation with the project sponsor and the project architect, as necessary.

Final Payment

At the completion of construction, each project sponsor will be required to submit a detailed cost certification form, certified as true and accurate by the borrower. This form will, at a minimum, show budgeted costs, as approved at the time of the funding commitment. The form must show the costs actually incurred, and must be supported by paid receipts and a comparison must be made between real and projected costs. If actual costs are less than budgeted costs, the amount of the funds may be reduced at the discretion of the Department.

In order to receive final payment the project sponsor must satisfy all items listed in the closing portion of the checklist in Appendix 8.

G. Deadlines for Completion and Occupancy

Rental

Within 4 years of contract execution rental projects must be complete; meaning 100% of HOME funds has been disbursed for the project. Once construction is complete, the property has 18 months in which to achieve 100 percent occupancy. However, both construction and lease-up may not exceed 5 years in total.

The HOME-assisted units in a rental housing project must be occupied by households that are eligible as low-income families and must meet the requirements of this section to qualify as affordable housing. If eligible tenants do not occupy the housing within six months following the date of project completion, the Developer must submit marketing information and, if appropriate, a marketing plan.

HOME funds invested in any housing unit that has not been rented to eligible tenants 18 months after the date of project completion shall be repaid to the County of Hudson and/or HUD.

Homeowner

All projects must complete construction and sell the units with transfer of title within 4 years of the commitment of HOME funds. In addition, any unit not sold within 9 months (6 months for projects funded under county action plans 2013 and earlier) of the completion of construction must be converted to rental and meet all of the requirements for HOME rental housing. HOME

funds provided for any such unit that is not rented within 18 months of conversion must be repaid to the County.

H. Lease- up and Affirmative Marketing Program

Property Management Policies

All HOME program participants must comply with all state and federal laws and regulations regarding fair housing and equal opportunity. No person in the United States shall on the grounds of race, color, national origin, religion, sex, or sexual orientation, be excluded, denied benefits, or subjected to discrimination under any program funded in whole or in part by HOME funds.

Rental

All projects must develop and submit a tenant selection plan to the county for approval that includes, at a minimum, the following items:

- Are consistent with the purpose of providing housing for very low and low-income families;
- Are reasonably related to program eligibility and the applicant's ability to perform the obligations of the lease;
- Provide for the selection of tenants from a written waiting list in the chronological order of their application, insofar as is practicable; and
- Give prompt written notification to any rejected applicant of the grounds for any rejection.

The developer must use fair marketing practices when leasing HOME units. The County of Hudson will review and approve the developer's marketing policy as part of the application review and it will incorporate the policy as part of the funding agreement.

Developers/owners must distribute to residents:

- All applicable HUD or Environmental Protection Agency (EPA) approved pamphlets
- "Renovate Right" Brochure (prior to any repairs that may disturb lead based paint in home built prior to 1978).
- "Protect Your Family from Lead in Your Home"
- "Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards" signed by renters prior to their becoming obligated under a rental
- The County of Hudson requires that developers/owners obtain evidence of tenant receipt of any pamphlet distributed. Owners may create their own receipt of disclosure.

The owner cannot refuse to lease HOME-assisted units to persons with a voucher for Section 8 Tenant-Based Assistance.

Homeownership

The developer must use fair housing marketing practices when selling HOME units, as required by the Fair Housing Act (4.2 U.S.C. 3601-29). The County will review and approve the developer's marketing policy as part of the application review and it will incorporate the policy as part of the funding agreement.

Affirmative Fair Housing

Recipients of HOME funds are held to Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4), the Fair Housing Act (42 U.S.C. 3601 et seq.), E.O. 11063 20 Title VI of the Civil Rights Act of 1964, P. L. 88-352 and the regulations of HUD with respect thereto, including 24 CFR, Parts 1.

HOME recipients are prohibited from discriminating on the basis of:

- Race
- Color
- Religion
- National origin
- Disability Status (Including prior Alcohol & Illegal Substance Addictions)
- Familial status
- Ethnicity
- Gender
- Gender Identity
- Language(s) Spoken
- Literacy
- Sexual Orientation
- Veteran Status

Discrimination is prohibited in the assistance, tenant selection, sale, rental, and financing of dwellings. It is also prohibited in program administration and any enforcement mechanisms.

In accordance with the regulations of the HOME Program 24 CFR 92.350 and 92.351; and in furtherance of the Hudson County Consortium's commitment to nondiscrimination and equal opportunity in housing, the Consortium has established procedures and requirements to affirmatively market units built or rehabilitated under the HOME Program containing five or more housing units Please see Appendix 9: Affirmative Fair Housing Marketing Plan for the Affirmative Fair Housing Marketing Plan HUD form.

The Consortium believes that individuals of similar economic levels in the same housing market area should have available to them a like range of housing choices regardless of their race, color, religion, sex and national origin. The Consortium is committed to the goals of affirmative marketing which will be implemented through a specific set of steps that the Consortium and participating owners will follow. These goals will be reached through the following procedures:

- i. *Informing the General Public, Potential Owners and Tenants About Federal Fair Housing Laws and the Consortium's Affirmative Marketing Policy*

The Hudson County Division of Housing and Community Development will inform the general public about fair housing laws and the Consortium's affirmative marketing policy through press releases, news articles, and advertisements in the local newspapers, i.e. the Jersey Journal and at least one widely circulated local Spanish language newspaper. It will conduct technical meetings with the representatives of local housing/tenant organizations, municipalities, non-profit groups and concerned citizens. It will clearly

display the "Equal Housing Opportunity" logo or slogan in all announcements regarding the program. The Consortium will also make copies of its "Affirmative Plan" available to the public.

a) Informing Owners

The Consortium will inform owners of the Federal Fair Housing Laws and the Consortium's affirmative marketing policy prior to the approval of their projects as a HOME assisted project. In addition, property owners will via a letter of Certification and Assurance that they will comply with Title VI, Title VIII and Executive Orders 11063 and 11246.

b) Informing Potential Tenants

The Consortium will contact one or more tenant or public service organizations, in the housing market area that serves lower income people to inform potential tenants about Federal Fair Housing laws and the Consortium's affirmative marketing policy.

ii. *Affirmative Marketing Procedures for Informing Persons in the Housing Market Area about Units*

Property owners (developers and sponsors) will assume this responsibility under their contracts with the Hudson County Consortium as they participate in the HOME Program. Owners, often in cooperation with community groups and social service providers, will advertise or solicit prospective tenants. At a minimum, owners will be required to use the "Equal Housing Opportunity" logos in advertising. Owners also will be required to conduct tenant solicitation and selection according to applicable Fair Housing law. Project signs used during construction will also contain the "Equal Housing Opportunity" logo.

The Hudson County Consortium will require that property Owners, selected for program participation, to honor affirmative marketing contract stipulation indicating non-compliance may result in foreclosure proceedings.

All projects will be affirmatively marketed through:

- a. the local media, including Hispanic newspapers;
- b. local service agencies and non-profits.

iii. *Procedures to be used by Owners to Inform and Solicit Applications From Persons in the Housing Market Area Who Are Not Likely to Apply for Housing Without Special Outreach*

U.S. 2010 Census data indicates that the Hudson County Consortium is the residence of a substantial Hispanic population. Due to the language barrier, it is believed that this group is least likely to apply for rehabilitated housing without special outreach. An analysis of tenant racial characteristics occupying rehabilitated units is indicative of this fact. Program advertisement will be placed in newspaper publications within the Hispanic community and will appear in Spanish.

Each owner will be required, as part of the agreement for assistance, to:

- a. Use the "Equal Housing Opportunity" logo, slogan, or statement in all advertising.
- b. Where appropriate to advertise, use media, including minority outlets, likely to reach persons least likely to apply for the housing.
- c. Accept a fair housing policy.
- d. Where there is a project sign, display the "Equal Housing Opportunity" logo.
- e. Work cooperatively with the various County and non-profit agencies who serve individuals and families in the target income groups.

iv. *Record Keeping*

In accordance with HUD requirements, Section 511.71(a)(2), the Consortium will, to the greatest extent possible, secure and keep data on the racial, ethnic and gender characteristics of the tenants:

- a. occupying units before HOME assistance;
- b. moving from and into projects after HOME assistance;
- c. applicants for tenancy, 90 days following completion of rehabilitation.

Property owners will also keep records of:

- a. copies of ads placed in the Jersey Journal or other publication as required;
- b. records of dates with tenants;
- c. records of dates of meetings and descriptions of attendees;
- d. letters to agencies and organizations for special group outreach for each HOME assisted unit
- e. applications for units by prospective tenants.

v. *Assessment to Affirmative Marketing Effort of All Participants*

The affirmative marketing efforts of project sponsor will be assessed as follows:

- a. To measure good faith efforts - examine records required of owners to be maintained on actions they have taken, and compare them with the actions required to be taken. If the required actions have been carried out, where possible, as specified, it will be assumed the owners have made good faith effort to carry out these procedures.
- b. To determine results - assess property owner's affirmative marketing efforts in relation to whether or not persons from a variety of racial and ethnic groups in the area, and particularly groups who ordinarily would not apply, have applied and become tenants in the rehabilitated units. If it is found that they have, it can be assumed that the owners have effectively carried-out the specified Affirmative Marketing Procedures.

If the representation of racial/ethnic group is not broad or the least likely to apply group is not represented, the Consortium will review the Affirmative Marketing Procedures to determine what changes, if any, might be made to make more effective the affirmative marketing efforts in informing persons in all groups about rental opportunities.

vi. *Corrective Action*

The Consortium will take corrective action if it is determined that a property owner has failed to carry out the required procedures or fails to maintain records on tenants and applicants. If, after discussions with the owner on the methods used to meet the affirmative marketing requirements, the owners continues to fail to meet the affirmative marketing requirements, and the owners has been given an opportunity to correct identified deficiencies, the Consortium may disqualify the owner from further participation in future housing programs administered by the Consortium and/or legal action.

VI. Federal Requirements

A. Housing Accessibility

Most housing properties fall under several different laws. Federal programs and the age of the property determine which laws apply.

- Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) protects race, religion, sex and national origin
- The Fair Housing Amendments Act of 1998 (Amendments Act - FHAA) added disability and familial status
- The Americans with Disabilities act (ADA) of 1990 addresses public accommodations (rental offices and common areas are considered public accommodations)

For more information on the Americans with Disabilities Act, visit the Department of Justice ADA Home Page. <http://www.ada.gov/>

- Section 504 of the Rehabilitation Act of 1973 (Section 504) applies to those receiving federal assistance

For more information, see the Reasonable Accommodations section of the Section 504 Frequently Asked Questions page.

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/sect504

B. Employment and Contracting

Equal Opportunity

HOME recipients must comply with the following regulations that ensure equal opportunity for employment and contracting.

- Equal Employment Opportunity, Executive Order 11246, as amended: Prohibits discrimination against any employee or applicant for employment because of race, color, religion, sex or national origin. Provisions to effectuate this prohibition must be included in all construction contracts exceeding \$10,000. Implementing regulations may be found at 41 CFR Part 60.
- Section 3 of the Housing and Urban Development Act of 1968: Requires that, to the greatest extent feasible, opportunities for training and employment arising from HOME will be provided to low-income persons residing in the program service area. Also, to the

greatest extent feasible, contracts for work (all types) to be performed in connection with HOME will be awarded to business concerns that are located in or owned by persons residing in the program service area. Contracts over \$200,000 and subcontracts over \$100,000 must include the Section 3 clause.

Outreach to Minority and Women's Business Enterprises

The Hudson County Consortium encourages the use of minority and women-owned businesses pursuant to Section 281 of the HOME Investment Partnerships Act and 24 CFR 92.350. Accordingly, the Consortium has adopted the following policies to ensure HOME funded agencies make a good faith effort to affirmatively assure that minority-owned and women-owned businesses are afforded contracting opportunities.

This policy applies to all contracts, subcontracts and procurements for services (including engineering and legal), supplies, equipment, and construction. The goal of this policy is to make MBE/WBE firms aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. To achieve this goal, the affirmative steps that must be followed are:

1. Include qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Ensure that small and minority and women's businesses are solicited whenever they are potential sources of products or services to be bid;
3. Include the statement "**minority and women owned businesses are encouraged to apply**" in all bid/solicitation documents
4. Divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women business enterprises;
5. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business and women business enterprises;
6. Using the services and assistance of the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
7. Require the Prime Contractor to take affirmative steps as outlined in items one through six above to subcontract with small and minority and women's businesses, if they award subcontracts.

Hudson County maintains a list of businesses in the Office of WMBE. Sponsors will be provided with a list prior to construction bidding and must document that bid advertisements were shared with these firms.

"Good Faith" Effort Compliance Documentation

The recipient of HOME funds must provide documentation to support a "good faith" effort in the solicitation of MBE and WBE firms.

- Copies of announcements/postings in newspapers or other media for specific contracting/subcontracting opportunities. Include language in announcements/postings that MBE/WBE firms are encouraged to bid.
- Copies of bids obtained

Davis-Bacon Act

Any contract for the construction of Affordable Housing with **12 or more units** will require that all laborers and mechanics who are employed to perform work on any project, or any contractor or construction work which is financed, in whole or in part, with assistance which is received under the Housing and Community Development Act of 1974 shall be paid wages at rates which are not less than those that prevail in the locality for similar construction and shall receive overtime compensation in accordance with the Contract Work Hours and Safety Standards Act.

The contractor and its subcontractors shall also comply with all applicable Federal laws and regulations, which pertain to labor standards, including the minimum wage law.

Recipients of HOME funds shall:

- Not discriminate against any employee or applicant for employment on the basis of religion and not limit employment or give preference in employment to persons on the basis of religion; and
- Not discriminate against any person applying for such public services on the basis of religion and not limit such services or give preference to persons on the basis of religion; and
- Provide no religious instruction or counseling, conduct no religious worship or services, engage in no religious proselytizing and exert no other religious influence in the provision of such public services. <http://www.hud.gov/progdesc/sec-109.cfm>

C. Environmental Review

The environmental effects of each activity carried out with HOME funds must be assessed in accordance with the provisions of the National Environmental Policy Act of 1969 (NEPA) and the related authorities listed in HUD's implementing regulations at 24CFR parts 50 and 58.

No HOME funds will be committed without the establishment of an Environmental Review Record and the appropriate level of Review completed (6600). It is the intention of the County to complete the ERR prior to committing funds, however in the event this is not feasible, funds committed to a HOME activity or project will be conditional on the completion of the environmental review and approval of the request for release of funds and related certification, except as authorized by 24 CFR part 58. Changes to the project site or address will result in subsequent and additional review prior to commitment and release of funds.

As per Section 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106) all owners/developers must obtain flood insurance if the site is located in a FEMA designated 100-year flood plain.

D. Lead Based Paint Hazards

The HOME Program requires owners/developers to take actions to reduce lead-based paint hazards in HOME-assisted units. Owners must comply with 24 CFR 35, the regulations implementing the Lead-Based Paint Poisoning Prevention Act along with requirements for dealing with lead-based paint found in the Uniform Physical Condition Standards (UPCS). Current Part 35 requirements stipulate that all occupants receive and acknowledge notice of the possible presence of lead paint.

Level of Assistance in Property	Hazard Reduction Requirements	Summary of Requirements
Assistance of more than \$5,000 per unit up to and including \$25,000 per unit	Interim controls.	<p><i>Interim controls</i> means a set of measures designed to reduce temporarily human exposure or likely exposure to lead-based paint hazards.</p> <p>Once work is completed a passing a NJ Dept. of Health LEAD SAFE CERTIFICATE must be realized for the exterior, common spaces, and all assisted units. Interim controls include, but are not limited to, repairs, painting, temporary containment, specialized cleaning, clearance, ongoing lead-based paint maintenance activities, and the establishment and operation of management and resident education programs.</p>
Assistance of more than \$25,000 per unit	Abatement of lead-based paint hazards.	<p><i>Abatement</i> means any set of measures designed to permanently eliminate lead-based paint or lead-based paint hazards (see definition of “permanent”) on the exterior, common spaces, and all assisted units. Once work is completed a passing a NJ Dept. of Health Lead Free Certificate must be realized for the exterior, common spaces, and all assisted units.</p> <p>Abatement includes:</p> <ol style="list-style-type: none"> (1) The removal of lead-based paint and dust lead hazards, the permanent enclosure or encapsulation of lead-based paint, the replacement of components or fixtures painted with lead-based paint, and the removal or permanent covering of soil-lead hazards; and (2) All preparation, cleanup, disposal, and post abatement clearance testing activities associated with such measures.

The Lead-Based Paint Poisoning Prevention Act applies to all units in a property assisted with HOME funds -- not only to HOME-assisted units. During the compliance review, staff will monitor to ensure that the owner has conducted all necessary activities and maintained appropriate documentation in their files.

Owners/developers must be in compliance with 24CFR35 and Sections 302 and 401 (b) of the Lead-Based Paint Poisoning Prevention Act. This subpart implements the provisions of 42

U.S.C. 4852d, which impose requirements on the sale or lease of housing. The seller or lessor of housing shall:

- Disclose to the purchaser or lessee the presence of any known lead-based paint and/or lead-based paint hazards;
- Provide available records and reports;
- Provide the purchaser or lessee with a lead hazard information pamphlet;
- Give purchasers a 10-day opportunity to conduct a risk assessment or inspection; and
- Attach specific disclosure and warning language to the sales or leasing contract before the purchaser or lessee is obligated under a contract to purchase or lease target housing.

In addition, any disturbance of a painted surface on housing constructed prior to 1978 requires additional testing, notices and remediation as specified by 24CFR35.

E. Recordkeeping

The County of Hudson, HUD, the Comptroller General of the United States or any of their authorized representatives, has the right to access the Project and any books, documents, papers or other records of a HOME assisted unit.

Developers/owners will maintain all books and records pertaining to HOME assisted units with the provisions of 24 C.F.R. § 92.508 for a period of not less than five (5) years after the affordability period ends and all matters pertaining to the project (e.g., audit, disputes or litigation) are resolved under applicable federal or state laws, regulations or policies.

Developers/Owners shall maintain records for inspection by the County as discussed in the Rental Compliance Monitoring guide found in Appendix 7. The developer/owner will make any additional records requested available to the County of Hudson upon request.

F. Uniform Relocation Assistance

All owners/developers shall be in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 et seq.).

G. Construction Standards

Housing that is constructed or rehabilitated with HOME funds must meet all applicable local codes, rehabilitation standards, ordinances, and zoning ordinances at the time of project completion. Specifically, housing must meet the County of Hudson HOME Construction Standards and must conform to any design plans and specifications provided as part of a developer or owner application. Projects will be regularly inspected during the construction period to monitor for progress and compliance.

Newly constructed housing must meet the current edition of the Model Energy Code published by the Council of American Building Officials.

All other HOME-assisted housing (e.g., acquisition) must meet all applicable State and local housing quality standards and code requirements and if there are no such standards or code requirements, the housing must meet the housing quality standards in 24 CFR 982.401.

The housing must meet the accessibility requirements at 24 CFR part 8, which implements Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and covered multifamily dwellings, as defined at 24 CFR 100.201, must also meet the design and construction requirements at 24 CFR 100.205, which implement the Fair Housing Act (42 U.S.C. 3601-3619).

Construction of all manufactured housing must meet the Manufactured Home Construction and Safety Standards established in 24 CFR Part 3280. These standards pre-empt State and local codes covering the same aspects of performance for such housing.

An owner of rental housing assisted with HOME funds must maintain the housing in compliance with all applicable State and local housing quality standards and code requirements and if there are no such standards or code requirements, the housing must meet the housing quality standards in 24 CFR 982.401.

The following requirements apply to housing for homeownership that is to be rehabilitated after transfer of the ownership interest:

Before the transfer of the homeownership interest, Hudson County will:

- Inspect the housing for any defects that pose a danger to health; and
- Notify the prospective purchaser of the work needed to cure the defects and the time by which defects must be cured and applicable property standards met.

The housing must be free from all noted health and safety defects before occupancy and not later than 6 months after the transfer. The housing must meet the property standards in paragraph (a) (1) of this section not later than 2 years after transfer of the ownership interest.

All new buildings and gut rehabilitations shall be designed to meet the National ENERGY STAR efficiency performance specifications. All projects must comply with the National Home Energy Rating System guidelines and use ENERGY STAR mechanical systems and appliances. Other Energy Star and “green” components are encouraged as practicable. Additionally, rental housing property owners must maintain these housing standards for the duration of the regulatory period. Periodic inspections will be conducted by the County to insure these standards are complied with.

H. Financial Management Requirements

Projects and programs receiving HUD funds must abide by the financial management requirements of the Federal Office of Management and Budgets which pertain to their particular type of organization, whether it is an institution of Higher Education, a hospital, other non-profit, a state, a local government, etc. For instance, a CHDO serving as a sub-recipient for the Consortium and as a development organization has different OMB requirements based on their activity.

Some of the basic financial requirements are:

OMB Circular A-110: Uniform Administrative Requirements for grants and Agreement with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations (<http://www.whitehouse.gov/omb/circulars/a110/a110.html>);

OMB Circular A-133: Audits of States, Local Governments and Non-Profit Organizations (<http://www.whitehouse.gov/omb/circulars/a133/a133.html>);

OMB Circular A-122: Cost Principles for Non-Profit Organizations (<http://www.whitehouse.gov/omb/circulars/a122/a122.html>)

Audit requirements for non-profit organizations

Non-profit organizations subject to regulations in the part 200 and part 800 series of title 24 of the CFR shall comply with the audit requirements of revised OMB Circular A-133, "Audits of States, Local Governments, and Non-profit Organizations" (see 24 CFR 84.26). For HUD programs, a non-profit organization is the mortgagor or owner (as these terms are defined in the regulations in the part 200 and part 800 series) and not a related or affiliated organization or entity.

For rental projects with 10 or more units financial statements prepared an independent CPA (in the form of either a formal annual audit or CPA-compiled review) must be annually submitted to the County of Hudson for review.

The Hudson County Consortium will collect organizational audits during the annual Rental Compliance Monitoring process.

Fiscal Policies

The owner must submit annual operating budgets to the County of Hudson for review (in a similar format to the pro-forma). If problems are identified, the County of Hudson may offer technical assistance and/or request additional documentation and corrective actions.

VII. Community Housing Development Organizations

A. Overview

The National Affordable Housing Act of 1990 (the “Act”) created the HOME Investment Partnerships Program (HOME). The Act’s objectives include (1) promoting partnerships among states, local governments and non-profit organizations; (2) increasing the capacity of non-profit organizations to develop and manage affordable housing.

To help achieve these objectives the Act requires that Participating Jurisdictions (PJs) set aside at least 15% of their HOME funds for housing that is developed, owned or sponsored by Community Housing Development Organizations (CHDOs).

The reason for the 15% set-aside is to:

- Provide reasonable supplemental operating funds to CHDOs with the purpose of expanding their ability to produce housing units. This funding is not intended to serve as a primary source of funding for the organization. The CHDO should demonstrate the ability to leverage other sources of funds for future operations and to grow into self-sufficiency.
- Increase the organizational capacity of the recipient to allow the organization to develop HOME Program CHDO-eligible activities such as; transitional housing, permanent supportive housing, rental housing, and homebuyer activities, within 24 months of receiving the award.

B. Definition of A CHDO

The HOME Program definition of a CHDO can be found at 24 CFR 92.2

The definition outlines the criteria that an organization must meet to qualify as a CHDO. The criteria focus on the:

- legal status of the organization;
- capacity and experience;
- organizational structure;
- and relationship of the CHDO to for-profit entities

The CHDO checklist outlines these criteria in detail. The following is a summary of some of the key criteria necessary to qualify as a CHDO.

1. Legal Status

- 1) The CHDO must be organized under state law
- 2) One of the purposes of the organization must be the provision of decent housing that is affordable to low-income and moderate-income persons. This statement of purpose may be evidenced in the organization's charter, articles of incorporation, by-laws, or board resolutions.
- 3) The CHDO must be have non-profit status under §501(c)(3) or (4) of the Internal Revenue Code of 1986.
- 4) The organization must have a clearly defined geographic area that is smaller than the entire state.

2. Capacity and Experience:

- 1) The CHDO must have at least one year of experience serving the community. This can be satisfied by a statement that documents at least one year of experience in serving the community, or for a newly created organization formed by local churches, service or community organizations, a statement that documents that its parent organization has at least one year of experience in serving the community. This service can include developing new housing, rehabilitating housing, managing housing, or delivering non-housing services to the community such as counseling, food services, or child care facilities.
- 2) The organization must have paid employees with housing development experience who will work on projects assisted with HOME funds. (**for its first year of funding as a CHDO, an organization may satisfy this requirement through a contract with a consultant who has housing development experience to train appropriate key staff of the organization*).
- 3) The CHDO must have financial management systems that meet the federal standards outlined in 24 CFR 84.21. The most recent version of OMB Circulars A-110 (24 CFR 84) A-133 may be obtained at <http://www.whitehouse.gov/omb/circulars>

3. Organizational Structure

- 1) At least one-third of the organization's board of directors must be representatives of the low-income community served by the CHDO; no more than one-third may be representatives of the public sector, including employees of the PJ.
- 2) The CHDO must also provide a formal process for low-income HOME Program beneficiaries to advise the organization in all of its decisions regarding the design, development, and management of all HOME Program assisted affordable housing projects. This provision for accountability to the low-income community, entails, at a minimum, a written procedure adopted by the board for obtaining input from the community regarding the delivery of housing whenever HOME Program funds are

used.

4. Relationship to For-Profit Entities

The CHDO cannot be controlled by for-profit organizations or individuals.

C. Certification/Review Process

The Division will accept CHDO certification applications throughout the year. The Division will only review completed application packets and applicable documentation. Applicants will be notified by the Division, if their application has been approved, denied, or what additional information and documentation is necessary to make a determination.

The Division is required to certify an organization as a CHDO each time it commits funds to an organization. Therefore, organizations that have previously been certified by the Division must complete this application for each new project. For a copy of the CHDO application see Appendix10: CHDO Application.

Each application will be reviewed by evaluating the following:

- Completeness - All required exhibits and attachments are included and the application was received on or before the due date.
- The application meets the required thresholds (serves the eligible populations, has requested funding for the appropriate uses, etc.).
- The organization has shown enhanced capabilities including, but not limited to; employees have specialized skills, the organization has long-term partnerships with for-profit entities, and has shown an advanced ability to leverage additional funding, etc.

D. Accessing CHDO HOME Funds

Any non-profit organization is eligible to apply for funding under the HOME Program, but only those non-profit organizations that receive certification as a CHDO are eligible to apply for funds from the Division's CHDO set-aside.

Once an organization has been approved and receives CHDO status from the Consortium, it may apply for CHDO funds. Certification as a CHDO does not guarantee that an organization will receive funding from the HOME Program. Whether a CHDO is successful in accessing funds will be a function of the merits of its proposed project, project feasibility, ability to proceed, and the strength of its partnership in and with the Division. The strength of the partnership between the Consortium and the CHDO has a great deal to do with communication and compliance.

E. Eligible CHDO Set-aside Activities

1. Only certain types of activities count toward the 15% set-aside.

The eligible activities are:

- a. Acquisition and/or rehabilitation of rental housing
- b. Construction of new rental housing
- c. Acquisition and/or rehabilitation of properties for home ownership
- d. New construction for home ownership

The following activities are not eligible for CHDO set-aside:

- a. Tenant-based rental assistance
- b. Rehabilitation of owner-occupied properties
- c. Direct home buyer assistance for existing housing (not developed, owned, or sponsored by a CHDO)

F. CHDO Roles

The 15% set-aside can only be used for projects in which a CHDO is the developer, owner or sponsor.

1. **CHDO as “Developer”** – A CHDO is a “developer” when it either owns property or develops a project.
 - a. **Rental Housing:** A CHDO that is a “developer” of rental housing is defined at §92.300(a)(3). The CHDO is the owner (in fee simple absolute or long-term ground lease) and developer of the project and must be in sole charge of all aspects of the development process, including obtaining zoning, securing non-HOME funds, selecting contractors, overseeing the progress of work, and determining reasonableness of costs. The CHDO must own the HOME-assisted housing during the development process and throughout the period of affordability.
 - b. **Home ownership:** For HOME-assisted homebuyer projects, the housing is “developed” by the CHDO if it is the owner (in fee simple absolute) and developer of new housing that will be constructed or existing substandard housing that is owned or will be acquired by the CHDO and rehabilitated for sale to low-income families, in accordance with §92.254. To be the “developer,” the CHDO must arrange financing for the project and be in sole charge of construction. As part of its set-aside funds, the CHDO can provide direct down payment assistance to a buyer of the housing it has developed with HOME funds in an amount not to exceed 10 percent of the amount of HOME development funds.
2. **CHDO as “Owner”** – A CHDO that is an “owner” of rental housing is defined at §92.300(a)(2). The CHDO is required to own (in fee simple absolute or long-term ground lease) multifamily or single family housing that is rented to low-income

families, in accordance with §92.252. The CHDO must own the HOME project during development and throughout the period of affordability, and is required to hire and oversee all aspects of the development process. At a minimum, the CHDO can own the property and hire a project manager or contract with a development contractor to oversee all aspects of the development – including, obtaining zoning, securing non-HOME financing, selecting a developer, or general contractor, overseeing the progress of the work and determining the reasonableness of costs.

3. **CHDO as “Sponsor”** – The Final HOME Rule provides two definitions of a “sponsor” of HOME-assisted rental housing:
 - a. §92.300(a)(4) clarifies the requirement for CHDOs to maintain effective project control when acting as “sponsor” of rental housing: A CHDO “sponsors” rental housing when the property is “owned” or “developed” by:
 - A subsidiary of the CHDO (in which case the subsidiary, which may be a for-profit or non-profit organization, must be wholly owned by the CHDO);
 - A limited partnership (in which the CHDO or its wholly owned subsidiary must be the sole general partner); or
 - A limited liability company (in which the CHDO or its wholly owned subsidiary must be the sole managing member). If the limited partnership or limited liability company agreement permits the CHDO to be removed as sole general partner or sole managing member, respectively, the agreement must require that the removal be “for cause” and that the CHDO must be replaced by another CHDO. In addition, HOME funds must be provided to the entity that owns the project.
 - b. §92.300 (a)(5) codifies the pre-2013 Rule definition of “sponsor.” It states that a CHDO “sponsors” HOME-assisted rental housing in situations in which the CHDO owns and develops the housing and agrees to convey the housing to a private non-profit organization (that does not need to be a CHDO but cannot be created by a governmental entity) at a predetermined time after completion of the project development. Such arrangements typically occur when a CHDO has development expertise and the non-profit organization has the capacity to own and operate the housing. The CHDO is required to own the property before the development phase of the project and is required to select the non-profit organization before entering into an agreement with the PJ that commits HOME funds to the project. The non-profit organization assumes the CHDO’s HOME obligation (including any repayment of loans) for the project. If the property is not transferred to the non-profit organization, the CHDO sponsor remains liable for the HOME assistance and the HOME project.

Appendix 1: Definitions

1. **Action Plan:** The one-year portion of the Consolidated Plan. It includes the PJ's annual application for HOME funds.

2. **Adjusted Income:** Adjusted income is annual (gross) income reduced by deductions for dependents, elderly households, medical expenses, handicap assistance expenses and childcare (these are the same adjustment factors used by the Section 8 Program). Adjusted income is used in HOME to compute the actual tenant payment in TBRA programs and the low HOME rent in rental projects in which rents are based on 30% of a family's adjusted gross income.

3. **Affordability:** The requirements of the HOME Program that relate to the cost of housing both at initial occupancy and over established timeframes, as prescribed in the HOME Final Rule. Affordability requirements vary depending upon the nature of the HOME assisted activity (i.e., homeownership or rental housing).

4. **Annual Income:** Annual income as defined in 24 CFR 5.609, referred to as "Part 5 annual income", also known as the rules for determining income under the Section 8 voucher program.

5. **Commitment:** Commitment means (1) The participating jurisdiction has executed a legally binding written agreement (that includes the date of the signature of each person signing the agreement) with a State recipient, a subrecipient, or a contractor to use a specific amount of HOME funds to produce affordable housing, provide down payment assistance, or provide tenant-based rental assistance; or has met the requirements to commit to a specific local project, as defined in paragraph (2) of this definition. (See § 92.504(c) for minimum requirements for a written agreement.) An agreement between the participating jurisdiction and a subrecipient that is controlled by the participating jurisdiction (e.g., an agency whose officials or employees are official or employees of the participating jurisdiction) does not constitute a commitment. An agreement between the representative unit and a member unit of general local government of a consortium does not constitute a commitment. In addition, and only until October 21, 2013, a properly executed written agreement reserving a specific amount of funds for a CHDO may constitute a commitment. As of October 22, 2013 the requirements for commitment to a specific local project will apply to all CHDO fund commitments.

6. **Commitment to a specific local project:** Commitment to a specific local project means that a legally binding agreement was executed meeting one of the following sets of requirements:

(1) For rehabilitation or new construction projects, the PJ (or other entity) and the project owner will execute an agreement for an identifiable project for which all necessary financing has been secured, a budget and schedule have been established, and underwriting has been completed and under which construction is scheduled to start within 12 months of the agreement date.

(2) If the project consists of acquisition of standard housing by the PJ, the agreement must be a binding contract for the sale of an identifiable property and the property title must be transferred to the PJ (or other entity) within six months of the date of the contract.

(3) If the project involves the acquisition of standard housing and the County of Hudson is providing HOME funds to a purchaser, under the agreement, the title of the property must be transferred to the purchase within six months of the agreement date.

(4) If the project consists of TBRA, the County of Hudson/Subrecipient must enter into a rental assistance contract with the owner or the tenant in accordance with the provisions of 24 CFR Part 92.209.

(5) Note that preliminary or conditional "commitments" may be made, but no funds are considered committed under the rules unless the above conditions have been met.

7. Consolidated Plan: A plan prepared in accordance with the requirements set forth in 24 CFR Part 91 which describes community needs, resources, priorities and proposed activities to be undertaken under certain HUD programs, including HOME.

8. Consortium: Geographically contiguous units of general local government consolidated to be in a single unit of general local government for HOME Program purposes when certain requirements are met.

9. Community Housing Development Organization (CHDO): A private, non-profit organization that meets a series of qualifications prescribed in the HOME regulations at 24 CFR Part 92.2. The HOME New Rule requires that CHDO's have paid staff with demonstrated capacity appropriate to the CHDO's role (this requirement cannot be met through volunteer, donated staff, shared staff, or board members). A participating jurisdiction must award at least 15 percent of its annual HOME allocation to CHDOs.

10. Draw-Down: The process of requesting and receiving HOME funds. The County of Hudson will draw down funds from a line of credit established by HUD.

11. Final Rule: The Final HOME Rule was published at 24 CFR Part 92 on July 24, 2013 and became effective on August 24, 2013.

12. **Group Home:** Housing occupied by two or more single persons or families consisting of common space and/or facilities for group use by the occupants of the unit, and (except in the case of shared one-bedroom units) separate private space for each family.

13. **HOME-Assisted Units:** A term that refers to the units within a HOME project for which rent, occupancy and/or resale restrictions apply. The number of units designated as HOME-assisted affects the maximum HOME subsidies that may be provided to a project.

16. **Household:** One or more persons occupying a housing unit.

17. **Jurisdiction:** A state or unit of general local government.

18. **Low-Income Families:** Families whose annual incomes do not exceed 80 percent of the median income for the area (adjusted for family size).

19. **Match:** Match is the other funding contributions to projects receiving funding from the HOME Program – the private, local, or other non-Federal contribution to the partnership. The Consortium's match contribution must equal not less than 25 percent of the HOME funds drawn down for projects in that fiscal year.

20. **New Construction:** The creation of new dwelling units. Any project which includes the creation of new or additional dwelling units in an existing structure is considered new construction.

21. **Participating Jurisdiction (PJ):** The term given to any state, local government or consortium that has been designated by HUD to administer a HOME Program. HUD designation as a PJ occurs if a state or local government meets the funding thresholds, notifies HUD that they intend to participate in the program and has a HUD-approved Consolidated Plan.

22. **Program Income:** Gross income received by the C, state recipient, or a sub recipient directly generated from the use of HOME funds or matching contributions.

23. **Project:** A site or an entire building or two or more buildings, together with the site or sites on which the building or buildings is located, that are under common ownership, management and financing and are to be assisted with HOME funds, under a commitment by the owner, as a single undertaking. The HOME Final Rule eliminated the requirement that all buildings fall within a four block radius.

24. **Project completion:** All necessary title transfer requirements and construction work have been performed; the project complies with all HOME requirements; the final draw-down of HOME funds has been disbursed for the project; and the project completion information has been entered in the disbursement and information system established by HUD, except that with respect to rental housing project completion, for the purposes of § 92.502(d) of this part, project completion occurs upon completion of construction and

before occupancy. For TBRA, project completion means the final draw-down has been disbursed for the project.

25. Reconstruction (also rehabilitation): The rebuilding, on the same lot, of housing standing on a site at the time of project commitment. Except that housing that was destroyed may be rebuilt on the same lot if HOME funds are committed within 12 months of the date of destruction the number of housing units on the lot may not be changed as part of the reconstruction project, but the number of rooms per unit may change. Reconstruction also includes replacing an existing substandard unit of manufactured housing with a new or standard unit of manufactured housing.

Appendix 2: Subsidy Limits

Hudson County HOME Per Unit Maximum Subsidy
Effective 6/4/2020

Bedrooms	Section 234 Limit	High Cost Area Multiplier	Per Unit Max Subsidy
SRO	\$47,910	240%	\$114,984
0	\$63,881	240%	\$153,314
1	\$73,230	240%	\$175,752
2	\$89,049	240%	\$213,717
3	\$115,201	240%	\$276,482
4+	\$126,454	240%	\$303,489

Notes:

SRO: An SRO is a unit that does not have its own private bathroom or kitchen.

Bedroom: A room used for sleeping which has a door, window, closet, and heat.

Appendix 3: 2020 Jersey City, NJ HUD Metro FMR Area Income Limits

U.S. DEPARTMENT OF HUD
STATE: NEW JERSEY

PROGRAM	2020 ADJUSTED HOME INCOME LIMITS							
	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
Warren County, NJ HUD Metro FMR Area								
30% LIMITS	20650	23600	26550	29500	31900	34250	36600	38950
VERY LOW INCOME	34450	39350	44250	49150	53100	57050	60950	64900
60% LIMITS	41340	47220	53100	58980	63720	68460	73140	77880
LOW INCOME	54950	62800	70650	78500	84800	91100	97350	103650
Atlantic City-Hammonton, NJ MSA								
30% LIMITS	17450	19950	22450	24900	26900	28900	30900	32900
VERY LOW INCOME	29050	33200	37350	41500	44850	48150	51500	54800
60% LIMITS	34860	39840	44820	49800	53820	57780	61800	65760
LOW INCOME	46450	53100	59750	66350	71700	77000	82300	87600
Bergen-Passaic, NJ HUD Metro FMR Area								
30% LIMITS	21900	25000	28150	31250	33750	36250	38750	41250
VERY LOW INCOME	36500	41700	46900	52100	56300	60450	64650	68800
60% LIMITS	43800	50040	56280	62520	67560	72540	77580	82560
LOW INCOME	54950	62800	70650	78500	84800	91100	97350	103650
Jersey City, NJ HUD Metro FMR Area								
30% LIMITS	20750	23700	26650	29600	32000	34350	36750	39100
VERY LOW INCOME	34550	39450	44400	49300	53250	57200	61150	65100
60% LIMITS	41460	47340	53280	59160	63900	68640	73380	78120
LOW INCOME	55250	63150	71050	78900	85250	91550	97850	104150
Middlesex-Somerset-Hunterdon, NJ HUD Metro								
30% LIMITS	25100	28700	32300	35850	38750	41600	44500	47350
VERY LOW INCOME	41850	47800	53800	59750	64550	69350	74100	78900
60% LIMITS	50220	57360	64560	71700	77460	83220	88920	94680
LOW INCOME	57800	66050	74300	82550	89200	95800	102400	109000
Monmouth-Ocean, NJ HUD Metro FMR Area								
30% LIMITS	23000	26250	29550	32800	35450	38050	40700	43300
VERY LOW INCOME	38300	43800	49250	54700	59100	63500	67850	72250
60% LIMITS	45960	52560	59100	65640	70920	76200	81420	86700
LOW INCOME	54950	62800	70650	78500	84800	91100	97350	103650
Newark, NJ HUD Metro FMR Area								
30% LIMITS	22300	25450	28650	31800	34350	36900	39450	42000
VERY LOW INCOME	37100	42400	47700	53000	57250	61500	65750	70000
60% LIMITS	44520	50880	57240	63600	68700	73800	78900	84000
LOW INCOME	54950	62800	70650	78500	84800	91100	97350	103650