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<p>In the Matter of the Application of the Borough of Pompton Lakes, County of Passaic,</p> <p style="text-align: center;">Petitioner.</p>	<p>SUPERIOR COURT OF NEW JERSEY Law Division, Passaic County</p> <p>Docket No. PAS-L-000299-25</p> <p style="text-align: center;"><b>CIVIL ACTION</b> <b>(<u>Mount Laurel</u>)</b></p> <p style="text-align: center;"><b>Consent Order Final Compliance Certification (<u>N.J.S.A. 52:27D-304(q)</u>)</b></p>
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**THIS MATTER** having come before the Court via the joint request of the Borough of Pompton Lakes, via counsel Mark J. Semeraro, Esq. (of Semeraro & Fahrney, LLC), as well as Fair Share Housing Center, via counsel Ariela Rutbeck-Goldman, Esq. (on behalf of Fair Share Housing Center); and

**WHEREAS**, the Borough of Pompton Lakes (the “Borough” or “Pompton Lakes”) having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the “Program”) and a declaratory judgment action on January 24, 2025; and

**WHEREAS**, the Court entered its May 1, 2025, Order fixing the Borough’s Fourth Round fair share obligations at a Present Need of forty-five (45) units and a Prospective Need of one hundred five (105) units; and

**WHEREAS**, the Borough having filed its Housing Element and Fair Share Plan (“HEFSP”) on June 26, 2025; and

**WHEREAS**, Fair Share Housing Center (“FSHC”) timely challenged the Borough’s HEFSP on August 27, 2025, and FSHC was the only challenger; and

**WHEREAS**, after proceedings before the Program, the Borough and FSHC reached a

mediated settlement, which was placed on the record and uploaded to eCourts on January 12, 2026; and

**WHEREAS**, the January 12, 2026 mediation agreement provided, among other things, that: (a) the Program and/or county-level housing judge would review the agreement and the resulting amended HEFSP and implementing ordinances and resolutions for compliance with the Fair Housing Act prior to issuance of compliance certification; (b) the Borough would adopt all implementing ordinances and resolutions no later than March 15, 2026 and file them on eCourts; and (c) no later than April 15, 2026, the Borough and FSHC would provide a form of consent order granting final compliance certification for the Court's review or identify any remaining disputed compliance issues; and

**WHEREAS**, on February 19, 2026, this Court accepted and adopted the Program Member's report and recommendations, approved the Borough's endorsed HEFSP, immediately authorized the Borough to proceed to notice and adopt the implementing ordinances and resolutions necessary to implement its Fourth Round HEFSP, and directed that such implementing ordinances and resolutions be adopted and filed on or before March 16, 2026, whereupon the Court would issue and enter its formal Certification of Compliance and repose from builder's remedy and/or exclusionary zoning litigation; and

**WHEREAS**, on February 26, 2026, the Borough filed on eCourts: (1) the Planning Board Resolution adopting the February 2026 Fourth Round Housing Element and Fair Share Plan and amending the Borough Master Plan accordingly, together with the attached amended February 2026 HEFSP; and (2) Resolution No. 26-137, adopted by the Mayor and Council on February 25, 2026, endorsing the 2025 Fourth Round Housing Element and Fair Share Plan as previously

adopted by the Borough Planning Board; and

**WHEREAS**, on March 13, 2026, the Borough filed on eCourts the remaining implementing materials required by the mediation agreement and the Court’s February 19, 2026 Decision and Order, namely: (1) Resolution No. 26-117, directing the Planning Board to amend the Block 100, Lot 8 Redevelopment Plan; (2) Ordinance No. 26-07, amending Chapter 190, Article XIVA, the Block 100, Lot 8 Redevelopment Plan; (3) Ordinance No. 26-08, amending Chapter 190, Articles XV, XVI, and XVII, to update the Borough’s affordable housing ordinance, mandatory set-aside provisions, and affordable housing development fee provisions; (4) Resolution No. 26-153, adopting the Borough’s Affirmative Marketing Plan for affordable housing units; and (5) Resolution No. 26-154, adopting the Borough’s Fourth Round Affordable Housing Spending Plan; and

**WHEREAS**, FSHC has reviewed the Borough’s February 26, 2026 and March 13, 2026 filings and confirms that the Borough has complied with the January 12, 2026 mediation agreement and the Court’s February 19, 2026 Decision and Order, and that there are no remaining disputed compliance issues precluding the entry of final compliance certification and repose; and

**WHEREAS**, the Court having reviewed the Borough’s HEFSP, attachments, and implementing ordinances and resolutions, incorporating therein any changes from the Program and Court’s prior order(s) and determined that they meet the “objective standard” and are in compliance with the Fair Housing Act and the Mount Laurel doctrine so long as the conditions set forth in this order are met; and

**WHEREAS**, the Court incorporates its prior Orders and for good cause shown:

**IT IS** on this 29<sup>th</sup> day of April, 2026, **ORDERED** as follows:

1. The Borough’s Fourth Round HEFSP and applicable implementing ordinances and

resolutions, collectively referenced at SCHEDULE-1 hereto as Exhibits P-1 through P-8, and herein as the “Implementing Ordinances & Resolutions”, are hereby admitted into evidence and entered into the record, which consist of:

- a. (P-1) the Borough of Pompton Lakes Fourth Round Housing Element and Fair Share Plan, February 2026;
- b. (P-2) the February 24, 2026 Planning Board Resolution Adopting Housing Element and Fair Share Plan and Amending Master Plan for the Borough of Pompton Lakes;
- c. (P-3) Resolution No. 26-137, Resolution Endorsing the 2025 Fourth Round Housing Element & Fair Share Plan as Previously Adopted by the Borough Planning Board;
- d. (P-4) Resolution No. 26-117, Directing Planning Board to Amend Redevelopment Plan;
- e. (P-5) Ordinance No. 26-07, An Ordinance Amending Chapter 190, Article XIVA, “Block 100, Lot 8 Redevelopment Plan (Lidl – Pompton Lakes Town Square)”;
- f. (P-6) Ordinance No. 26-08, An Ordinance Amending Chapter 190, Article XV, Affordable Housing, Chapter 190, Article XVI, Affordable Housing Setaside, and Chapter 190, Article XVII, Affordable Housing Development Fees to Address the Borough’s Affordable Housing Obligations Under the Amended Fair Housing Act and the Uniform Housing Affordability Controls (UHAC);
- g. (P-7) Resolution No. 26-153, A Resolution of the Mayor and Council of the Borough of Pompton Lakes, in the County of Passaic, State of New Jersey

Adopting the Borough's Affirmative Marketing Plan for Affordable Housing Units; and

- h. (P-8) Resolution No. 26-154, adopting the Borough's Fourth Round Affordable Housing Spending Plan.
2. The Borough has satisfied the conditions set forth in the January 12, 2026 Mediation Agreement and the Court's February 19, 2026 Decision and Order, including the timely adoption and filing of its amended HEFSP and all implementing ordinances and resolutions required for final compliance certification.
  3. The Borough of Pompton Lakes' Fourth Round HEFSP, attachments, and applicable implementing ordinances and resolutions are hereby approved and deemed to meet the "objective standard" pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) and to comply with the Fair Housing Act and the Mount Laurel doctrine, and the Borough is hereby granted a Compliance Certification as to all of its affordable housing obligations including, but not limited to, its Rehabilitation Obligation ("Present Need"), its Prior Round Obligation (1987-1999), its Third Round Obligation (1999-2025), and its Fourth Round obligation (2025-2035) pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301 *et seq.*, ("FHA") the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 *et seq.*, ("UHAC") applicable Council on Affordable Housing ("COAH") substantive rules to the extent still applicable, and *Mount Laurel* case law, including New Jersey Supreme Court's *Mount Laurel IV* decision.
  4. The Borough's Compliance Certification shall remain in effect for ten (10) years beginning on July 1, 2025 and ending on June 30, 2035, and during this ten (10) year period the Borough shall have repose from exclusionary zoning litigation, including but not limited

to Builder's Remedy lawsuits, as provided for in the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 *et seq.* The Borough's Compliance Certification shall remain subject, however, to revocation or other Order of the Court that does or may hereafter issue, on notice of motion to the Borough and all interested parties and good cause shown, at any time during the pendency of the Fourth-Round housing cycle.

5. As reflected in the Borough's HEFSP, the Borough's affordable housing obligations are as follows: Present Need/Rehabilitation Obligation of forty-five (45) units; Prior Round Obligation (1987-1999) of one hundred two (102) units; Third Round Obligation (1999-2025) of two hundred sixty-five (265) units; and Fourth Round Prospective Need (2025-2035) of one hundred five (105) units, with a Fourth Round realistic development potential ("RDP") of zero (0).
6. The Borough has satisfied its Prior Round and Third Round obligations through the compliance mechanisms set forth in its HEFSP, resulting in a surplus of twenty-seven (27) units.
7. The Borough shall address its Present Need/Rehabilitation Obligation of forty-five (45) units through: (a) dedication of forty (40) units from the affordable veterans housing development located at 519 Ringwood Avenue; and (b) satisfaction of the remaining five (5) units through the Borough's rehabilitation program administered through Triad Associates and funded through the Borough's affordable housing trust fund and such other available funding sources.
8. The Borough's Fourth Round Prospective Need has been adjusted to an RDP of zero (0) resulting in an unmet need of one hundred five (105). As reflected in the HEFSP and mediation agreement, the Borough shall apply its twenty-seven (27) surplus units toward

satisfaction of the minimum twenty-five percent (25%) unmet-need requirement, and the redevelopment-plan, affordable housing, mandatory set-aside, development fee, affirmative marketing, and spending-plan enactments adopted by the Borough shall remain in full force and effect as mechanisms implementing the Borough's Fourth Round Fair Share Plan.

9. The Borough's Compliance Certification shall remain subject to the Borough's continuing compliance with its adopted HEFSP, this Order, the Fair Housing Act, UHAC, N.J.A.C. 5:99, all applicable affordable-housing trust-fund, affirmative-marketing, spending-plan, and reporting obligations, and any midpoint realistic opportunity review requirements imposed by statute, regulation, or further Order of the Court.
10. The Court shall retain jurisdiction for the purpose of enforcing the terms and conditions of this Certification of Compliance and Repose and the Borough's adopted Fourth Round HEFSP.
11. A copy of this Order shall be entered on eCourts and shall be effective as of the date of filing.

**/s/ Darren J. Del Sardo**

**HON. DARREN J. DEL SARDO, P.J.Cv.**

**On behalf of the Borough of Pompton Lakes:**



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Mark Semeraro, Esq.

Dated: April 9, 2026

**On behalf of Fair Share Housing Center:**

*/s/ Ariela Rutbeck-Goldman*

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Ariela Rutbeck-Goldman, Esq.

# EXHIBIT P-1



# Fourth Round Housing Element & Fair Share Plan

Borough of Pompton Lakes  
Passaic County, NJ

Prepared by:



February 2026

## Acknowledgements

<u>Mayor &amp; Borough Council</u>	<u>Planning Board</u>
Michael Serra, Mayor	Michael Serra, Mayor
Maria Kent, Council President	Michael Simone, Chairman, Class IV
Robert Cruz, Councilman	Brian Otto, Vice Chairman, Class IV
Ranuel Hinton, Councilman	Timothy Troast, Class IV
Ekamon Venin, Councilman	Paul Bowlby, Class IV
Stephen Baig, Councilman	Dr. William Pendexter, Class IV
Scott SanTERS, Councilman	Shawn Bootsma, Class IV
	Scott SanTERS, Class III
	John Keating, Class II
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*Adopted by the Planning Board: February 24, 2024*  
*Endorsed by the Council: February 25, 2026*

*The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12.*

  
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Sanyogita S. Chavan, PP, AICP #33LJ00593300

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## INTRODUCTION

The Borough of Pompton Lakes adopted a Fourth Round Housing Element and Fair Share Plan (“Adopted Plan” or “HEFSP”) on June 17, 2025 as an amendment to the municipal master plan in accordance with the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq., as amended by P.L. 2024, c.2, hereinafter “FHA2”). This HEFSP was prepared in accordance with the Order of May 1, 2025, issued by the Honorable Darren J. Del Sardo, J.S.C., establishing a prospective need of 105 units and a present need of 45 units. The Borough, in accordance with FHA2, adjusted the 105-unit prospective resulting in a zero-unit “realistic development potential”, or “RDP”, to reflect the limited vacant and developable land in Pompton Lakes. This left a 105-unit “unmet need” (the difference between the prospective need and the RDP), of which the Borough was required by FHA2 to satisfy a minimum of 25% or 27 units through zoning or redevelopment.

The Plan was challenged by Fair Share Housing Center (“FSHC”) by way of correspondence dated August 25, 2025. FSHC challenged the Borough’s vacant land analysis and plan mechanisms. Settlement conferences were conducted on November 7, 2025, December 10, 2025, and December 17, 2025. During the settlement conference on December 17, 2025, the Borough and FSHC reached a settlement. The settlement terms were placed on the record, and a Settlement Agreement (henceforth “2025 Agreement”) was fully executed on January 10, 2026, included herein in **Appendix A**.

Since the 1975 New Jersey Supreme Court decision known as “Mount Laurel I,” New Jersey municipalities have had a constitutional obligation to provide opportunities for creation of low and moderate housing units. This 1975 decision led to a body of case law, legislative changes and rulemaking by a state agency that, collectively, is now referred to as the “Mount Laurel Doctrine.” The Fair Housing Act of 1985 was the legislative response to the landmark *Mount Laurel* decisions and provided the basis for the establishment of the Council on Affordable Housing (COAH) to administer municipal compliance with the FHA. Through these actions, New Jersey municipalities have been assigned a specific number of affordable housing units that must be created or planned for creation to have “satisfied” their constitutional obligation, referred to as their affordable housing obligation. The purpose of this Housing Element and Fair Share Plan (hereinafter the “Plan”) is to present how the Borough of Pompton Lakes will satisfy its constitutional obligation in the fourth round.

Affordable housing in New Jersey is defined as housing units which are reserved for households with incomes not more than 80% of the regional median income. The state is divided into six housing regions with a median income established for each region along with the thresholds for moderate- and low-income households based upon the household size. Each affordable unit must be reserved for low- and moderate-income households for a period up to 40 years and this is enforced through a deed restriction. Apart from providing the minimum required affordable housing, the municipality must ensure diversity in the level of affordability and diversity in the size of affordable units.

Municipal participation in this process is voluntary. However, municipalities that do not participate may be vulnerable to exclusionary zoning litigation, and builder’s remedy lawsuits. A builder’s remedy is a litigation tool that grants a developer the right to construct what is typically a multi-family development on land that was not zoned to permit the use or the residential density desired by the developer, provided a “substantial” percentage of the units are reserved for low- and moderate-income households.

## New Jersey's Affordable Housing History

In its landmark 1975 decision, now referred to as “Mount Laurel I,” the NJ Supreme Court ruled that developing municipalities have a constitutional obligation to provide variety and choice of housing types affordable to low- and moderate-income households. In its 1983 “Mount Laurel II” decision, the NJ Supreme Court extended the regional fair share obligation to all municipalities with any “growth area” as designated in the State Development Guide Plan (NJDCG 1978) and determined that each municipality would have to establish its fair share obligation and provide zoning strategies to create a realistic opportunity for fulfillment of the fair share obligation.

In 1985, the Legislature enacted the Fair Housing Act in response to Mount Laurel II. The Fair Housing Act created the Council on Affordable Housing (COAH) as an administrative alternative to compliance in a court proceeding. The Legislature conferred “primary jurisdiction” on COAH and charged COAH with promulgating regulations to establish housing regions, to estimate the state’s low- and moderate-income housing needs, set criteria and guidelines for municipalities to determine and satisfy their affordable housing obligation, and to create a process for the review and approval of appropriate housing elements and fair share plans. Approval of a municipal housing element and fair share plan by COAH was referred to as “substantive certification” and it provided protection from builder’s remedy litigation during the period which the housing element and fair share plan addresses (i.e. the round).

The table below summarizes the timeline of each affordable housing “round” in New Jersey.

<b>Round (Release Date)</b>	<b>Period</b>	<b>Summary</b>
<b>Round 1 (1987)</b>	1987 - 1993	COAH calculated affordable housing obligation for each NJ municipality
<b>Round 2 (1994)</b>	1993 - 1999	COAH calculated affordable housing obligation for each NJ municipality
<b>Round 3 (2004)</b>	Invalidated 2007	COAH introduced the “growth share” approach for calculating municipal obligations
<b>Round 3 (2008)</b>	Invalidated 2010, 2013	COAH revised the “growth share” methodology
<b>Round 3 (2014)</b>	Unadopted	COAH calculated affordable housing obligations for each NJ municipality based on Round 1 & Round 2 methodologies.
<b>Round 3 (2015)</b>	2015 - 2025	NJ Supreme Court declared COAH “moribund;” ordered Superior Courts to resume oversight of municipal compliance with FHA; and ordered municipalities to rely on Prior Round Rules to prepare their HEFSPs.
<b>Round 4</b>	2025-2035	A4/S50 is signed March 20, 2024, amending the affordable housing regulations. This amendment eliminated COAH and created new processes/calculations for Round 4. The NJ DCA provided non-binding calculations for each municipality’s affordable housing obligations.

COAH created the criteria and guidelines for municipalities to determine and address their respective affordable housing obligations. COAH originally established a formula for determining municipal affordable housing obligation for the six-year period between 1987 and 1993 (*N.J.A.C. 5:92-1 et seq.*), which became

known as the “first round.” These rules established the first-round rehabilitation obligation (also referred to as the “present need”) and the first-round new construction obligation.

The first-round formula was superseded by COAH regulations in 1994 (*N.J.A.C. 5:93-1.1 et seq.*). The 1994 regulations recalculated a portion of the first round 1987-1993 affordable housing obligations for each municipality and computed the additional municipal affordable housing need from 1993 to 1999 using 1990 U.S. Census data. The regulations COAH adopted in 1994 to identify a municipality’s “cumulative” obligations for the first and second rounds are known as “the second round” regulations. The obligation of municipalities to create new affordable housing for the first and second rounds was referred to as the “prior round” obligation in the subsequent third round regulations.

On December 20, 2004, COAH’s first version of the third-round rules became effective some five years after the end of the second round in 1999. At that time, the third round was defined as the time from 1999 to 2014 but condensed into an affordable housing delivery period from January 1, 2004, through January 1, 2014. The third-round rules marked a significant departure from the methods utilized in COAH’s earlier rounds by creating a “growth share” approach that linked the production of affordable housing to residential and non-residential development within a municipality.

The growth share approach and the rules in which it was created were subject to significant litigation and ultimately overturned by the New Jersey Appellate Court. On January 25, 2007, the New Jersey Appellate Court decision, *In re Adoption of N.J.A.C. 5:94 and 5:95*, 390 N.J. Super. 1, invalidated key elements of the first version of the third-round rules, including the growth share approach. COAH issued revised rules on June 2, 2008 (as well as a further rule revision effective on October 20, 2008). Included in the 2008 rules was a recalculation of the cumulative first and second round obligation to account for updated data addressing secondary sources (filtering, demolitions, and residential conversions). Just as various parties challenged COAH’s initial third round regulations, parties challenged COAH’s 2008 revised third round rules. On October 8, 2010, the Appellate Division issued its decision, *In re Adoption of N.J.A.C. 5:96 and 5:97*, 416 N.J. Super. 462, with respect to the challenge to the second iteration of COAH’s third round regulations. The Appellate Division upheld the COAH regulations that assigned rehabilitation and first and second rounds obligations to each municipality but invalidated the regulations by which the agency assigned housing obligations in the third round, finding that the Agency continued to utilize growth share approach, albeit an amended approach.

COAH sought a stay from the NJ Supreme Court of the deadline to issue new third round housing rules set forth by the Appellate Division. Additionally, there were various challenges to the Appellate Division’s 2010 decision. On September 26, 2013, the NJ Supreme Court upheld the Appellate Court decision in *In re Adoption of N.J.A.C. 5:96 and 5:97 by New Jersey Council on Affordable Housing*, 215 N.J. 578 (2013), and ordered COAH to prepare the necessary rules. Subsequent delays in COAH’s rule preparation and ensuing litigation led to the NJ Supreme Court, on March 14, 2014, setting forth a schedule for adoption. Although ordered by the NJ Supreme Court to adopt revised new rules on or before October 22, 2014, COAH deadlocked 3-3 at its October 20th meeting and failed to adopt the draft rules it had issued on April 30, 2014. In response, Fair Share Housing Center (hereinafter “FSHC”) filed a motion in aid of litigant’s rights with the NJ Supreme Court.

On March 10, 2015, (“the March 10 Decision”) in the *Matter of Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing*, 221 N.J. 1 (2015), the Supreme Court declared COAH “moribund” and ordered the courts to provide a judicial remedy due to COAH’s failure. The March 10th Decision stipulated that municipalities may initiate declaratory judgment actions and seek approval of their housing element and fair share plans through the courts.

The Supreme Court ordered that affordable housing obligations for municipalities be determined on a court-by-court basis using the methodologies from the First and Second Round rules pursuant to N.J.A.C. 5:91 and N.J.A.C. 5:93. The Court held that:

“In establishing a process by which towns can have their housing plans reviewed by the courts for constitutional compliance, the Court's goal is to provide a means by which towns can demonstrate compliance through submission of a housing plan and use of processes similar to those which would have been available through COAH for the achievement of substantive certification. The end result is to achieve adoption of a municipal housing element and implementing ordinances deemed to be presumptively valid if thereafter subjected to challenge.”

In addition to the State agency activity and judicial decisions through 2015, the New Jersey Legislature amended the Fair Housing Act in 2008 (P.L. 2008, c. 46, often referred to as the “Roberts Bill”, or “A500”). This amendment established a statewide 2.5% nonresidential development fee, prohibited new regional contribution agreements (“RCAs”), required that 13% of all new affordable housing units be restricted to very low-income households (30% of median income), and added a requirement that municipalities had to commit to spend development fees within four (4) years of the date of collection.

Additionally, the Fair Housing Act was amended in 2013 (P.L. 2013, c. 6) to permit municipalities to enter into an agreement with a developer or development owner to provide a preference for veterans who served in time of war or other emergency to occupy up to 50% of the affordable units in a particular development. The preference is applicable to the first 90 of the 120 days of initial marketing and thereafter may be on a special waiting list for future available affordable units in the development. These amendments to the Fair Housing Act are not promulgated in any valid COAH regulations.

On March 30, 2024, Governor Phil Murphy signed the bill known as A4/S50 into law (P.L. 2024, c.2) which amended the Fair Housing Act to eliminate COAH and to create new processes to determine and satisfy the housing obligations for the Fourth Round of Affordable Housing. The Fourth Round is set for the period beginning on July 1, 2025, and terminating on June 30, 2035.

As part of the new process, the New Jersey Department of Community Affairs (DCA) was tasked with determining the affordable housing obligation for each municipality by October 20, 2024. Municipalities were required to declare their affordable housing obligation by a binding resolution by Jan 31, 2025, and to adopt their HEFSP by June 30, 2025, along with draft implementing ordinances, adopted resolutions, and other supporting documents. Final ordinances must be adopted by March 16, 2026.

The bill also created a new body called the Affordable Housing Dispute Resolution Program, which is responsible for reviewing plans for consistency with the Fair Housing Act and handling challenges to municipalities' stated housing obligations or to their affordable housing plans.

Overall, this amendment created significant changes to the fourth round of affordable housing, and all the subsequent rounds. Such changes include the process in which municipalities obtain protection from builder's remedy litigation – including but not limited to the elimination of COAH and the creation of the Affordable Housing Dispute Resolution Program, the methodology to calculate municipal prospective need obligations, and the administration of affordable housing units. However, the Fair Housing Act does not create or direct the creation of new rules that would provide further guidance, instead it states municipalities shall rely on rules adopted by COAH, unless contradicted by statute or binding court decisions, for municipal crediting, adjustments and compliance strategies. One notable example of contradiction is the generation of and use of bonus credits.

## Municipal History of Affordable Housing Compliance

The following section provides an overview of the Borough's compliance with each iteration of the prior rounds.

### First Round (1987-1993)

In 1988, the Borough of Pompton Lakes adopted a Housing Element and Fair Share Plan ("HEFSP") covering the years between 1987 and 1993, known as the "First Round;" however, it was never certified by COAH (it was considered in the 2000 Master Plan Reexamination Report).

### Second Round (1993-1999)

In research conducted by H2M for this Plan, no records of a "Second Round" Housing Element, for the period between 1993 and 1999, could be found.

### Third Round (1999-2025)

As mentioned in the prior section, on December 20, 2004, COAH's first version of the third-round rules became effective. In 2005, the Borough adopted a "Third Round" HEFSP for the years between 1999 and 2014. In the same year, the Borough filed a petition with COAH for Third Round Substantive Certification. Borough records indicate that it was Pompton Lakes' first petition to COAH. The Borough of Pompton Lakes was one of approximately 284 New Jersey municipalities to submit plans to COAH under the 2004 Third Round Rules. In 2007, the Third-Round rules were challenged and subsequently invalidated by the New Jersey Appellate Court. As such, Pompton Lakes' 2005 petition for Third Round substantive certification was invalidated. Pompton Lakes submitted Housing Monitoring Reports to COAH for the years 2005, 2006, and 2007.

COAH's new Third Round rules took effect on June 2, 2008, and were amended on September 22, 2008. In response to the new rules, Pompton Lakes adopted Resolution 08-121 in October 2008 which authorized the preparation of an updated Fair Share Plan, meant to cover the years 1999 to 2018. The Borough's COAH consultants soon halted their efforts in preparing the Housing Plan, however, as the adoption of the Highlands Regional Master Plan (RMP) in July 2008 by the Highlands Council had the potential to change the Borough's land use and development regulatory landscape.

On October 30, 2008, The Highlands Council and COAH entered into a Memorandum of Understanding to establish a cooperative planning process to plan for and create opportunities for affordable housing within the Highlands Region. As a municipality fully located in the "Planning Area" of the Highlands Region, Pompton Lakes secured a Highlands Plan Conformance Grant which began the process of assessing its intent to conform to the Highlands RMP. The Borough implemented the grant between May 2009 and May 2010. Participation in the grant program provided a process for the Borough to assess the compatibility between meeting the Borough's affordable housing needs and protecting its significant environmental resources. As part of the Grant process, Pompton Lakes prepared a "Highlands Housing Element and Fair Share Plan." Ultimately, upon completion of the Grant deliverables in 2010, the Borough decided not to petition the Highlands Council for Plan Conformance.

In 2010, the New Jersey Appellate Court again struck down COAH's Third Round Rules, and invalidated the Growth Share approach, leaving Pompton Lakes (and every other NJ municipality) questioning how to proceed with obtaining a certified Plan. With the rules invalidated, the Borough did not adopt the HEFSP it had just prepared as part of the Highlands Plan Conformance Grant process.

As mentioned in the prior section, the Supreme Court held that due to COAH's failure to adopt appropriate regulations, the administrative process has been "dissolved" and designed a transitional process whereby the municipalities could seek judicial approval of their affordable housing plans. In accordance with this decision, the Borough of Pompton Lakes submitted its plan to court. The Borough entered into a settlement agreement with Fair Share Housing Center and adopted a Housing Plan Element and Fair Share Plan on November 19, 2019, which was endorsed by the governing body on December 4, 2019. Although there isn't any vacant land available and the Borough could have adjusted their obligation through a vacant land adjustment, the third-round plan set forth mechanisms to address the entire obligation. The Borough's prior (1987-1999) and third round (1999-2025) were 102 and 265, respectively, for a total of 367 units. This was proposed to be addressed through various mechanisms which are described in detail in this document.

## Fourth Round Compliance Process

The first step in a municipality's compliance process is to establish the affordable housing obligation. The first, second, and third round obligations are already established by COAH or Superior Court, as applicable. Only the rehabilitation obligation and current prospective need, constituting the fourth-round obligation, are subject to determination.

The methodology and formulas each municipality must rely upon to determine its rehabilitation, and fourth round obligation (as well as subsequent round obligations) are set forth within *N.J.S.A. 52:27D-304.1* thru *-304.3* of the Fair Housing Act. The March 8, 2018, unpublished decision of the Superior Court, Law Division, Mercer County, in re Application of Municipality of Princeton ("Jacobson Decision") is also to be referenced as to datasets and methodologies that are not explicitly addressed in *N.J.S.A. 52:27D-304.3*. Notwithstanding the methodology set forth in the Fair Housing Act, the Act also required the DCA to release a non-binding report calculating obligations for each municipality in the State.

The following provides an overview of the process, and the deadlines established for the fourth-round compliance:

### Establishing the Affordable Housing Obligation

- October 20, 2024: DCA Regional and Municipal Fair Share Obligation Report Issued.
- January 31, 2025: Deadline for municipalities to adopt a binding resolution committing to the affordable housing obligation and seeking a Compliance Certification through participation in the Program.
- February 28, 2025: Deadline for an interested party to challenge the municipality's determination of its obligation to the Program. It shall apply "an objective assessment standard."
- March 1, 2025: The municipality's determination of its obligation will be established by default if no challenge.
- March 31, 2025: The Program must issue a decision on the obligation challenge.

### Affordable Housing Compliance Certification

- June 30, 2025: Municipality shall adopt a Housing Plan and propose drafts of ordinances and resolutions to implement the plan. If a municipality does not adopt a Housing Element and Fair Share Plan by June 30, 2025, the Rules of Court may permit the Program or County Level Judge to allow the municipality to secure a grace period.

*The Borough of Pompton Lakes adopted a Plan on June 17, 2025, which was endorsed by the governing body and submitted to the Program.*

- August 31, 2025: Deadline for an interested party to file a challenge of the Housing Plan with the Program. If no challenge by this date the Program will begin review of the Housing Plan for consistency with the FHA.

*FSHC was the only challenger to the HEFSP.*

- December 31, 2025: Deadline for a municipality to settle any challenge or provide an explanation as to why it will not make all, or some of the changes brought by the challenge.

*The Borough and FSHC settled on December 17, 2005.*

- March 15, 2026: Municipality to amend the Housing Plan and implement the agreed upon revisions resulting from a challenge and adopt all pertinent ordinances. The Housing Plan and adopted ordinances shall be immediately filed with the Program.

### **Ongoing Compliance**

Midpoint (2030): Action by municipality or interested party filed to seek a realistic opportunity review of any developments that have not moved forward.

## REQUIRED CONTENT OF A HOUSING ELEMENT & FAIR SHARE PLAN

In accordance with the Fair Housing Act at N.J.S.A. 52:27D-310, a municipality's housing element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing. The housing element shall include the municipality's strategy for addressing its present and prospective housing needs and shall contain the following:

1. 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;
2. 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;
3. An analysis of the municipality's demographic characteristics, including but not necessarily limited to household size, income level and age;
4. An analysis of the existing and probable future employment characteristics of the municipality;
5. 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;
6. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and 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.
7. An analysis of the extent to which municipal ordinances and other local factor advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission;
8. 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
9. 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.

## DEMOGRAPHIC, ECONOMIC, & HOUSING CONDITIONS

This document includes the essential components of a housing element as specified in N.J.S.A. 52:27D-310 of the New Jersey Fair Housing Act.

### Municipal Demographic Conditions

The following discussion of municipal demographic conditions relies on the latest available Census data at the time of this report, and other sources of data, where available. The analysis uses the 2020 Decennial Census data in some cases; where possible, however, newer data from the 5-Year 2023 American Community Survey (ACS 5-Year) was used.

#### Historic & Projected Population

Since 1950, Pompton Lakes Borough has experienced a period of rapid population growth followed by a period of population loss, and more recently a slight recovery in population growth. The greatest growth occurred between 1950 and 1970, when the Borough's population more than doubled from 4,654 residents in 1950 to its peak population of 11,397 residents in 1970. More specifically, in the 1950s the population grew by 102.9% and during the 1960s, the population grew another 20.7%. However, after 1970 the Borough's population began to decline. The Borough lost 6.5% of its population by 1980 and lost another 1.1% in the following decade which resulted in a population of 10,539 residents in 1990. The Borough's population began to grow again in 2000 with a small increase of 1.0%, or 101 residents. The population continued to grow, albeit very slowly, with an increase of 4.3% by 2010 and 0.3% by 2020. While the 2020 Decennial Census reported the Borough's population at 11,127 residents, the 2023 ACS 5-year data estimate the Borough's population to be about 11,010 residents.

Year	Population	Change	Percent Change
1950	4,654	--	--
1960	9,445	4,791	102.9%
1970	11,397	1,952	20.7%
1980	10,660	-737	-6.5%
1990	10,539	-121	-1.1%
2000	10,640	101	1.0%
2010	11,097	457	4.3%
2020	11,127	30	0.3%

*Source: New Jersey State Data Center, US Decennial Census*

Year	Population	Change	Percent Change
2000	10,640	--	--
2015	11,172	532	5.0%
2050	12,577	1,405	12.6%

*Source: NJTPA Population Forecast by County and Municipality 2050*

The North Jersey Transportation Authority (NJTPA) forecasts in its “2050 Regional Transportation Plan” that Pompton Lakes will continue to grow, gaining approximately 40.1 residents per year, between 2015 and 2050

### Age Distribution of Population

The median age of Pompton Lakes residents is 39.4 years old (2023 ACS 5-year), which is 1.1 years older than the median age of residents in Passaic County at 38.1 years but is younger than the State median age at 40.1 years. The median age of Borough residents has increased by 3.5 years from the 35.9 years in 2010. Since 2010, the median ages of the County and the State have increased as well. The median age of the County increased by 2.1 years from 36 years in 2010 and the median age of the State increased by 1.6 from 38.5 years old in 2010. The trend of an aging population in the Borough is similar to the aging demographics at the County and State level.

As per the 2010 and 2020 Decennial Census data, presented in Table 4 below, the Borough’s aging population can be attributed to a decrease in the number of school-age children and family-age persons while the number of seniors has increased. Youth under 19 years-old accounted for 20.8% of the Borough’s population in 2020, which is a decline from 2010 when this age group comprised 28% of the population. Residents in the 20-24 age-cohort increased rapidly by 44.3% since 2010. However, the 20-24 age cohort is a small share of the population, constituting 6% of residents. As compared, the 25-35 age-cohort made up 16.3% of the population in 2010 but declined to 12.1% of the population in 2020 (decline of 25.4%).

In 2020, the age cohorts that held the largest shares of the population were the 35-44 age cohort at 17.2% of the population, the 45-54 age cohort at 13.4% of the population, 55-64 age-cohort at 16.2% of the population, and 65 and older age-cohort at 16.2% of the population. The percentage of each of these age-cohorts increased since 2010 except for the 45-54 age cohort which declined by 15.1%. The 35-44 age-cohort grew by 17.4% in this period. However, this growth was accompanied by a trend of rapid growth of older people in the Borough. Between 2010 and 2020, the number of residents in the 55-64 age cohort and 65-and-over age cohort increased by 60.5% and 30.8%, respectively. More specifically, these older age-cohorts increased from 21% of the population in 2010 to 30.5% in 2020.

**Table 4: Population by Age Cohort**

Age	2010		2020		Change (%)
	Total	Percent	Total	Percent	
<b>Under 5</b>	683	6.2%	608	5.5%	-10.9%
<b>5-9</b>	920	8.4%	527	4.8%	-42.7%
<b>10-14</b>	808	7.4%	588	5.3%	-27.2%
<b>15-19</b>	655	6%	572	5.2%	-12.7%
<b>20-24</b>	454	4.1%	655	6%	44.3%
<b>25-34</b>	1,788	16.3%	1,334	12.1%	-25.4%
<b>35-44</b>	1,615	14.7%	1,896	17.2%	17.4%
<b>45-54</b>	1,737	15.8%	1,474	13.4%	-15.1%
<b>55-64</b>	1,105	10.1%	1,773	16.2%	60.5%
<b>65 &amp; over</b>	1,201	10.9%	1,571	14.3%	30.8%

*Source: US Census Bureau, DP05 Profile of General Demographic Characteristics 2010 and 2020*

## Educational Attainment

Pompton Lakes' residents are well-educated, and the Borough has higher rates of educational attainment when compared to Passaic County. In 2023, 26.2% of residents that were 25 years of age or older earned at least a bachelor's degree and 15.1% earned a graduate or professional degree. This is higher than the County where 20.2% of Passaic residents of at least 25 years of age earned their bachelor's degree and 10.1% possessed a graduate degree or professional degree. In Pompton Lakes, less than 5.4% of residents did not complete high school when compared to 8.4% of the County residents.

<b>Highest Level of Education</b>	<b>Pompton Lakes</b>	<b>Passaic County</b>
<b>Less than 9<sup>th</sup> Grade</b>	3.0%	8.4%
<b>9<sup>th</sup> to 12<sup>th</sup> Grade, no diploma</b>	2.4%	6.4%
<b>High school graduate (includes equivalency)</b>	30.8%	33.7%
<b>Some college, no degree</b>	16.0%	15.6%
<b>Associate's degree</b>	6.4%	5.5%
<b>Bachelor's degree</b>	26.2%	20.2%
<b>Graduate or professional degree</b>	15.1%	10.1%
<b><i>High school or higher</i></b>	<b>94.6%</b>	<b>85.1%</b>
<b><i>Bachelor's degree or higher</i></b>	<b>41.4%</b>	<b>30.3%</b>

*Source: US Census Bureau, ACS, 2023 5-Year Estimates, S1501 Educational Attainment*

## Race and Hispanic Origin

The Borough became slightly more diverse between the 2010 and 2020 period, as illustrated in Table 6 below. In 2010, 85.6% of the population identified as White, which is about 2% less than in 2010, when 87.6% identified as White. The Borough is less diverse when compared to the County, where 60.6% of residents identified as White in 2020. Persons who identified as Black or African American descent, Asian, other races, and two or more races make up a greater share of Passaic County's population at 39.4% than that of the Borough at 14.4%. Furthermore, the county-wide Hispanic/Latino population at 41.9% is more than double that of the Borough's population at 15.6%.

	Pompton Lakes		Percent Change (2010-2020)	Passaic County		Percent Change (2010-2020)
	2020	Percent		2020	Percent	
<b>White</b>	9,414	85.6%	-2.0%	304,588	60.6%	-0.42%
<b>Black or African American</b>	163	1.5%	-27.2%	56,028	11.1%	-8%
<b>American Indian and Alaska Native</b>	0	0	-	1,501	0.3%	96.2%
<b>Asian</b>	876	8%	0%	26,981	5.4%	60.9%
<b>Other</b>	232	2.1%	23.4%	78,338	15.6%	-17.8%
<b>Two or More Races</b>	313	2.8%	347.1%	35,135	7%	345.8%
<b>Total</b>	<b>10,998</b>	<b>100%</b>	<b>-</b>	<b>502,763</b>	<b>100%</b>	<b>-</b>
<b>Hispanic or Latino (any race)</b>	1,721	15.6%	47%	210,461	41.9%	18.8%

*Source: DP05, ACS Demographic and Housing Estimates, 2010 and 2020*

### Income and Poverty Status

Median household income, median family income and median non-family income are measures of the “middle income value” in an ordered list of each group’s income values. Non-Family Incomes are those values that represent a householder either living alone or with non-relatives only, whereas Family Income are those values that represent householders living with one or more individuals related by either birth, marriage, or adoption. The Median Household Income is a value represented by the household, regardless of whether it is a family or non-family household. Per Capita Income is determined by dividing the aggregate income of the Borough’s residents by its total population.

According to the 2023 ACS, the median household income for Pompton Lakes residents was \$119,038. This is approximately \$36,213 higher than the median household income of the County at \$82,825, and \$19,257 higher than that of the State at \$99,781. Table 7 below presents income statistics for Pompton Lakes as per the 2023 ACS data.

The Office of Management and Budget (OMB) sets poverty thresholds at a dollar value, which represents the poverty line and varies by family size and composition.<sup>1</sup> If a family’s total income is less than the appropriate threshold, then that family and every individual in it is considered to be “in poverty.” According to the OMB, approximately 9.7% of residents and 8.2% of families in Pompton Lakes fall below the poverty line.

<sup>1</sup> Office of Management and Budget determines poverty thresholds specified by the Statistical Policy Directive 14. Poverty thresholds are determined by multiplying the base-year poverty thresholds (1982) by the monthly inflation factor based on the 12 monthly Consumer Price Index (CPI)s and base year CPI. Poverty Thresholds do not vary geographically.

Income Type	Pompton Lakes	Passaic County	New Jersey
Median Household Income	\$119,038	\$82,825	\$99,781
Median Non-Family Income	\$105,458	\$43,873	\$58,033
Median Family Income	\$138,641	\$98,062	\$121,944
Per Capita Income	\$52,389	\$38,873	\$52,583
Poverty Status (% of people)	9.7%	14.1%	9.7%
Poverty Status (% of families)	8.2%	11.9%	7.1%
Poverty status (% of children under 18)	16.4%	20.7%	12.9%

*Source: US Census Bureau, American Community Survey, 2023 5-Year Estimates, DP03 Selected Economic Characteristics*

	Pompton Lakes		Passaic County		New Jersey	
	Total	Percent	Total	Percent	Total	Percent
Less than \$10,000	99	2.4%	8,419	4.7%	152,706	4%
\$10,000 to \$14,999	94	2.3%	7,060	4%	97,568	2.9%
\$15,000 to \$24,999	190	4.6%	14,740	8.3%	179,019	5%
\$25,000 to \$34,999	146	3.5%	10,042	5.6%	183,144	5.3%
\$35,000 to \$49,999	103	2.5%	15,881	8.9%	281,135	8%
\$50,000 to \$74,999	298	7.2%	25,151	14.1%	466,624	12.9%
\$75,000 to \$99,999	442	10.7%	20,936	11.7%	412,151	11.4%
\$100,000 to \$149,999	1,185	28.6%	32,754	18.4%	639,081	18%
\$150,000 to \$199,999	886	21.4%	18,136	10.2%	403,415	11.7%
\$200,000 or more	699	16.9%	25,158	14.1%	723,614	20.7%

*Source: US Census Bureau, American Community Survey, 2023 5-Year Estimates, DP03 Selected Economic Characteristics*

## Municipal Employment Characteristics

The following discussion of the municipal employment characteristics relies on Census 2020 data and more current 2023 5-Year ACS data where possible, as well as NJ Department of Labor and Workforce Development data and other sources.

### Historic and Projected Employment

The unemployment rate in Pompton Lakes in the last 20 years has fluctuated but has responded to events that have had an impact on the broader economy such as the 2008 Great Recession and the Covid-19 Pandemic. In the years leading up to the 2008 Great Recession, Pompton Lakes Borough experienced an unemployment rate between 3.3% and 4.1%. Once the recession began, unemployment rose rapidly and peaked at 11.5% in 2010. This is the same as Passaic County but higher than the State at 9.7%. In the following decade, unemployment steadily declined and reached 2.9% in 2019, which was the lowest unemployment rate since 2004. In 2020, the Covid-19 Pandemic began which led to the implementation of “lockdowns” and stringent safety protocols which resulted in a sudden increase of unemployment across the nation. The unemployment rate in Pompton Lakes almost tripled to 8.5% within the span of a year.

Although the unemployment rate in 2020 was very high, it was lower when compared to the County and State which had unemployment rates of 12.7% and 9.4%, respectively. By 2021, corresponding with the end of Covid-19 lockdowns and the relaxation of safety protocols, unemployment fell to 6.1%. In recent years, unemployment rates have decreased and was reported as 3.2% in 2022, nearing the pre-pandemic rates.

Year	Pompton Lakes	Passaic County	New Jersey
2004	3.3	6.1	4.9
2005	3.9	5.5	4.4
2006	3.9	5.7	4.6
2007	4.1	5.3	4.2
2008	5.2	6.6	5.4
2009	9.0	11.0	9.0
2010	11.5	11.5	9.7
2011	9.5	11.0	9.4
2012	8.2	11.1	9.4
2013	7.5	10.1	8.4
2014	5.9	8.2	6.7
2015	4.9	7.0	5.7
2016	4.3	6.1	4.9
2017	4.2	5.6	4.5
2018	3.7	4.9	4.0
2019	2.9	4.2	3.5
2020	8.5	12.1	9.4
2021	6.1	8.7	6.7
2022	3.2	4.8	3.9
2023	3.8	5.5	4.4

*Source: New Jersey Department of Labor and Workforce Development, Labor Force Estimates*

The North Jersey Transportation Authority (NJTPA) forecasts in its “2050 Regional Transportation Plan” that employment will increase by approximately 294 employees or 13.5% over the 35-year period between 2015 and 2050. Without redevelopment or business expansion taking place in the Borough, it is not clear how the Borough would meet this forecast of adding 8.4 new employees per year.

Year	Employment	Change	Percent Change
2015	2,177	--	--
2050	2,471	294	13.5%

*Source: NJTPA Population Forecast by County and Municipality 2015-2050*

### Occupational Characteristics

According to the 2023 ACS, 73.7% of workforce-eligible residents (16 years and over) are in the labor force, with most being private wage/salary workers. Around 6% of residents identify as “self-employed.”

Borough residents work in the industries listed in the tables below. Over a quarter of residents (28.8%) are employed in the educational services/health care/social assistance industries, by far the largest industry employment sector for Borough residents. The next largest sectors that employ Borough residents include retail trade (12.4%) and professional, scientific, management, administrative and waste management services (11.1%).

Table 11: Labor Force		
	Number	Percent
<b>In the Labor Force</b>	6,513	73.7%
<b>Not in the Labor Force</b>	2,329	26.3%
<b>Total Population (age 16+)</b>	<b>8,842</b>	<b>100%</b>
<i>Source: US Census Bureau, American Community Survey, 2023 5-Year Estimates, Selected Economic Characteristics</i>		

Table 12: Class of Worker		
	Number	Percent
<b>Private wage and salary workers</b>	4,851	77.5%
<b>Government workers</b>	1,027	16.4%
<b>Self-employed</b>	380	6.1%
<b>Unpaid family workers</b>	0	0%
<b>Armed Forces</b>	0	0%
<b>Unemployed</b>	255	2.9%
<b>Total Labor Force</b>	<b>6,258</b>	<b>100%</b>
<i>Source: US Census Bureau, American Community Survey, 2023 5-Year Estimates, Selected Economic Characteristics</i>		

<b>Table 13: Employment by Industry Sector (Age 16+)</b>		
<b>Industry</b>	<b>Number</b>	<b>Percent</b>
<b>Agriculture, forestry, fishing and hunting, and mining</b>	8	0.1%
<b>Construction</b>	303	4.8%
<b>Manufacturing</b>	425	6.8%
<b>Wholesale trade</b>	217	3.5%
<b>Retail trade</b>	773	12.4%
<b>Transportation and warehousing, and utilities</b>	453	7.2%
<b>Information</b>	197	3.1%
<b>Finance and insurance, and real estate and rental and leasing</b>	582	9.3%
<b>Professional, scientific, and management, and administrative and waste management services</b>	696	11.1%
<b>Educational services, and health care and social assistance</b>	1,803	28.8%
<b>Arts, entertainment, and recreation, and accommodation and food services</b>	271	4.3%
<b>Other services, except public administration</b>	253	4.0%
<b>Public administration</b>	277	4.4%
<b>Total Civilian Employed Population</b>	<b>6,258</b>	<b>100%</b>
<i>Source: US Census Bureau, American Community Survey, 2023 5-Year Estimates, Selected Economic Characteristics</i>		

<b>Table 14: Employment by Occupation (Age 16+)</b>		
	<b>Number</b>	<b>Percent</b>
<b>Management, business, science, and arts occupations</b>	3,189	51.0%
<b>Service occupations</b>	718	11.5%
<b>Sales and office occupations</b>	1,329	21.2%
<b>Natural resources, construction, and maintenance occupations</b>	299	4.8%
<b>Production, transportation, and material moving occupations</b>	723	11.6%
<i>Source: US Census Bureau, American Community Survey, 2023 5-Year Estimates, Selected Economic Characteristics</i>		

### **In-Place Employment by Industry**

According to NJDLWFD data for 2023, there are approximately 290 businesses in Pompton Lakes that employ nearly 2,000 employees. Health care/social services and construction provide the most private sector jobs. Industries without data in the table do not meet publication standards and were therefore suppressed by NJDLWFD, including employment data for transportation/warehousing, information, and administrative/waste remediation.

**Table 15: Employment by Industry Sector and Number of Employees (2023)**

Industry	Establishment		Employment		Annual Wages
	Total	Percent	Total	Percent	
Construction	35	12.1%	166	8.5%	\$84,205
Manufacturing	5	1.7%	19	1.0%	\$65,769
Wholesale Trade	13	4.5%	46	2.3%	\$67,065
Retail Trade	27	9.3%	101	5.1%	\$36,191
Transportation/Warehousing	.	.	.	.	.
Information	.	.	.	.	.
Finance/Insurance	13	4.5%	43	2.2%	\$65,822
Real Estate	5	1.7%	9	0.5%	\$51,103
Professional/Technical	28	9.7%	152	7.7%	\$76,857
Admin/Waste Remediation	.	.	.	.	.
Education	5	1.7%	201	10.2%	\$48,204
Health/Social	50	17.2%	525	26.7%	\$30,469
Arts/Entertainment	4	1.4%	8	0.4%	\$32,618
Accommodations/Food	33	11.4%	260	13.2%	\$28,423
Other Services	28	9.7%	99	5.0%	\$38,672
Unclassified	12	4.1%	14	0.7%	\$27,296
<b>Private Sector Total</b>	<b>290</b>	<b>-</b>	<b>1,964</b>	<b>-</b>	<b>\$50,939</b>
<b>Local Gov't Education</b>	<b>1</b>	<b>-</b>	<b>311</b>	<b>-</b>	<b>\$74,358</b>
<b>Local Gov't Total</b>	<b>3</b>	<b>-</b>	<b>462</b>	<b>-</b>	<b>\$66,526</b>

*Source: NJ Department of Labor and Workforce Development, Employment and Wages, 2023 Annual Report*

### Travel Time to Work

Commuting times for the Borough's workforce residents are shown in **Table 17** below. About a third of residents, 33.6% of the workforce commute 15 to 29 minutes to work like the County and State where 36.7% and 32.6% of the workforce, respectively, have the same commute time. In Pompton Lakes, 17.7% of the workforce have commutes of 14 minutes or less, which is less than the County at 23.9% and the State at 21.5%. Those who have a commute of 30 to 44 minutes comprise of 31.3% of Pompton's workforce, which is more than the County at 21% and the State at 21.9%. The share of residents whose commute is greater than 45 minutes comprise of 17.4% of the Borough's workforce which is similar to the share of Passaic County's workforce at 17.4% but smaller as compared to the State at 24.1% of the workforce.

**Table 16: Place of Work**

	Number of Workers	Percent
<b>Work in Pompton Lakes</b>	876	14.2%
<b>Work Outside Pompton Lakes</b>	5,286	85.6%
<b>Total</b>	<b>6,162</b>	<b>100.00%</b>

*Source: US Census Bureau, American Community Survey, 2023 5-Year Estimates, Place of Work – Place Level (B08008)*

Commute Time (in minutes)	Pompton Lakes		Passaic County	New Jersey
	Number of Workers	Percent	Percent	Percent
<b>Less than 5</b>	55	1.0%	1.6%	2.1%
<b>5 to 14</b>	929	16.7%	22.3%	19.3%
<b>15 to 29</b>	1,869	33.6%	37.7%	32.6%
<b>30 to 44</b>	1,743	31.3%	21.0%	21.9%
<b>45 to 59</b>	483	8.7%	7.9%	9.9%
<b>60 to 89</b>	270	4.9%	6.4%	9.5%
<b>90+</b>	211	3.8%	3.1%	4.6%
<b>Total</b>	<b>5,560</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

*Source: US Census Bureau, American Community Survey, 2023 5-Year Estimates, Travel Time to Work (B08303)*

## Municipal Housing Stock

There are approximately 4,142 households and 4,235 total housing units in the Borough of Pompton Lakes, according to the 2023 ACS data. The following section describes the characteristics of the Borough's housing stock and household characteristics.

### Household Size & Type

According to 2023 ACS Census Data, the average household size in the Borough of Pompton Lakes is 2.65, which is smaller than the 2.83 household size for Passaic County. As seen in **Table 18** below, more than half (55.4%) of Borough households are one- and two-person households.

Household Size	Pompton Lakes		Passaic County	
	Total	Percent	Total	Percent
<b>1-person</b>	1,116	26.6%	40,719	23.0%
<b>2-person</b>	1,208	28.8%	47,081	26.6%
<b>3-person</b>	724	17.2%	31,761	17.9%
<b>4-person</b>	675	16.1%	29,060	16.4%
<b>5-person</b>	230	5.5%	15,209	8.6%
<b>6-person</b>	150	3.6%	7,358	4.2%
<b>7+ person</b>	97	2.3%	5,887	3.3%

*Source: US Census Bureau, Decennial Census 2020, H9, Household Size*

The Census Bureau defines family households as householders living with one or more individuals related by either birth, marriage, or adoption and non-family households as a householder either living alone or with non-relatives only. Family households make up approximately 70% of households in Pompton Lakes, where non-family households make up 30%. Of the Borough's family households, 59.4% are married couple households. Approximately 33% of households have children under the age of 18. Out of all Borough households, 67% of households do not have children present. Most non-family households are householders living alone.

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<b>Table 19: Household Size &amp; Type</b>		
	<b>Total</b>	<b>Percent</b>
<b>Family Households</b>		
<b>Married-couple family</b>	<b>2,459</b>	<b>59.4%</b>
<b>With own children under 18 years</b>	1,123	27.1%
<b>Cohabiting Couple Household</b>	<b>273</b>	<b>6.6%</b>
<b>With children of the householder under 18 years</b>	104	2.5%
<b>Male householder, no spouse present</b>	<b>473</b>	<b>11.4%</b>
<b>With own children under 18 years</b>	14	0.3%
<b>Female householder, no spouse present</b>	<b>937</b>	<b>22.6%</b>
<b>With own children under 18 years</b>	118	2.8%
<b>Total Households</b>	<b>4,142</b>	<b>100%</b>
<b>Nonfamily Households</b>		
<b>Householder living alone</b>	<b>984</b>	<b>24.8%</b>
<b>Male householder, no spouse present</b>	335	8.1%
<b>Female householder, no spouse present</b>	649	15.7%
<i>Source: DP02, Selected Social Characteristics, 2023 ACS 5-Year Estimates Data Profiles</i>		

As indicated in the table below, single-family detached housing is the predominant housing type in Pompton Lakes (67.2%). The prevalence of garden-style apartments and other multi-family buildings throughout the Borough account for the 521 units of housing in buildings containing 20 or more units.

Approximately 58% of the Borough's housing stock contains three or more bedrooms, where one- and two-bedroom units make up approximately 40.9% of Borough housing stock. There are relatively few units in the Borough (204) with 5 or more bedrooms, accounting for only 4.8% of the housing stock. It is likely that future downtown redevelopment projects could increase the supply of units containing 1- and 2-bedrooms.

<b>Table 20: Housing Type by Number of Units in Structure</b>				
<b>Type</b>	<b>Pompton Lakes</b>		<b>Passaic County</b>	
	<b>Total</b>	<b>Percent</b>	<b>Total</b>	<b>Percent</b>
<b>1-unit, detached</b>	2,847	67.2%	77,117	41.4%
<b>1-unit, attached</b>	309	7.3%	11,451	6.2%
<b>2 units</b>	208	4.9%	36,429	19.6%
<b>3 or 4 units</b>	27	0.6%	18,253	9.8%
<b>5 to 9 units</b>	107	2.5%	11,479	6.2%
<b>10 to 19 units</b>	147	3.5%	8,666	4.7%
<b>20 or more units</b>	521	12.3%	22,195	11.9%
<b>Mobile home</b>	21	0.5%	588	0.3%
<b>Boat, RV, van, etc.</b>	48	1.1%	0	0%
<i>Source: US Census Bureau, ACS, 2023 5-Year Estimates, Selected Housing Characteristics</i>				

Bedrooms	Pompton Lakes		Passaic County	
	Total	Percent	Total	Percent
<b>No Bedroom</b>	49	1.2%	6,061	3.3%
<b>1 Bedroom</b>	371	8.8%	29,434	15.8%
<b>2 Bedroom</b>	1,358	32.1%	56,120	30.1%
<b>3 Bedroom</b>	1,494	35.2%	59,638	32%
<b>4 Bedroom</b>	759	17.9%	26,970	14.5%
<b>5+ Bedroom</b>	204	4.8%	7,955	4.3%

*Source: US Census Bureau, ACS, 2023 5-Year Estimates, Selected Housing Characteristics*

### Occupancy Status

According to the 2010 and 2020 Census, the Borough has had very low housing vacancy rates in 2010 (4.6%) and 2020 (0.8%). In 2020, for example, the county-wide vacancy rate was 4.8%. The percentage of owner- and renter-occupied units remained essentially unchanged during the same period, with owner-occupied units accounting for three-fourths of all units. The average household size in Pompton Lakes decreased from 2.91 in 2010 to 2.60 in 2020, consistent with the national trend of decreasing household sizes. Household sizes for renter-occupied units are smaller (2.44 persons) than those of owner-occupied units (2.66 persons). Renter-occupied units tend to be smaller and with fewer bedrooms.

	2010		2020	
	<b>Occupied Units</b>	3,773	95.4%	4,216
<b>Owner-Occupied</b>	2,882	76.4%	3,047	72.3%
<b>Renter-Occupied</b>	891	23.6%	1,169	27.7%
<b>Vacant Units</b>	183	4.6%	36	0.8%

*Source: US Census Bureau ACS 2010 and 2020, DP04 Selected Housing Characteristics*

	2010	2020
<b>Avg. Household Size</b>	2.91	2.60
<b>Owner Occupied</b>	3.02	2.66
<b>Renter Occupied</b>	2.55	2.44

*Source: U S Census Bureau ACS 2010 and 2020, DP04 Selected Housing Characteristics, DP02 Selected Social Characteristics*

### Purchase and Rental Value of Housing Stock

Using the 2023 5-Year ACS data, approximately 48% of the 1,128 renters in the Borough spend between \$1,000 and \$1,499 on gross rent. Approximately 10.4% of renters spend less than \$1,000 monthly. The median gross rent in Pompton Lakes (\$1,451) is higher than the median gross rent of the County (\$1,310). Compared to the median contract rent of all surrounding communities, (Bloomingdale \$1,772; Wanaque \$1,885; Wayne \$2,126; Oakland (Bergen County) \$1,462; and Riverdale (Morris County) \$2,351; Pompton Lakes is still the most affordable.

Federal and State standards state that households paying in excess of 30% of their income for housing are considered to be rent-burdened. According to these standards, rent-burdened households make up 28.6% of the Borough's renter households, less than the percentage of rent-burdened located in the County as a whole (53.1%).

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According to the 2023 5-Year ACS estimates, the median value of owner-occupied housing in Pompton Lakes is \$27,300 less than the median home value for all of Passaic County. Homes valued between \$200,000 and \$500,000 account for 83.7% of Pompton Lakes' owner-occupied housing stock. Homes valued over \$500,000 account for less than 5% of the Borough's stock, compared to approximately 17.6% of housing stock in Passaic County.

Gross Rent	Pompton Lakes		Passaic County	
	Units	Percent	Units	Percent
Less than \$500	40	3.5%	5,426	7%
\$500-\$999	78	6.9%	11,699	15%
\$1,000-\$1,499	542	48%	36,221	46.5%
\$1,500 or more	468	41.6%	24,624	31.5%
<b>Total</b>	<b>1,128</b>	<b>100%</b>	<b>77,970</b>	<b>100%</b>
<b>Median Gross Rent</b>	<b>\$1,451</b>		<b>\$1,310</b>	

*Source: US Census Bureau, ACS, 2023 5-Year Estimates, Selected Housing Characteristics*

Gross Rent as Percent of Income	Pompton Lakes		Passaic County	
	Units	Percent	Units	Percent
Less than 15%	102	9%	8,639	11.4%
15% to 19.9%	325	28.8%	9,416	12.4%
20% to 24.9%	203	18%	9,347	12.3%
25% to 29.9%	175	15.5%	8,225	10.8%
30% to 34.9%	102	9%	6,255	8.2%
35% or more	221	19.6%	34,071	44.9%

*Source: US Census Bureau, ACS, 2023 5-Year Estimates, Selected Housing Characteristics*

	Pompton Lakes		Passaic County	
	Units	Percent	Units	Percent
Less than \$50,000	8	0.3%	1,700	1.9%
\$50,000 to \$99,999	16	0.5%	697	0.8%
\$100,000 to \$149,999	190	6.2%	2,098	2.4%
\$150,000 to \$199,999	158	5.2%	4,302	4.9%
\$200,000 to \$299,999	857	28.1%	20,659	23.4%
\$300,000 to \$499,999	1,695	55.6%	43,326	49.1%
\$500,000 to \$999,999	115	3.8%	14,665	16.6%
\$1,000,000 or more	8	0.3%	852	1.0%
<b>Median Value</b>	<b>\$324,700</b>		<b>\$352,000</b>	

*Source: US Census Bureau, ACS, 2023 5-Year Estimates, Selected Housing Characteristics*

### Condition of Housing Stock

The Census does not compile data on substandard housing. However, COAH's use of three (3) variables collected by the Census Bureau— old and over-crowded units, homes with incomplete plumbing, and homes with incomplete kitchens— have been upheld by the Appellate Division as satisfactory indicators or “proxies” of the amount of substandard housing within a municipality.

Homes considered 'old' are those homes that are at least 50 years old (built prior to 1970 for Census purposes). According to the 2023 ACS, 2,931 homes, or 69% of the Borough's housing stock, were built prior to 1970.

COAH's rules state that “overcrowded units” are those with more than one person (1.01 persons) living in a room. Approximately 2.8% of households in Pompton Lakes may be considered overcrowded.

The second and third indicators for substandard housing are those units that lack plumbing and kitchen facilities. The 2023 ACS data indicates that there are no units in the Borough that lack complete kitchen and plumbing facilities.

Built	Structures	Percent
2014 or later	0	0%
2010 to 2013	6	0.1%
2000 to 2009	168	4%
1990 to 1999	257	6%
1980 to 1989	263	6.2%
1970 to 1979	627	14.7%
1960 to 1969	821	19.3%
1950 to 1959	961	22.6%
1940 to 1949	526	12.4%
1939 or earlier	623	14.7%

*Source: US Census Bureau, ACS, 2023 5-Year Estimates, Selected Housing Characteristics*

Size	Units	Percent
1.00 or less	4,095	97.1%
1.01 to 1.50	90	2.1%
1.51 or more	31	0.8%
<b>Total</b>	<b>4,216</b>	<b>100%</b>

*Source: US Census Bureau, American Community Survey, 2023 5-Year Estimates, Selected Housing Characteristics*

	<b>Units</b>	<b>Percent</b>
<b>Lack of complete plumbing</b>	0	0%
<b>Lack of complete kitchen</b>	0	0%
<b>Lack of telephone services</b>	0	0%
<b>Lack of adequate heat</b>	0	0%
<b>Total</b>	<b>0</b>	<b>0%</b>
<i>Source: US Census Bureau, American Community Survey, 2023 5-Year Estimates, Selected Housing Characteristics</i>		

## Projection of Housing Stock

The tables below represent Pompton Lakes' projection of housing stock, including the probable future construction of low- and moderate-income housing for the next ten years. N.J.S.A. 52:27D-310 requires that a housing element contain such a projection, including the probable future construction of low- and moderate-income housing for the next ten years. This projection takes into account, but is not limited to construction permits issued, approvals of applications for development and probable residential development of land.

**Table 30** shows the Borough's historic development trends which contains building permit, certificate of occupancy (CO), and demolition data, sourced from the Jersey Construction Reporter made available by New Jersey's Department of Community Affairs' Division of Codes and Standards. According to NJDCA, between 2003 and 2023, 89 residential COs were issued, and 140 demolitions were recorded. Accounting for the 140 demolitions, net development in the Borough was -51 units, meaning there was a total loss of 51 housing units or an average loss of 2.4 units per year. Net residential development greatly fluctuated during two-decade period, peaking in the early aughts but afterwards, more housing units were demolished than were constructed. In 2003, there were 16 units of net development in the Borough but the next year, 2004 there was a net loss of one unit. Net development peaked in 2005 with a net growth of 20 housing units. After 2006, except for the years 2010 and 2018, net development was either reported to be at- or below zero. In 2010 and 2018, there were three units of net development.

<b>Year</b>	<b>COs Issued</b>	<b>Demolitions</b>	<b>Net Development</b>
<b>2003</b>	19	3	16
<b>2004</b>	0	1	-1
<b>2005</b>	25	5	20
<b>2006</b>	3	14	-11
<b>2007</b>	6	12	-6
<b>2008</b>	1	16	-15
<b>2009</b>	3	6	-3
<b>2010</b>	3	0	3
<b>2011</b>	1	2	-1
<b>2012</b>	0	10	-10
<b>2013</b>	3	9	-6
<b>2014</b>	2	8	-6
<b>2015</b>	4	12	-8
<b>2016</b>	6	9	-3
<b>2017</b>	3	23	-20

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<b>2018</b>	3	0	3
<b>2019</b>	0	6	-6
<b>2020</b>	0	0	0
<b>2021</b>	0	0	0
<b>2022</b>	0	0	0
<b>2023</b>	7	4	3
<b>Total</b>	<b>89</b>	<b>140</b>	<b>-51</b>
<i>Source: "New Jersey Construction Reporter" - New Jersey Department of Community Affairs's Division of Codes and Standards</i>			

Due to the built-out nature of the community and the limited available vacant land, it is unlikely that new construction will generate a significant number of new units in the future.

The North Jersey Transportation Authority (NJTPA) forecasts in its "2050 Regional Transportation Plan" that the Borough of Pompton Lakes will continue to grow, and over the next 27 years, will have an annual gain of about 26 households, 58 residents and 11 employees.

<b>Table 31: NJTPA 2050 Forecasts</b>			
<b>Year</b>	<b>Number</b>	<b>Change</b>	<b>Percent Change</b>
<b>Population Forecast</b>			
<b>2015</b>	11,172		--
<b>2023</b>	11,010	-162	-1.45%
<b>2050</b>	12,577	1,567	14.23%
<b>Household Forecast</b>			
<b>2015</b>	4,276		--
<b>2023</b>	4,142	-134	-3.13%
<b>2050</b>	4,852	710	17.14%
<b>Employment Forecast</b>			
<b>2015</b>	2,177	--	--
<b>2050</b>	2,471	294	13.50%
<i>Source: NJTPA Population Forecast by County and Municipality 2015-2040; 2023 ACS 5-year</i>			

## HOUSING REGION, REGIONAL INCOME LIMITS AND LMI THRESHOLDS

### Housing Regions

The Fourth Round DCA methodology calculated affordable housing obligations for each “housing region,” and then assigned fair share obligations to each of New Jersey’s 565 municipalities. The Fair Housing Act defines a “Housing Region” as a geographical area established pursuant to subsection b. of section 6 of P.L.2024, c.2 (C.52:27D-304.2). The State of New Jersey is divided into six such geographical areas which are listed below:

1. Region 1 shall consist of the counties of Bergen, Hudson, Passaic, and Sussex;
2. Region 2 shall consist of the counties of Essex, Morris, Union, and Warren;
3. Region 3 shall consist of the counties of Hunterdon, Middlesex, and Somerset;
4. Region 4 shall consist of the counties of Mercer, Monmouth, and Ocean;
5. Region 5 shall consist of the counties of Burlington, Camden, and Gloucester; and
6. Region 6 shall consist of the counties of Atlantic, Cape May, Cumberland, and Salem.

The Borough of Pompton Lakes is located with **Housing Region 1**.

### Income Limits

Affordable housing in New Jersey is housing that is rented or sold and occupied by, or reserved for occupancy by, “low and moderate income” (LMI) households. In accordance with the Fair Housing Act and affordable regulations, LMI households are those that have a median gross household income limited to the following:

<b>LMI Type</b>	<b>Household Income Limit:</b>
<b>Moderate Income:</b>	More than <b>50%</b> but less than <b>80%</b> of the Region’s Median Income
<b>Low Income:</b>	Less than <b>50%</b> of the Region’s Median Income
<b>Very low income:</b>	Less than <b>30%</b> of the Region’s Median Income

The Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.3(d) and (e) require that the maximum rent for a qualified unit be affordable to households with incomes less than 70% of the median income for the region, provided the development includes 13% or more very low-income units. The average rent must be affordable for households with incomes no greater than 52% of the median income. The maximum sale prices for affordable units must be affordable to households with incomes less than 70% of the median income. The average sale price must be affordable for a household with an income of 55% or less than the median income.

The income limits for Pompton Lakes are based on the median income established for Region 1. Historically, COAH has relied on US Department of Housing and Urban Development (HUD) estimates of median income for New Jersey’s housing regions. The recent amendment P.L 2024, Chapter 2, has continued to use the HUD estimates to determine income limits for those of moderate incomes, low incomes, and very low incomes. Therefore, the median household income for household sizes 1 through

7+ in Region 1 will be determined using the most recent HUD estimates. The following table reflects the 2025 affordable housing regional income limits for Region 1, prepared by Affordable Housing Professionals of New Jersey (AHPNJ).

Household Income	Household Size				
	1-Person	2-Person	3-Person	4-Person	5-Person
<b>Median</b>	\$89,100	\$101,800	\$114,500	\$127,200	\$137,400
<b>Moderate</b>	\$71,280	\$81,440	\$91,600	\$101,760	\$109,920
<b>Low</b>	\$44,550	\$50,900	\$57,250	\$63,600	\$68,700
<b>Very Low</b>	\$26,730	\$30,540	\$34,350	\$38,160	\$41,220

Source: Affordable Housing Professionals of NJ

## LMI Monthly Home Costs

Housing costs for LMI households are restricted to a percentage of their household's eligible monthly income.

- For home ownership units, the maximum initial purchase price shall be calculated so that the monthly carrying costs (including principal and interest- based on a mortgage equal to 95% of the purchase price and the Federal Reserve H15 rate of interest, taxes, homeowner and private mortgage insurance, and condominium/homeowner association fees) do not exceed 28 percent of an eligible household's income.
- For rental units, the initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size.

	1-Bedroom (1.5-bedroom Household)	2-Bedroom (3-Person Household)	3-Bedroom (4.5-Person Household)
<b>Moderate</b>	\$1,355	\$1,626	\$1,878
<b>Low</b>	\$1,129	\$1,355	\$1,565
<b>Very Low</b>	\$677	\$813	\$939

Source: Affordable Housing Professionals of NJ/FSHC 2024 Rent Calculator

## AFFORDABLE HOUSING OBLIGATION

As mentioned earlier in this document, on March 20, 2024, Governor Murphy signed P.L.2024, c.2. into law, establishing a new framework for determining and enforcing municipalities' fourth round affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the State's Fair Housing Act. In that the legislation requires a housing plan to examine the prior round compliance (first, second, and third rounds), along with the "present need" or "rehabilitation obligation" and the "prospective need obligation" for the fourth round. The purpose of this section of the Plan is to set forth the Borough's approach to satisfying the fourth-round obligation along with noting the prior round compliance.

### Prior Round Compliance

The Borough of Pompton Lakes has a history of fulfilling its affordable housing obligation and has participated since Round 1, and the various iterations of Round 3 since 2005. The Borough entered into a settlement agreement with Fair Share Housing Center and adopted a Housing Plan Element and Fair Share Plan on November 19, 2019, which was endorsed by the governing body on December 4, 2019. Although there isn't any vacant land available and the Borough could have adjusted their obligation through a vacant land adjustment, the third-round plan set forth mechanisms to address the entire obligation. The Borough's prior (1987-1999) and third round (1999-2025) were 102 and 265, respectively, for a total of 367 units. The plan included various mechanisms such as existing senior housing, inclusionary development project, group homes / alternative living arrangements, redevelopment areas and projects, etc., as described in detail in the fair share plan. This is described in detail in the Fourth Round Fair Share Plan section of this document. The Borough reserves the right to apply additional credits and any eligible bonus credits towards the future rounds.

### Present Need

A municipality's present need obligation, pursuant to the Fair Housing Act (N.J.S.A. 52:27D-304.3.b.), is determined by estimating the number of existing deficient housing units currently occupied by low- and moderate-income households within the municipality. The DCA calculated this number by using the methodology comparable to that used to determine the third-round present need, using datasets made available through the federal decennial census and the American Community Survey, including the Comprehensive Housing Affordability Strategy dataset.

The DCA calculated municipal present need obligations in *Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background*, released on or about October 18, 2024. This DCA Report calculated a rehabilitation obligation of 45 units for the Borough.

The Borough intends to satisfy the present need obligation through measures explained in detail in the Fourth Round Fair Share Plan.

### Prospective Need

The DCA assigned Pompton Lakes a 106-unit Prospective Need, which is also known as the new construction obligation, reflecting the number of units that must be created or zoned for by 2035. The amended statutes required a municipality to either accept DCA's number or present an analysis of its present and prospective fair share obligation in accordance with the formulas established pursuant to N.J.A.C.52:27D-304.2 and N.J.A.C.52:27D-304.3. H2M, on behalf of the municipality, calculated an

adjusted Prospective Need of 104 units. In the analysis conducted, H2M removed land that was inappropriately included in the DCA's calculations for the Land Capacity Factor. This reduced the affordable housing obligations by two units from 106 to 104.

In accordance with the requirements of N.J.S.A 52:27D-301, the Borough filed a resolution of participation before the Affordable Housing Dispute Resolution Program, to propose that Pompton Lake's Prospective Need obligation be set at 104 units. The Borough's resolution was challenged by one intervenor, the New Jersey Builders Association (NJBA), who filed an objection on February 28, 2025. The intervenor's objection contended that Pompton Lake's Prospective Need should remain at 106 units. To resolve this dispute, all parties engaged in the mediation process provided by the Affordable Housing Dispute Resolution Program and mediated to establish the Borough's obligation at 105 units.

The present and prospective need are noted in the table below.

<b>Component</b>	<b>Obligation</b>
<b>Present Need/ "Rehabilitation Share" Obligation</b>	45
<b>Prospective Obligation (2025-2035)</b>	105
<b>Total Obligation</b>	<b>150</b>

The lack of available vacant land continues to be a significant limitation to development opportunities in the Borough of Pompton Lakes. As part of this effort, the Borough prepared an updated Vacant Land Analysis to assess the current development potential as per the amended legislation as described in the following section.

## Vacant Land Adjustment

The legislation, pursuant to N.J.A.C.52:27D-310.1.1, allows the municipality to request an adjustment due to available land capacity. The regulations require that as part of the process of adopting and implementing its housing element and fair share plan, identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted and adopt realistic zoning that allows for such adjusted obligation, or demonstrate why the municipality is unable to do so.

### Process

A study of vacant and public lands provides a closer look at existing development and the potential for future development of vacant land, public land, and farmland (if available) based on such factors as lot size, environmental constraints, and accessibility.

This data set was reviewed for completeness and accuracy with respect to property class codes and, where necessary, updated based on local information and/or current aerial images. Data was then compared with local information to eliminate recently developed parcels, parcels in active use for municipal government or utilities purposes, parcels used for open space and recreation (ROSI and Non ROSI properties) and parcels owned by other municipalities, the County or the State.

Section 1 of P.L. 1995, c.231, (C.52:27D-310.1) amends the vacant land adjustment procedures to allow excluding the following as vacant land:

1. Land owned by a government entity that is utilized for a public purpose other than housing.

2. Land listed on a masterplan as being dedicated for the purposes of conservation, park lands or open space that is owned, leased, or operated by a county, municipality, or tax-exempt non-profit organization.
3. Any vacant contiguous parcels of privately-owned land which are too small, when aggregated, to support five (5) or more units based on appropriate standards pertaining to housing density.
4. Historic and architecturally important sites listed on the State Register of Historic Places or National Register of Historic Places.
5. Agricultural lands when the development rights to these lands have been purchased or restricted by covenant.
6. Sites designated for active recreation that are designated for recreational purposes in the municipal master plan.
7. Environmentally sensitive lands where development is prohibited by any State or federal agency, including, but not limited to, the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), for lands Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities.

#### Fourth Round Vacant Land Adjustment

If a municipality seeks a vacant land adjustment, they are required to calculate the Realistic Development Potential (RDP), or the portion of the fair share obligation that can realistically be addressed with inclusionary development. In the Vacant Land Analysis prepared for the Fourth Round, environmentally sensitive land included land in 100-year floodplains, wetlands, Category One (C-1) waterways, etc. Data for these environmental constraints were overlaid on existing parcel maps to identify constrained portions of the vacant properties in question. Parcels partially encumbered and still considered developable or partially developable were left in the inventory of vacant land and the environmentally constrained portions of those lots were removed from the total site acreage calculations. Parcels that were entirely constrained were not considered for the inventory of vacant land with realistic development potential (RDP) but are included in the vacant land inventory. Additionally, any parcels on the State Register of Historic Places or National Register of Historic Places were excluded from the RDP. The statutes require the Borough to evaluate vacant (Tax Class 1) and publicly owned (Tax Class 15C) properties that are not environmentally constrained and consider those sites for inclusionary housing development. All remaining parcels were included in the Borough's land capacity calculation with a 20% low and moderate-income housing requirement applied to the Borough's estimated build-out.

Maps were created to graphically show how the final list of developable properties were determined. A complete description of the Vacant Land Analysis (VLA) process, as well as maps and data tables are included in **Appendix B**.

The lack of available vacant land continues to be a significant limitation to development opportunities in the Borough of Pompton Lakes. The vacant land analysis resulted in a **realistic development potential (RDP) of zero (0)**. There are no parcels of vacant land (Tax Class 1) or publicly owned land (Tax Class 15C) that are of adequate size, unconstrained.

## Consideration of Lands Most Appropriate for Affordable Housing

As part of this plan, the Borough considered land that is appropriate for the construction of low- and moderate-income housing. Additionally, the sites are in areas serviced by public water and sewer. The Borough expects that infrastructure and maintenance costs in new developments are to be borne by developers and owners of the property, not the municipality. This includes the cost for developing and maintaining all access drives and private roadways, and connections to water and sewer systems.

The Pompton Lakes Municipal Utilities Authority (PLMUA) is responsible for the Borough's water and sewer. As per the recent correspondence from the PLMUA, a preliminary study was conducted to consider the impact of proposed development on the capacity of the treatment plant. Based on the publicly available data and considering the agreements with the Authority, it is the opinion of the PLMUA's engineer that the treatment plant's daily reserve capacity (per the NJDEP guidelines) would be approximately 36,000 gallons. One of the pending projects would go above that level while the other projects that are pending approval would approach but not exceed that level. The final decision regarding treatment plant capacity for any project exceeding 8,000 gallons per day would come from the NJDEP and the opinion of the PLMUA would not be binding upon the State.

## Multigeneration Family Housing Requirements

The Multigenerational Family Housing Continuity Commission was established by the State of New Jersey in 2021. Pursuant to N.J.S.A. 52:27D-310(g), the Fourth Round HEFSP is required to provide 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." Furthermore, as noted in N.J.S.A. 52:27D-329.20, one of the primary duties of the Commission is to "prepare and adopt recommendations on how State government, local government, community organizations, private entities, and community members may most effectively advance the goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity, through the modification of State and local laws and policies in the areas of housing, land use planning, parking and streetscape planning, and other relevant areas." As of the date of this HEFSP, the Multigenerational Family Housing Continuity Commission has not yet adopted any recommendations.

## Consistency with the State Development and Redevelopment Plan

Pursuant to the 2025 adopted State Development and Redevelopment Plan (hereinafter the "State Plan"), the entirety of the Borough, barring a small to the north (Park), is within Metropolitan Planning Area 1 (PA-1). The SDRP envisions the Metropolitan Planning Area as accommodating much of the State's growth, through compact development and redevelopment, particularly near transit and amenities, while urging sensitivity to natural habitats and historically overburdened communities.

## Affordable Housing Administration & Affirmative Marketing

Article XV, of Chapter 190, Land Use Code sets forth the Affordable Housing requirements including administration of the units. This addresses the Borough's constitutional obligation to provide for its fair share of low- and moderate-income housing, as directed by the Superior Court and consistent with N.J.A.C. 5:93-1 et. seq., as amended and supplemented, and the New Jersey Fair Housing Act of 1985. This addresses the low/moderate income split, bedroom distribution, occupancy standards, affordability controls,

establishing rents and prices, affirmative marketing, income qualification, etc. All newly created affordable units, with limited exceptions, will comply with the affordability control period of 30 years for sale units or 40 years for rental units, as required by the Fair Housing Act and the Uniform Housing Affordability Control Rules.

The Borough created the position of the Municipal Housing Liaison and appointed a staff member to the position. The Municipal Housing Liaison is responsible for administering the affordable housing program, including affordability controls, the Affirmative Marketing Plan, monitoring and reporting, and, where applicable, supervising any contracted administrative agent. The ordinance sets forth standards for the affirmative marketing plan in accordance with N.J.A.C. 5:80-26.15, as may be amended and supplemented.

Article XVII, of Chapter 190, Land Use Code sets forth the standards for Development Fees and establishes an affordable housing trust fund.

## New Jersey Highlands Region

As mentioned earlier, the Borough of Pompton Lakes is located with the Highlands Region which is comprised of 88 municipalities. These municipalities are in seven counties namely, Bergen, Hunterdon, Morris, Passaic, Somerset, Sussex, and Warren. The Highlands Region is known for its scenic views and natural beauty, but it is also an important resource for the state and a source of drinking water for over half of New Jersey residents. The Highlands Water and Protection and Planning Act (Highlands Act) has designated two specific boundaries within the Highlands Region—the Planning Area and the Preservation Area. The main distinction between the Planning Area and the Preservation Area is that municipal and county conformance with the Highlands Regional Master Plan is mandatory in the Preservation Area but not in the Planning Area, where plan conformance is voluntary. The Borough of Pompton Lakes is located entirely within the Planning Area (2,000.7 acres).

Furthermore, within the Highlands Planning Area there are three distinct land use capability zones: Protection Zone, Conservation Zone, and Existing Community Zone. These zones also have subzones, which include the Wildlife Management Subzone (within the Protection Zone), the Conservation Zone-Environmentally Constrained Subzone (within the Conservation Zone), the Existing Community Zone-Environmentally Constrained Subzone, and the Lake Community Subzone (within the Existing Community Zone). These zones break down the land within the Highlands Region based on various factors, including geography, natural resources, and the overall carrying capacity of such land for development. Land use capability zones are intended to act like overlay zones, built on the underlying municipal zoning designation and designed to add additional standards to address specific issues that may not be considered in a standard municipal zone, such as watershed management areas, historic preservation, and open space preservation. In the Borough of Pompton Lakes, 43.1% of the land is in the existing community zone, 19.2% of the land is in the protection zone, 16.1% is within the lake community subzone, and 1.9% is within the existing community environmentally constrained subzone. Only about 0.2 acres is located within a wildlife management area.

On October 30, 2008, The Highlands Council and COAH entered into a Memorandum of Understanding to establish a cooperative planning process to plan for and create opportunities for affordable housing within the Highlands Region. As a municipality fully located in the “Planning Area” of the Highlands Region, Pompton Lakes Borough secured a Highlands Plan Conformance Grant which began the process of assessing its intent to conform to the Highlands RMP. The Borough implemented the grant between May 2009 and May 2010. Participation in the grant program provided a process for the Borough to assess the compatibility between meeting the Borough’s affordable housing needs and protecting its significant environmental resources. As part of the Grant process, Pompton Lakes

prepared a “Highlands Housing Element and Fair Share Plan.” Ultimately, upon completion of the Grant deliverables in 2010, the Borough decided not to petition the Highlands Council for Plan Conformance. As mentioned earlier, participation to be a highlands conforming municipality is not mandatory for towns in the highlands planning area.

## FOURTH ROUND FAIR SHARE PLAN

Municipalities must demonstrate how they will address their Present Need and Prospective Need obligations in the form of a Fair Share Plan. Additionally, the plan must assess the degree to which the municipality has met its fair share obligation from the prior rounds of affordable housing obligations as established by the prior court approval and determined to what extent the obligation is unfulfilled or whether the municipality has credits more than its prior round obligation.

### Prior Round Compliance

The Borough of Pompton Lakes has a history of fulfilling its affordable housing obligation and has participated since Round 1, and the various iterations of Round 3 since 2005. The Borough entered into a settlement agreement with Fair Share Housing Center and adopted a Housing Plan Element and Fair Share Plan on November 19, 2019, which was endorsed by the governing body on December 4, 2019. As mentioned earlier, although there isn’t any vacant land available and the Borough could have adjusted their obligation through a vacant land adjustment, the third-round plan set forth mechanisms to address the entire obligation. The Borough’s Prior (1987-1999) and Third round (1999-2025) were 102 and 265, respectively, for a total of 367 units. The plan included various mechanisms such as existing senior housing, inclusionary development project, group homes / alternative living arrangements, redevelopment areas and projects, etc., as noted in **Table 36**, below. Furthermore, this is in accordance with the 2025 Agreement between the Borough of Pompton Lakes and FSHC.

## Housing Element and Fair Share Housing Plan |The Borough of Pompton Lakes

<b>Table 36: Borough's Prior Round Obligations (First, Second, and Third)</b>				
<b>Existing Development</b>		<b>Units</b>	<b>Bonus</b>	<b>Total</b>
<b>1</b>	Pompton Lakes Senior Housing (100 Hunter Place) (Block 107, Lot 17)	91	0	91
<b>2</b>	Highlands and Summit Falls Inclusionary Development Project (65 Cannonball Road) (Block 100, Lot 25)	23	0	23
<b>3</b>	Bethesda Lutheran Homes and Services Inc.	5	5	10
<b>4</b>	Community Options Inc.	4	4	8
<b>5</b>	Community Options Inc.	2	2	4
<b>6</b>	Catholic Charities	4	4	8
<b>7</b>	Catholic Charities	7	7	14
<b>All existing subtotal</b>		<b>136</b>	<b>22</b>	<b>158</b>
<b>New Proposed Inclusionary Sites</b>		<b>Units</b>	<b>Bonus</b>	<b>Total</b>
<b>1</b>	Block 2700, Lot 5 (100 Broad Street)	6	0	6
<b>2</b>	Block 100, Lot 22.03 (93 Cannonball Road)	3	0	3
<b>All inclusionary subtotal</b>		<b>9</b>	<b>0</b>	<b>9</b>
<b>Downtown Redevelopment Area Inclusionary Sites</b>		<b>Units</b>	<b>Bonus</b>	<b>Total</b>
<b>1</b>	Washington Building (125 Wanaque)( Block 3101, Lot 4.01)	1	1	2
<b>2</b>	CJM Building (Pompton Five – 223 Wanaque Avenue)(Block 6300, Lot 34)	2	2	4
<b>3</b>	Salvation Army (Lakeside Commons/43 Lakeside Avenue) (Block 6200, Lot 1)	2	2	4
<b>4</b>	Capadogli (Wanaque and Lenox) (Block 6300, Lots 7, 19, 22-28)	15	15	30
<b>5</b>	Plumlaw Partners (231-235 Wanaque Avenue) (Block 6300 Lot 33)	1	1	2
<b>6</b>	R&M Hardware (Block 3000, Lots 23-26) 264 Wanaque Avenue	3	3	6
<b>7</b>	Animal Hospital (Cannonball Rd, Block 100, Lots 10.01 and 10.02)	2	0	2
<b>8</b>	Wanaque Avenue Site (Block 3000, Lots 6,7,8) 198-206 Wanaque Avenue	11	11	22
<b>9</b>	Soojian Site (Block 2400, Lot 1) 60 Wanaque Avenue	1	0	1
<b>10</b>	Cardinal Gas Station (Block 3100, Lot 4) (Colfax and Lakeside Ave)	4	0	4
<b>11</b>	Specific Sites in the DRA-1 (east of Wanaque) (Block 3000, Lots 3,10,13, 14,19, and 21.01) and DRA-2 Zone (Block 11, Lot 10.03). These sites will now have a 20% inclusionary component than the prior 10% inclusionary	80	0	80

		<b>Subtotal</b>	<b>122</b>	<b>35</b>	<b>157</b>
<b>Other Areas (Inclusionary)</b>		<b>Units</b>	<b>Bonus</b>	<b>Total</b>	
<b>1</b>	Smith site (Block 6300, Lot 1) (Pompton Smith Project – 201 Wanaque Avenue)	4	4	8	
<b>2</b>	A&P Site (Block 100, Lot 8)	28	28	56	
<b>3</b>	Hamburg Redevelopment Area (Block 2800, Lot 11)	1	1	2	
<b>4</b>	714-720 Hamburg Turnpike	2	2	4	
		<b>Subtotal</b>	<b>35</b>	<b>35</b>	<b>70</b>
		<b>Total</b>	<b>302</b>	<b>92</b>	<b>394</b>
<b>Total Third Round Obligation</b>				<b>367</b>	
				<b>Surplus</b>	<b>27</b>

As seen in Table 36 above, the Borough addressed its affordable housing obligation for the Third Round through a variety of mechanisms, resulting in a surplus of 27 units. As such, there is no obligation carried to the fourth round. As noted in the 2025 Settlement the Borough intends to utilize the surplus credits towards addressing the unmet need in the Fourth Round.

## Present Need Compliance

According to the DCA, the Borough of Pompton Lakes has a present need of 45 units. As per the 2025 Agreement the Borough will utilize a portion of the new affordable veterans housing units at 519 Ringwood Avenue, which are being constructed by the County of Passaic. Therefore, this HEFSP anticipates that out of the total 65 units of veterans housing, the Borough will dedicate 40 units towards the present need. The Borough intends to continue to contract with Triad Associates to satisfy the remaining five (5) units of the Present Need obligation for the Fourth Round.

### Triad Associates Contact information:

Lyanessa Rodriguez

lrodriguez@triadincorporated.com

856-690-5749

1301 West Forest Grove Road, Building #3

Vineland, NJ 08360

Company Website: <http://triadincorporated.com/>

Housing Programs Website: <https://www.triadhousingprograms.com/>

The Borough will utilize funds from its affordable housing trust fund and such other funding sources as they exist or may become available.

## Credit / Bonus Requirements for the Fourth Round Prospective Need

There are extensive requirements that municipalities must ensure their affordable housing strategies satisfy to be eligible for a Compliance Certification. Furthermore, those requirements vary by round. The following section provides a summary of the requirements as per the amended legislation.

### Crediting Requirements

The following crediting requirements apply:

- A maximum of 30% of obligation can be age-restricted housing
- A minimum of 50% of the obligation must be family housing
- A minimum of 25% of the obligation must be through rental housing
  - Half of that number must be available to families with children
- A minimum of 50% of obligation must be low-income housing
- A minimum of 13% of the obligation must be met with very low-income housing (part of low-income housing component)

### Credit Bonuses

The regulations have changed the bonus structure since the Round I, Round II, and Round III regulations. The following are the bonuses that are permitted pursuant to C.52:27D-311.11.k:

- One bonus credit for each unit of low- or moderate-income housing for individuals with special needs or permanent supportive housing.
- One-half bonus credit as follows:
  - For each low- or moderate-income ownership unit created in partnership sponsorship with a non-profit housing developer.
  - For each unit of low- or moderate-income housing located within a one-half mile radius, or one-mile radius for projects located in a Garden State Growth Zone, as defined in section 2 of P.L.2011, c.149 (C.34:1B-243).
  - For a unit of age-restricted housing, provided that a bonus credit for age-restricted housing shall not be applied to more than 10 percent of the units.
  - For each unit of low- or moderate-income family housing with at least three bedrooms above the minimum number required by the bedroom distribution.
  - For a unit of low- or moderate-income housing constructed on land that is or was previously developed and utilized for retail, office, or commercial space.
  - For 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.
  - For each unit of very low-income housing for families above the 13 percent of units required to be reserved for very low-income housing.

- One bonus credit for 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.
- One bonus credit for each unit of low- or moderate-income housing created by transforming an existing rental or ownership unit from a market rate unit to an affordable housing unit.

Bonus limitations are as follows:

- Bonuses may not exceed 25% of the obligation.

The table below summarizes the Borough's Fourth Round Obligations, resulting in the following minimum and maximum requirements. The Borough will continue to comply with Article XV Affordable Housing Ordinance that requires new affordable units to meet bedroom distribution, income eligibility, and age-restriction, family and rental requirements.

<b>Fourth Round Obligation</b>	<b>Required %</b>	<b>Required Units Prospective Need</b>
<b>Min. Family Housing</b>	50%	53
<b>Other Mechanisms (group homes, etc.)</b>	50%	52
<b>Min. Rental Housing</b>	25%	27
<b>Max. Age Restricted</b>	30%	32
<b>Min. Low Income</b>	50%	53
<b>Min. Very Low Income</b>	13%	14

## Fourth Round Compliance Approach and Strategy

### Vacant Land Adjustment

The Borough has prepared a Vacant Land Analysis (VLA) for the Fourth Round of Affordable Housing (2025-2035) attached in **Appendix B**. The Fourth Round VLA returned realistic development potential of zero (0) units as there are no adequately sized parcels of vacant land in the Borough that are unconstrained and developable. This results in an RDP of zero and thus an unmet need of 105 units. As per the 2025 Agreement and in accordance with N.J.A.C:52:2D-310.1, the Borough received an adjustment of their prospective need obligations for the Fourth Round based on a lack of vacant land. As such, the Borough is required to address at least 25% of its adjusted prospective need, calculated to be about 27 units, by identifying parcels likely to redevelop. The above-mentioned surplus of 27 units stated in **Table 36** will be generated through the increase of the affordable set-aside to 20% from the existing 10% in the DRA-1 and DRA-2 redevelopment areas. This surplus will be applied to the 25% of the unmet need that must be satisfied through redevelopment.

### Credits Towards the Unmet Need

The amended legislation does not provide guidance towards the fulfillment of unmet need. However, as per N.J.A.C. 5:93-4.2(h) and N.J.A.C. 5:93-5.1, the following are a few mechanisms:

1. Zoning amendments that permit apartments or accessory apartments.
2. Overlay zoning requires inclusionary development or the imposition of a development fee consistent with N.J.A.C.5:93-8. In approving an overlay zone, the existing use may be allowed to continue and

expand as a conforming use, but where the existing use on the site is proposed to be changed, the site shall produce low- and moderate-income housing or a development fee; or

3. Zoning amendments that impose a development fee consistent with N.J.A.C. 5:93-8.
4. Rehabilitation of substandard units.
5. Municipally sponsored and 100% affordable construction.
6. Zoning for Inclusionary Development.
7. Alternative living arrangements (i.e., group homes).
8. Purchase of existing homes.
9. Write-down/buy-down (Market to Affordable) programs.
10. Assisted living residences.

As per the settlement agreement, the Borough is proposing to satisfy the unmet need, including the 25% requirement through redevelopment, which will be satisfied through the increase in the affordable set-aside from 10% to 20%, as stated above in **Table 36**. The Borough has other mechanisms in place to address the remaining unmet need such as a development fee ordinance, a mandatory set-aside ordinance for developments containing five units, and through the affordable veterans housing units at 519 Ringwood Avenue constructed by the County of Passaic.

### Zoning for Affordable Housing

#### Downtown Redevelopment Areas 1 & 2 (DRA-1 & DRA-2)

The Downtown Redevelopment Area 1 and 2 Zone Districts are located along Wanaque Avenue and along Cannonball Road, respectively. The DRA-1 and DRA-2 zone districts were established to fulfill the affordable housing obligations for the Third Round. Currently, the inclusionary set-aside at is set at 10% for developments with more than 5 units. In the Fourth Round, specified sites in the DRA-1 Zone (Block 3000, Lots 3,10,13, 14,19, and 21.01) & DRA-2 Zone (Block 11, Lot 10.03) will increase the set-aside to 20% from the prior 10% inclusionary component. With this increase, it is anticipated to generate a total of 80 additional units. This results in a surplus of 27 units, which will be applied towards the unmet need as noted within the 2025 Agreement.



Table 40: Downtown Redevelopment Area 1 (DRA-1)	
<b>Block and Lot:</b>	Block 3000, Lots 2,10,13,14, & 21.01
<b>Location:</b>	West of Wanaque Avenue
<b>Size:</b>	4.67 Acres
<b>Zone District:</b>	DRA-1

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**Table 41: Downtown Redevelopment Area 2 (DRA-2)**

<b>Block and Lot:</b>	Block 100, Lot 10.03
<b>Location:</b>	19 Cannonball Road
<b>Size:</b>	0.47 Acres
<b>Zone District:</b>	DRA-2

## **APPENDICES**

# **APPENDIX A:**

Pompton Lakes and FSHC Mediation Agreement

**MEDIATION AGREEMENT BEFORE THE AFFORDABLE HOUSING DISPUTE  
RESOLUTION PROGRAM**

In the Matter of the Application of the Borough of Pompton Lakes, County of Passaic  
Docket No. PAS-L-000299-25

**WHEREAS**, the Borough of Pompton Lakes (the “Borough” or “Pompton Lakes”) having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the “Program”) and a declaratory judgment action pursuant to N.J.S.A. 52:27D-301 et. seq. (the “Fair Housing Act”) on January 24, 2025; and

**WHEREAS**, the Court entered an order on May 1, 2025 setting the Borough’s Fourth Round fair share obligations as a Present Need of 45 units and a Prospective Need of 105 units, which no party appealed, and ordering the Borough to file a Housing Element and Fair Share Plan (“HEFSP”) by June 30, 2025; and

**WHEREAS**, the Borough having filed its HEFSP on June 26, 2025 (“Adopted HEFSP”);  
and

**WHEREAS**, Fair Share Housing Center (“FSHC”) having filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough’s HEFSP on August 27, 2025; and

**WHEREAS**, the Borough and FSHC have agreed to amicably resolve the issues set forth in the challenge through this mediation agreement and present this agreement for review by the Program and referral to the Mount Laurel judge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) and Administrative Directive #14-24, which if approved will result in a compliance certification for the Borough for the Fourth Round;

**THEREFORE**, the Borough and FSHC agree:

### **Fair Share Obligations**

1. The Borough's Present Need or Rehabilitation Obligation is 45, the Borough's Prior Round Prospective Need Obligation (1987-1999) was 102, the Borough's Third Round Prospective Need Obligation (1999-2025) was 265, the Borough's Fourth Round Prospective Need (2025-2035) is 105.

### **Satisfaction of Fair Share Obligations**

2. The Borough Present Need obligation of 45 Units will be met by a rehabilitation administered by Triad Associates and using the Affordable Housing Trust Fund as a funding mechanism and will also utilize a portion of the new affordable veterans housing units being constructed by the County of Passaic and not utilized towards prospective need due to residency restrictions located at 519 Ringwood Avenue.
3. The Borough's Prior Round Prospective Need and Third Round Prospective Need is 367, which is met by the following mechanisms:

<b>Table 1: Borough's Prior Round Obligations (First, Second, and Third)</b>				
<b>Existing Development</b>		<b>Unit s</b>	<b>Bonu s</b>	<b>Tota l</b>
1	Pompton Lakes Senior Housing (100 Hunter Place, Block 107, Lot 17)	91	0	91
2	Highlands and Summit Falls Inclusionary Development Project (65 Cannonball Road, Block 100, Lot 25)	23	0	23
3	Bethesda Lutheran Homes and Services Inc.	5	5	10
4	Community Options Inc.	4	4	8
5	Community Options Inc.	2	2	4
6	Catholic Charities	4	4	8
7	Catholic Charities	7	7	14
<b>All existing subtotal</b>		<b>136</b>	<b>22</b>	<b>158</b>
<b>New Proposed Inclusionary Sites</b>		<b>Unit s</b>	<b>Bonu s</b>	<b>Tota l</b>
1	Block 2700, Lot 5 (100 Broad Street)	6	0	6
2	Block 100, Lot 22.03 (93 Cannonball Road)	3	0	3
<b>All inclusionary subtotal</b>		<b>9</b>	<b>0</b>	<b>9</b>
<b>Downtown Redevelopment Area Inclusionary Sites</b>		<b>Unit s</b>	<b>Bonu s</b>	<b>Tota l</b>

1	Washington Building (125 Wanaque) (Block 3101, Lot 4.01)	1	1	2
2	CJM Building (Pompton Five – 223 Wanaque Avenue) (Block 6300, Lot 34)	2	2	4
3	Salvation Army (Lakeside Commons/43 Lakeside Avenue) (Block 6200, Lot 1)	2	2	4
4	Salvation Army (Lakeside Commons/43 Lakeside Avenue) (Block 6200, Lot 1)	15	15	30
5	Plumlaw Partners (Block 3000 Lots 23-26) 264 Wanaque Avenue	1	1	2
6	R&M Hardware (Block 3000 Lots 23-26) 264 Wanaque Avenue	3	3	6
7	Animal Hospital (Cannonball Rd, Block 100 Lots 10.01 and 10.02)	2	0	2
8	Wanaque Avenue Site (Block 3000 Lots 6,7,8) 198-206 Wanaque Avenue	11	11	22
9	Soojian Site (Block 2400 Lot 1) 60 Wanaque Avenue	1	0	1
10	Cardinal Gas Station (Block 3100, Lot 4) (Colfax and Lakeside Ave)	4	0	4
11	Specific Sites in the DRA-1 (east of Wanaque) (Block 3000, Lots 3,10,13, 14,19, and 21.01) and DRA-2 Zone (Block 11, Lot 10.03). These sites will now have a 20% inclusionary component than the prior 10% inclusionary	80	0	80
<b>Subtotal</b>		<b>122</b>	<b>35</b>	<b>157</b>
<b>Other Areas (Inclusionary)</b>		<b>Unit</b>	<b>Bonus</b>	<b>Total</b>
1	Smith site (Block 6300 Lot 1) (Pompton Smith Project – 201 Wanaque Avenue)	4	4	8
2	A&P Site (Block 100 Lot 8.02)	28	28	56
3	Hamburg Redevelopment Area (Block 2800, Lot 11)	1	1	2
4	714-720 Hamburg Turnpike	2	2	4
<b>Subtotal</b>		<b>35</b>	<b>35</b>	<b>70</b>
<b>Total</b>		<b>302</b>	<b>92</b>	<b>394</b>
<b>Total Obligation</b>				<b>367</b>
<b>Surplus</b>				<b>27</b>

The above referenced surplus of 27 units will be through the set aside increase of 20% than the existing 10% in the DRA-1 and DRA-2 redevelopment areas. This surplus will be applied to satisfy the 25% unmet need as noted in paragraph 4 below

4. The Borough's Fourth Round Realistic Development Potential (RDP) is zero as a result of the Vacant Land Adjustment. Mechanisms to address unmet need, including the 25% requirement through redevelopment, which will be satisfied through the increase in the set aside from 10% to 20%. The Borough has other mechanisms in place to address the remaining unmet need such as the development fee ordinance consistent with N.J.A.C. 5:90-8, a mandatory set aside ordinance for development containing five units or more as

noted in Section 190-121 of the ordinance and addressing a portion through the new affordable veterans housing units being constructed by the County of Passaic as noted in paragraph 2 of this document.

### **Unit Type and Income Distribution Requirement**

5. The Borough and FSHC agree that the Borough's HEFSP as presented above satisfies the unit type and income distribution requirement standards set forth in P.L. 2024, c. 2, (including but not limited to N.J.S.A. 52:27D-311(l), N.J.S.A. 52:27D-211(l), N.J.S.A. 52:27D-311(l), N.J.S.A. 52:27D-329.1) and that the Borough shall maintain satisfaction with such requirements for the Fourth Round. All new construction units shall be adaptable in conformance with P.L.2005, c.350/N.J.S.A. 52:27D-311(a) and (b), and all other applicable law. All Prior Round and Third Round compliance shall continue to meet with the applicable percentages and standards for bonuses, family and senior housing, rental and family rental, very low-income units, and adaptability set forth in any prior settlement agreement between FSHC and the Borough, statutory requirements, and the Prior Round and Third Round regulations.
6. In all developments that produce affordable housing, the Borough and FSHC agree that, unless varied by a prior court order of the trial court, the below terms shall apply:
  - a. All of the affordable units shall fully comply with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1, et seq. ("UHAC"), including but not limited to the required bedroom and income distribution, length of affordability controls, and phasing of affordable units.
  - b. The applicability of the updated form of UHAC versus the prior form of UHAC shall be as set forth in the statute and most current form of UHAC adopted by

HMFA. Any terms of a prior agreement, judgment, or grant of substantive certification as to prior round of obligations modifying UHAC as to affordability controls longer than the now current regulations or as to very low-income units shall remain in effect as to those prior rounds of obligations.

- c. The Borough agrees that in order to meet the low-income and very low-income requirement of the Fair Housing Act, it shall adopt an ordinance requiring for all affordable housing developments in its HEFSP that 50 percent of the affordable units within each bedroom distribution shall be required to be for low-income households earning 50 percent or less of the regional median income, including 13 percent of the affordable units within each bedroom distribution shall be required to be for very low-income households earning 30 percent or less of the regional median income.
- d. The Borough agrees to review its Affordable Housing Ordinance and other ordinances to ensure that it complies with the most up to date requirements of UHAC and revise those ordinances accordingly as part of its Fourth Round HEFSP and implementing ordinances.
- e. The affordable units shall be affirmatively marketed in accordance with UHAC and applicable law. The affirmative marketing shall include posting of all affordable units on the New Jersey Housing Resource Center website in accordance with applicable law. The affirmative marketing plan shall include the community and regional organizations shown in the draft affirmative marketing plan attached as Appendix K in the Housing Element and Fair Share Plan.

**Process for Approval and Implementation**

7. Pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) and Administrative Directive #14-24, the municipality and FSHC recognize that the Program and/or county level housing judge must still review this agreement and the resulting HEFSP and implementing ordinances and resolutions for compliance with the Fair Housing Act prior to issuing a compliance certification, as follows:
  - a. The Borough and FSHC shall present this mediation agreement to the Program member for review upon full execution by both parties.
  - b. The Program Member shall review the agreement and if satisfied with compliance with the Fair Housing Act shall refer this matter to the Mount Laurel judge for review and entry of certification of compliance, conditioned on adoption of all implementing ordinances and resolutions.
  - c. The Borough shall adopt all implementing ordinances and resolutions no later than March 15, 2026, including but not limited to the outstanding items identified in the next paragraph. No later than 48 hours after adoption or March 15, 2026, whichever is sooner, the Borough shall file the information required by Paragraph 9 and any other adopted ordinances and resolutions on eCourts.
  - d. No later than April 15, 2026, the Borough and FSHC shall provide via filing on eCourts a form of consent order granting final compliance certification for the Court's review or identify any remaining issues of compliance that may be disputed at which point the court shall schedule a conference to review any such areas.
  - e. Both parties agree to implement the terms of this Agreement. If the Program, county level housing judge, or any appellate court rejects this Agreement, the parties

reserve their right to rescind any action taken in anticipation of the Program's approval and return to status quo ante. All parties shall have an obligation to fulfill the intent and purpose of this Agreement, unless to do so would be inconsistent with the final, unappealable adjudication of any Program or court ruling or judgment. The terms of this agreement may be enforced through an enforcement motion in this declaratory judgment or a separate action before the Program or the Superior Court, Law Division.

8. The Borough and FSHC agree that following conditions remain to be met prior to March 15, 2026 as conditions of compliance certification, and that the municipality shall provide these documents to FSHC in draft form for comment by January 1, 2026:
  - a. The Borough will adopt a Fourth Round Spending Plan in accordance with P.L. 2024, c. 2 and the forthcoming regulations at N.J.A.C. 5:99. The Borough agrees to provide a draft of the Spending Plan to FSHC by February 1, 2026.
  - b. The Borough will update and adopt its affordable housing ordinance, development fee ordinance, affirmative marketing plan, and other administrative documents in accordance with the forthcoming regulations at N.J.A.C. 5:80-26.1, et seq., and N.J.A.C. after they are adopted and before March 15, 2026. The Borough agrees to provide a draft of the aforementioned documents to FSHC by February 1, 2026.
9. The Borough and FSHC recognize that substantial changes in circumstances affecting the Borough's RDP are possible pursuant to the holding in *Fair Share Housing Center v. Cherry Hill*, 173 N.J. 393, (2002) and related law. In the event such a substantial changed circumstance occurs, the Borough shall have one hundred twenty (120) days to present to the trial court and FSHC a plan to address such change in circumstances on notice and

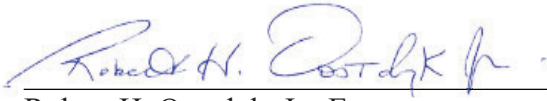
opportunity to be heard from FSHC. The Borough agrees that any additional RDP generated due to changed circumstances must be addressed in a manner that is consistent with controlling law.

10. The Borough's Compliance Certification shall be subject to required ongoing monitoring as follows:

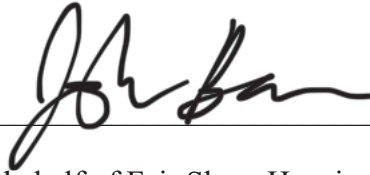
- a. The Borough by February 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of a detailed accounting of all development fees and any other payments into its trust fund that have been collected including residential and non-residential development fees, along with the current balance in the municipality's affordable housing trust fund as well as trust funds expended, including purposes and amounts of such expenditures, in the previous year from January 1<sup>st</sup> to December 31<sup>st</sup>.
- b. The Borough by February 15, 2026, and annually, agrees to electronically enter data into the AHMS system of the Department of Community Affairs of up-to-date municipal information concerning the number of affordable housing units actually constructed, construction starts, certificates of occupancy granted, and the start and expiration dates of deed restrictions. With respect to units actually constructed, the information shall specify the characteristics of the housing, including housing type, tenure, affordability level, number of bedrooms, date and expiration of affordability controls, and whether occupancy is reserved for families, senior citizens, or other special populations.
- c. For the midpoint realistic opportunity review as of July 1, 2030, pursuant to N.J.S.A. 52:27D-313, the Borough or other interested party may file an action

through the Program seeking a realistic opportunity review and shall provide for notice to the public, including a realistic opportunity review of any inclusionary development site as set forth in the adopted HEFSP that has not received preliminary site plan approval prior to the midpoint of the 10-year round. Any such filing shall be through eCourts or any similar system set forth by the Program with notice to any party that has appeared in this matter.

11. This Agreement may be executed in counterparts, all of which together shall constitute the same agreement, and any exhibits or schedules attached hereto shall be hereby made a part of this Agreement. This Agreement shall not be modified, amended or altered in any way except by a writing signed by each of the parties. Each party acknowledges that each has entered into this Agreement on its own volition without coercion or duress after consulting with its counsel, that each signatory is the proper person and possesses the authority to sign the Agreement, and that this Agreement was not drafted by any one of the parties, but was drafted, negotiated and reviewed by all parties, therefore, the presumption of resolving ambiguities against the drafter shall not apply. 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. No member, official or employee of the municipality 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.



Robert H. Oostdyk, Jr., Esq.  
On behalf of the Borough of Pompton Lakes:



On behalf of Fair Share Housing Center:

Date: 12/17/2025

Date: 1/10/26

# APPENDIX B:

## Vacant Land Adjustment & Supporting Documents

### Contents:

Attachment 1: Vacant Land Adjustment Process

Attachment 2: Vacant Land Adjustment Maps and Table

# APPENDIX A:

## ATTACHMENT #I

<b>Date:</b>	Prepared June 5, 2025
<b>Author:</b>	H2M architects + engineers
<b>Title:</b>	Vacant Land Adjustment Process
<b>Type of Document:</b>	Explanatory Document
<b>Substance:</b>	A document explaining how staff at H2M conducted the Vacant Land Adjustment in accordance with the rules for the Fourth Round of Affordable Housing.
<b>Persons Receiving Document(s):</b>	N/A
<b>Present Location:</b>	On file with Borough of Pompton Lakes

# VACANT LAND ANALYSIS

## Vacant Land Analysis - Procedure

A complete description of the 2025 Vacant Land Analysis (VLA) process, as well as maps and data tables are included herein.

As seen in the attached table, there is no vacant unconstrained land available in the Borough of Pompton Lakes. Therefore, the Realistic Development Potential for the Borough of Pompton Lakes is **zero (0) units**.

The following document explains the process used by H2M, on behalf of the Borough of Pompton Lakes, to conduct its Vacant Land Analysis, in accordance with P.L. 2024, Chapter 2 (A4).

## Step 1: Identifying Vacant Land – P.L 2024, Chapter 2 (A4), C.52:27D-310.1 (a-c)

When computing a municipality's adjustment regarding available land resources as part of the determination of a municipality's fair share of affordable housing, the municipality may exclude the following:

1. Any land that is owned by a local government entity that as of January 1, 1997, has adopted, prior to the institution of a lawsuit seeking a builder's remedy or prior to the filing of a petition for substantive certification of a housing element and fair share plan, a resolution authorizing an execution of agreement that the land be utilized for a public purpose other than housing.
2. Any land listed on a master plan of a municipality as being dedicated, by easement or otherwise, for purposes of conservation, park lands or open space and which is owned, leased, licensed, or in any manner operated by a county, municipality or tax-exempt, nonprofit organization including a local board of education, or by more than one municipality by joint agreement pursuant to P.L.1964, c.185 (C.40:61-35.1 et seq.), for so long as the entity maintains such ownership, lease, license, or operational control of such land.
3. Any vacant contiguous parcels of land in private ownership of a size which would accommodate fewer than five housing units based on appropriate standards pertaining to housing density.
4. Historic and architecturally important sites listed on the State Register of Historic Places or National Register of Historic Places prior to the date of filing a housing element and fair share plan pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1) or initiation of an action pursuant to section 13 of P.L.1985, c.222 (C.52:27D-313).
5. Agricultural lands when the development rights to these lands have been purchased or restricted by covenant.
6. Sites designated for active recreation that are designated for recreational purposes in the municipal master plan.
7. Environmentally sensitive lands where development is prohibited by any State or federal agency, including, but not limited to, the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), for lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities.

No municipality shall be required to utilize for affordable housing purposes land that is excluded from being designated as vacant land.

## H2M Methodology

H2M downloaded the most recent 2024 MOD-IV parcel dataset from the New Jersey Geographic Information Network (NJGIN) and the most recent 2024 property tax data from NJ Property Fax. H2M then identified parcels that may be excluded as identified above by identifying all parcels that were classified as “Class 1 - Vacant Land” or “Class 15C - Public Property” in the 2024 property tax data from NJ Property Fax. Each parcel was further categorized by land use and ownership. Parcels were verified using Google Aerial Imagery, and aerial imagery provided by Nearmap, and the Property Explorer interactive map published by NJ Office of GIS (NJOGIS).

Parcels with a Public Purpose were excluded from the inventory. An example of Public Purpose includes:

- Open Space as identified through the NJDEP’s Recreation and Open Space Inventory (ROSI);
- Parks
- Conservation Easements
- Sewer/Drainage easements
- Future Roadways
- Public Service Buildings (Municipal Buildings, Department of Public Works Buildings, Libraries, etc.)
- Public Parking Areas
- Utilities and Utility Easements

Parcels that could not alone accommodate five dwelling units but in combination with a contiguous parcel could meet this requirement were kept in the inventory.

## Step 2: Additional Lands Excluded from Inventory - P.L 2024, Chapter 2 (A4), C.52:27D-310.1 (d-g)

A municipality may partially exclude the following areas from the inventory

1. Agricultural Lands
2. Environmentally Sensitive Lands including
  - a. Wetlands
  - b. Flood Hazard Areas
  - c. 300-foot buffer around Category 1 waterways, as adopted by the State legislature
3. Historic and architecturally important sites listed on the State Register of Historic Places
4. Sites for Active recreation that are designated for recreational purposes in the municipal master plan

## H2M Methodology

H2M downloaded various datasets to identify the aforementioned areas within the Borough. This is illustrated in **Map 1: Vacant Land Inventory and Environmental Constraints**.

- **Agricultural Lands:** H2M verified that there are no agricultural lands within the Borough by search for Class 3A: (Farm Regular) and Class 3B Farm (Qualified) in the 2024 property tax list provided by the NJ Property Tax database.
- **50-Foot Buffer for Wetlands:** H2M identified wetlands using data downloaded the most recent “Land Use/Land Cover of New Jersey 2020” dataset published by the NJDEP Bureau of GIS. In accordance with NJDEP regulations, a buffer of 50 feet is required to create a transition area adjacent to freshwater wetlands of intermediate resource value. As such, wetlands and lands within the appurtenant 50-foot buffer area were excluded from the inventory.
- **Flood Hazard Areas.** H2M accessed the “USA Flood Hazard Reduced Set” feature layer which displays the Flood Hazard Areas from the Flood Insurance Rate Map provided by the Federal Emergency Management Agency (**Service Item ID # 2b245b7f816044d7a779a61a5844be23**). The areas in the Borough in 1% annual chance flood or also known as the 100-year Flood Zone were identified as being within the Special Flood Hazard Area (SFHA). Areas of the Borough within the regulatory flood way of waterbodies were also identified during using this dataset.
- **300 - Foot Buffer for Category 1 Waters.** A 300-foot or Category One (C1) is required by the Stormwater Management Act (N.J.A.C 7L8 and the Flood Hazard Area Control Act rules (FHACA; N.J.A.C. 7:13) for certain activities proposed adjacent to waters designated as C1 in the Surface designated as C1 in the Surface Water Quality Standards (N.J.A.C 7:9B). The listing of C1 water is located at N.J.A.C 7:9B (1.1599(c) - (i)). H2M downloaded the most recent, Category One (C1) Waters of New Jersey dataset published by the NJDEP. This dataset is derived from the Surface Water Quality Standard’s (SWQS) which reflects stream classifications adopted as of December 21, 2009.
- **Historic Sites.** H2M verified historic sites listed on the NJ Register of Historic Places by reviewing the list provided by the NJDEP Historic Preservation Office. Additionally, were reviewed GIS data set Historic Properties of New Jersey which is maintained by the New Jersey Historic Preservation Office (HPO). There are seven lots that are designated as or are a part of a registered historic site. These are Block 6707, Lot 1.01; Block 7000, Lot 28; Block 9520, Lot 12.01; Block 9000, Lot 25; 9001, Lot 17; Block 12200, Lot 138, and Block 12600, Lot 1. More detail regarding these sites are listed below in **Table 1**.

Table 1: Historic Sites Identified in the Vacant Land Analysis			
Site Name	SHPO ID#	Block	Lot
Emanuel Einstein Memorial Library	#4783	1609	7000
Pompton Furnace Iron Works and Dam	#632	1609	6707
		1609	9000
		1609	9001
		1609	12600
Colfax Bridge	SI&A#1600503	1609	9520
		16090	12200

- Sites for Active Recreation.** Pompton Lakes contains a number of parks and recreational open space that are classified as Class 15C – Public Properties. These lands were included in the inventory but are not included in the inventory of lands with Realistic Developable Potential (RDP).

### Conclusion

As seen in the attached tables and maps, there is no unconstrained developable vacant land available. The public properties are either developed with municipal facilities or encumbered with environmental constraints, open space, within special flood hazard areas, etc. The vacant property is either undersized or encumbered with environmental constraints. Therefore, the Borough's RDP is zero units.

## ATTACHMENT #2

**Date:** Prepared June, 2025

**Author:** H2M architects + engineers

**Title:** Vacant Land Inventory Maps

**Type of Document:** Vacant Land Inventory

**Substance:** An updated Vacant Land Inventory showing a Realistic Development Potential (RDP) of 0 units.

**Persons Receiving Document(s):** N/A

**Present Location:** On file with Borough of Pompton Lakes



2025 - Pompton Lakes - Vacant Land Analysis

Block	Lot	Class	Zoning	Location	Current Owner	Gis Acres	Encumbered Acres	Buildable Acres	Units/Acre	Total Capacity	Capacity RDP/20% Set	All Constraints
100	2	Class: 15C - Public Property	O-S	N OF NYS & W RR	STATE OF NJ - DEP	125.92	88.51	37.41	6	0	0	Ramapo Mountain State Forest, SFHA, C1 Waterway, Wetlands, Highlands Region Steep Slopes
100	6	Class: 15C - Public Property	O-S	WANAQUE AVE	BOROUGH OF POMPTON LAKES	8.50	8.29	0.21	6	0	0	Undersized, SFHA, C1 Waterway, Wetlands, Highlands Region Steep Slopes
100	6.01	Class: 1 - Vacant Land	O-S	WANAQUE AVE - OF	CHEMOURS CO FC % TAX DEPT	14.02	14.02	0.00	6	0	0	Undersized, Lake Inez South, Location of the Lake Inez Dam on the Wanaque River, SFHA, C1 Waterway, Wetlands, Highlands Region Steep Slopes
100	9	Class: 15C - Public Property	CBR	CANNONBALL RD	BOROUGH OF POMPTON LAKES	1.72	1.72	0.00	6	0	0	Undersized, Lake Inez South, SFHA, C1 Waterway, Wetlands, Highlands Region Steep Slopes
100	22.03	Class: 1 - Vacant Land	CBR	93 CANNONBALL RD	CENTRELLI ANTHONY	2.21	1.58	0.63	6	0	0	SFHA, C1 Waterway, Highlands Region Steep Slopes
102	1	Class: 1 - Vacant Land	R-5	RINGWOOD AVE	ALGONQUIN GAS C/O DUFF & PHELPS	0.21	0.14	0.07	6	0	0	Utility, Gas Line, C1 Waterway, Highlands Region Steep Slopes
105	16	Class: 1 - Vacant Land	R-4	74 HUNTER PL	PL SENIOR CITIZEN CORP C/O MARZULLI	0.21	0.05	0.16	6	0	0	Undersized, Developed, Senior Housing, Parking Area, C1 Waterway
105	17	Class: 15C - Public Property	R-1	100 HUNTER PL	PL SR HOUSING C/O MARZULLI CO.	2.08	2.08	0.00	6	0	0	Undersized, Developed, Senior Housing, SFHA, C1 Waterway, Highlands Region Steep Slopes
600	9.01	Class: 15C - Public Property	CBR	CIRCLE AVE.	MUNICIPAL UTILITIES AUTHORITY	0.19	0.19	0.00	6	0	0	Undersized, Utility, C1 Waterway
700	12	Class: 1 - Vacant Land	CBR	CANNONBALL RD	126-130 CANNONBALL RD LLC	0.06	0.06	0.00	6	0	0	Undersized, SFHA
800	6.01	Class: 1 - Vacant Land	CBR	CANNONBALL RD	AIDEN REAL ESTATE HOLDINGS LLC	0.16	0.16	0.00	6	0	0	Parking Area, SFHA, C1 Waterway
900	16.01	Class: 15C - Public Property	O-S	REAR 205 MIDLAND	BOROUGH OF POMPTON LAKES	0.19	0.19	0.00	6	0	0	Undersized, C1 Waterway, Highlands Region Steep Slopes
900	20	Class: 15C - Public Property	O-S	TWIN LAKE	BOROUGH OF POMPTON LAKES	4.99	4.97	0.02	6	0	0	Twin Lake, C1 Waterway, Highlands Region Steep Slopes
1000	8.01	Class: 15C - Public Property	R-6	W OF ERIE R R	STATE OF NJ - DOT	0.17	0.05	0.12	6	0	0	Right of Way, Highlands Region Steep Slopes
1000	9	Class: 15C - Public Property	R-6	FEDERAL HILL RD	STATE OF NJ - DOT	0.16	0.10	0.05	6	0	0	Right of Way, Highlands Region Steep Slopes
1000	11.01	Class: 15C - Public Property	R-6	W OF ERIE R R	STATE OF NJ - DOT	0.19	0.10	0.09	6	0	0	Right of Way, Highlands Region Steep Slopes
1000.01	1	Class: 1 - Vacant Land	R-6	BROAD STREET	TILCON NEW YORK, INC	0.42	0.41	0.00	6	0	0	Highlands Region Steep Slopes
1000.01	3.02	Class: 15C - Public Property	R-6	MONTCLAIR AVENUE	STATE OF NJ - DOT	0.53	0.52	0.02	6	0	0	Right of Way, Highlands Region Steep Slopes
1000.01	20.01	Class: 1 - Vacant Land	R-6	BROAD STREET	TILCON NEW YORK, INC.	3.54	3.15	0.39	6	0	0	Highlands Region Steep Slopes
1100	18	Class: 1 - Vacant Land	R-4	264 ACKERMAN PL	HERNANDEZ OSCAR & DAISY	0.18	0.01	0.17	6	0	0	Highlands Region Steep Slopes
1100	31	Class: 1 - Vacant Land	R-4	206 212 ACKERMAN	ALGONQUIN GAS C/O DUFF & PHELPS	0.42	0.01	0.41	6	0	0	Utility, Gas Line, Highlands Region Steep Slopes
1300	1.01	Class: 15C - Public Property	O-S	RINGWOOD AVE/TW	BOROUGH OF POMPTON LAKES	0.53	0.30	0.23	6	0	0	C1 Waterway, Highlands Region Steep Slopes
1301	5	Class: 15C - Public Property	R-4	MIDLAND AVE	BOROUGH OF POMPTON LAKES	0.43	0.05	0.38	6	0	0	Undersized, Pacifico Gallo Park, C1 Waterway, Highlands Region Steep Slopes
1400	7.01	Class: 1 - Vacant Land	O-S	MIDLAND AVENUE	POMPTON TERRACE HOMES	0.15	0.15	0.00	6	0	0	Undersized, C1 Waterway, Highlands Region Steep Slopes
1400	11	Class: 15C - Public Property	O-S	WILLARD ST	MUNICIPAL UTILITIES AUTHORITY	0.25	0.15	0.10	6	0	0	Undersized, Pumping Station, C1 Waterway, Highlands Region Steep Slopes
1600	12	Class: 15C - Public Property	R-5	WILLARD ST	MUNICIPAL UTILITIES AUTHORITY	0.17	0.06	0.11	6	0	0	Undersized, Utility Easement, Water Supply, C1 Waterway, Highlands Region Steep Slopes
1900	22.01	Class: 15C - Public Property	R-5	BROAD ST	BOROUGH OF POMPTON LAKES	0.02	0.00	0.02	6	0	0	Easement
1900	23.01	Class: 1 - Vacant Land	R-5	MONTCLAIR AVENUE	OWNER UNKNOWN	0.01	0.00	0.01	6	0	0	Easement
2300	1	Class: 15C - Public Property	DBD-	10 IVY STREET	COUNTY OF PASSAIC	0.29	0.00	0.29	6	0	0	Undersized
2300	7	Class: 15C - Public Property	DBD-	20 IVY STREET	COUNTY OF PASSAIC	0.15	0.00	0.15	6	0	0	Undersized
2300	10	Class: 15C - Public Property	DBD-	LOCLUST STREET	COUNTY OF PASSAIC	0.35	0.00	0.35	6	0	0	Undersized
2400	6	Class: 1 - Vacant Land	DBD-	GROVE ST	OWNER UNKNOWN	0.03	0.02	0.01	6	0	0	Undersized, Highlands Region Steep Slopes
2700	1	Class: 1 - Vacant Land	R-5	BROAD ST	NJDWSC	0.12	0.12	0.00	6	0	0	Undersized, Utility Easement, Water Supply, Wetlands, Highlands Region Steep Slopes
2700	5	Class: 1 - Vacant Land	M	100 BROAD ST	100 BROAD STREET LLC	4.18	2.27	1.91	6	0	0	Included in 3rd Round Housing Plan, Wetlands, Highlands Region Steep Slopes
2800	6	Class: 1 - Vacant Land	R-4	RINGWOOD AVE	NJDWSC	6.66	5.78	0.88	6	0	0	Utility, Water Supply, SFHA, Wetlands, Highlands Region Steep Slopes
2800	11	Class: 1 - Vacant Land	GWD	9 HAMBURG TPKE	9 HAMBURG URBAN RENEWAL LLC	0.37	0.29	0.07	6	0	0	Undersized
2805	12	Class: 1 - Vacant Land	R-4	STILES CT	NJDWSC	0.03	0.02	0.02	6	0	0	Undersized, Utility, Water Supply
2904	16.01	Class: 15C - Public Property	R-4	END HILL CT	BOROUGH OF POMPTON LAKES	0.21	0.21	0.00	6	0	0	Undersized, Pompton Lakes Borough Open Space, C1 Waterway, Highlands Region Steep Slopes

2025 - Pompton Lakes - Vacant Land Analysis

Block	Lot	Class	Zoning	Location	Current Owner	Gis Acres	Encumbered Acres	Buildable Acres	Units/Acre	Total Capacity	Capacity RDP/20% Set	All Constraints
2905	11	Class: 1 - Vacant Land	R-4	821 RINGWOOD AV	WARD ROBERT & NANCY	3.20	3.15	0.05	6	0	0	Undersized, SFHA, C1 Waterway, Wetlands, Highlands Region Steep Slopes
3000	2	Class: 1 - Vacant Land	DRA-	114 WANAQUE AVE	HMS 114 WANAQUE LLC	0.15	0.05	0.10	6	0	0	C1 Waterway, Highlands Region Steep Slopes
3000	12	Class: 1 - Vacant Land	DBD-	WANAQUE AVENUE	OWNER UNKNOWN	0.11	0.11	0.00	6	0	0	SFHA, Highlands Region Steep Slopes
3000	30.01	Class: 15C - Public Property	DBD-	WANAQUE AVE	MUNICIPAL UTILITIES AUTHORITY	0.11	0.09	0.02	6	0	0	Undersized, Pumping Station, SFHA, C1 Waterway, Highlands Region Steep Slopes
3000	30.02	Class: 15C - Public Property	DBD-	WANAQUE AVENUE	BOROUGH OF POMPTON LAKES	0.52	0.52	0.00	6	0	0	Pompton Lakes Borough Open Space, SFHA, C1 Waterway, Highlands Region Steep Slopes
3000	34	Class: 1 - Vacant Land	DRA-	WANAQUE AVENUE	TUMM14 LLC	0.09	0.09	0.00	6	0	0	SFHA, C1 Waterway, Wetlands
3000	38	Class: 15C - Public Property	DBD-	WANAQUE AVE	BOROUGH OF POMPTON LAKES	0.14	0.14	0.00	6	0	0	Undersized, Pompton Lakes Borough Open Space, SFHA, C1 Waterway, Wetlands, Highlands Region Steep Slopes
3800	23.01	Class: 15C - Public Property	R-5	WALNUT ST - REAR	BOROUGH OF POMPTON LAKES	0.00	0.00	0.00	6	0	0	Undersized, Utility, Sewer, SFHA, C1 Waterway
3900	1.08	Class: 1 - Vacant Land	R-4	REAR 1110 COLFAX	BOWITZ, LLC	2.71	2.71	0.00	6	0	0	Undersized, Encumbered by Water, Pompton Lake, SFHA, Wetlands, Highlands Region Steep Slopes
4101	6.01	Class: 1 - Vacant Land	R-4	PARK PL	UNKNOWN	0.03	0.02	0.01	6	0	0	Undersized, Highlands Region Steep Slopes
4200	4	Class: 2 - Residential	R-4	30 PARK PL	DIVAKAR VIKRAM & PATI ASHWINI	0.52	0.35	0.17	6	0	0	Developed, Single Family Home, Highlands Region Steep Slopes
4500	21	Class: 1 - Vacant Land	R-4	31 ORCHARD ST	SIERRA RENEE	0.15	0.00	0.15	6	0	0	Undersized
5001	1	Class: 15C - Public Property	R-4	JEFFERSON AVE	BOROUGH OF POMPTON LAKES	0.32	0.00	0.32	6	0	0	Undersized, Schuyler Park, C1 Waterway
5300	1	Class: 1 - Vacant Land	R-4	GRANT AVE	SARNO JOSEPH & EILEEN	0.13	0.00	0.13	6	0	0	Undersized, C1 Waterway
5800	11	Class: 1 - Vacant Land	R-4	455 LAKESIDE AVE	SOOJIAN JOHN	0.18	0.00	0.18	6	0	0	Undersized, C1 Waterway
5800	31	Class: 15C - Public Property	R-4	LAMBERT ST	BOROUGH OF POMPTON LAKES	0.18	0.09	0.09	6	0	0	Lambert Street Open Space, SFHA, C1 Waterway, Highlands Region Steep Slopes
6200	3	Class: 15C - Public Property	R-4	49 LAKESIDE AVE	U S GOVT POST OFFICE, BOROUGH OF POMPTON LAKES	0.80	0.00	0.80	6	0	0	Undersized, Post Office
6300	4.01	Class: 15C - Public Property	DRA-	LAKESIDE AVE	BOROUGH OF POMPTON LAKES	0.01	0.01	0.01	6	0	0	Undersized, Highlands Region Steep Slopes
6300	7	Class: 1 - Vacant Land	DBD-	11 LENOX AVE	MERIDIA PMPTN LKES 261 URBAN RE LLC	0.17	0.00	0.17	6	0	0	Undersized
6300	19	Class: 15C - Public Property	DRA-	25 LENOX AVE	BOROUGH OF POMPTON LAKES	1.21	0.00	1.21	6	0	0	Developed, Municipal Complex
6300	25.01	Class: 1 - Vacant Land	DRA-	261B WANAQUE AV	MERIDIA POMPTON LAKES 261 URBAN REN	0.42	0.03	0.39	6	0	0	Undersized, Developed, Apartment building, Highlands Region Steep Slopes
6300	25.02	Class: 1 - Vacant Land	DBD-	261A WANAQUE AV	MERIDIA POMPTON LAKES 261 URBAN REN	0.22	0.00	0.22	6	0	0	Undersized, Developed, Apartment building, C1 Waterway
6300	25.03	Class: 1 - Vacant Land	DBD-	269 WANAQUE AVE	MERIDIA POMPTON LAKES 261 URBAN REN	0.19	0.00	0.19	6	0	0	Undersized, Developed, Apartment building, C1 Waterway
6300	26	Class: 1 - Vacant Land	DRA-	261 WANAQUE AVE	MERIDIA POMPTON LAKES 261 URBAN REN	0.18	0.00	0.18	6	0	0	Developed, Apartment building
6300	27	Class: 1 - Vacant Land	DRA-	257 WANAQUE AVE	MERIDIA POMPTON LAKES 261 URBAN REN	0.24	0.00	0.24	6	0	0	Undersized, Developed, Apartment building
6300	28	Class: 15C - Public Property	DBD-	BABCOCK PL.	BOROUGH OF POMPTON LAKES	1.84	0.04	1.80	6	0	0	Developed, Apartment building, Highlands Region Steep Slopes
6300	33	Class: 1 - Vacant Land	DRA-	231-235 WANAQUE	PLUMLAW PARTNERS LLC	0.26	0.03	0.23	6	0	0	Undersized, Developed, Mixed-Use building, Highlands Region Steep Slopes
6300	34	Class: 1 - Vacant Land	DBD-	223 WANAQUE AVE	POMPTON FIVE ASSOCIATES	0.17	0.00	0.17	6	0	0	Developed
6300	37.01	Class: 15C - Public Property	DRA-	WANAQUE AVE	BOROUGH OF POMPTON LAKES	0.01	0.00	0.01	6	0	0	SFHA, C1 Waterway, Wetlands, Highlands Region Steep Slopes, Developed
6600	5	Class: 15A - Public School	R-4	316 LAKESIDE AVE	POMPTON LAKES BOARD OF EDUCATION	8.39	2.09	6.30	6	0	0	Developed, School and Parkland,, SFHA, C1 Waterway, Wetlands, Highlands Region Steep Slopes
6700	15.01	Class: 1 - Vacant Land	R-3	355 POMPTON AVE	PENG ZIYOU & ELSHAMI NANCY	0.04	0.03	0.01	6	0	0	C1 Waterway, Highlands Region Steep Slopes
6700	15.02	Class: 1 - Vacant Land	R-3	POMPTON AVE EXT	GALLO, ROSEMARIE	0.03	0.03	0.00	6	0	0	C1 Waterway, Highlands Region Steep Slopes
6702	46	Class: 15C - Public Property	R-3	TOWER ROAD	MUNICIPAL UTILITIES AUTHORITY	2.61	1.63	0.98	6	0	0	Municipal Utility, Contains Water Tower, Highlands Region Steep Slopes
6702	82.01	Class: 1 - Vacant Land	R-3	SUMMIT AVE	UNKNOWN	0.53	0.51	0.02	6	0	0	Undersized, SFHA, C1 Waterway, Highlands Region Steep Slopes
6702	105.01	Class: 15C - Public Property	R-3	HILLTOP CT	BOROUGH OF POMPTON LAKES	0.07	0.04	0.03	6	0	0	Undersized, Utility, Water Supply, Highlands Region Steep Slopes
6707	1.01	Class: 1 - Vacant Land	GWD	HAMBURG TPKE.	NUDWSC	0.17	0.16	0.02	6	0	0	Utility, Historic District(Pompton Furnace and Iron Works Dam), C1 Waterway, Highlands Region Steep Slopes

## 2025 - Pompton Lakes - Vacant Land Analysis

Block	Lot	Class	Zoning	Location	Current Owner	Gis Acres	Encumbered Acres	Buildable Acres	Units/Acre	Total Capacity	Capacity RDP/20% Set	All Constraints
7000	28	Class: 15C - Public Property	DBD-	333 WANAQUE AVE	BOROUGH OF POMPTON LAKES	0.80	0.00	0.80	6	0	0	Library, Historic Site (Emmanuel Einstein Memorial Library), C1 Waterway
7400	10	Class: 15C - Public Property	R-4	11 PASSAIC AVE	BOROUGH OF POMPTON LAKES	0.70	0.00	0.70	6	0	0	Undersized, C1 Waterway
7600	1	Class: 15C - Public Property	B-1	HAMBURG TPKE	BOROUGH OF POMPTON LAKES	2.94	2.94	0.00	6	0	0	Wilderness Island Park, C1 Waterway, Wetlands, Highlands Region Steep Slopes
7700	1	Class: 1 - Vacant Land	R-3	S HAMBURG TPKE	POMPTON LAKES BOROUGH OF	1.14	1.14	0.00	6	0	0	Fire Department, C1 Waterway, Wetlands, Highlands Region Steep Slopes
7803	19	Class: 1 - Vacant Land	R-4	POMPTON GARDEN	NJDWSC	2.98	0.47	2.51	6	0	0	Utility, Water Supply, C1 Waterway, Highlands Region Steep Slopes
7805	3	Class: 1 - Vacant Land	R-4	GARDEN RD	NJDWSC	4.13	2.80	1.32	6	0	0	Utility, Water Supply, SFHA, C1 Waterway, Highlands Region Steep Slopes
7806	14	Class: 2 - Residential	R-3	46 RINGWOOD CT	BRADFORD MOLONEY CORPORATION	1.66	1.31	0.35	6	0	0	Developed, Single Family Home, SFHA, C1 Waterway, Wetlands, Highlands Region Steep Slopes
7806	24	Class: 15C - Public Property	R-3	RINGWOOD AVE	BOROUGH OF POMPTON LAKES	1.12	1.12	0.00	6	0	0	Breens Pond, SFHA, C1 Waterway, Wetlands, Highlands Region Steep Slopes
7806	29	Class: 15C - Public Property	R-3	RINGWOOD AVE	BOROUGH OF POMPTON LAKES	1.76	1.76	0.00	6	0	0	Garden Park, C1 Waterway, Wetlands
7806	36	Class: 15C - Public Property	R-3	RINGWOOD AVE	BOROUGH OF POMPTON LAKES	1.62	1.62	0.00	6	0	0	Veterans Park, SFHA, C1 Waterway, Wetlands, Highlands Region Steep Slopes
7806	44.01	Class: 15C - Public Property	R-3	1257 RINGWOOD AVE	STATE OF NJ - DEP	0.78	0.78	0.00	6	0	0	Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway, Wetlands
7806	44.02	Class: 15C - Public Property	R-3	1263 RINGWOOD AVE	STATE OF NJ - DEP	0.73	0.73	0.00	6	0	0	Undersized, Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway, Wetlands
7806	45	Class: 1 - Vacant Land	R-3	RINGWOOD AVE	NJDWSC	0.83	0.83	0.00	6	0	0	Utility, C1 Waterway, Wetlands
7806	46	Class: 15C - Public Property	R-3	RINGWOOD AVENUE	BOROUGH OF POMPTON LAKES	7.22	7.22	0.00	6	0	0	Garden Park, C1 Waterway, Wetlands, Highlands Region Steep Slopes
7806	48	Class: 1 - Vacant Land	R-3	RINGWOOD AVE	NJDWSC	1.90	1.90	0.00	6	0	0	Undersized, Utility, Water Supply, C1 Waterway, Wetlands, Highlands Region Steep Slopes
7806	50	Class: 1 - Vacant Land	R-3	RIVERDALE RD	NJDWSC	0.44	0.44	0.00	6	0	0	Utility, C1 Waterway, Wetlands, Highlands Region Steep Slopes
7900	1	Class: 15C - Public Property	R-4	PEQUANNOCK RIVER	BOROUGH OF POMPTON LAKES	1.09	1.09	0.00	6	0	0	Undersized, Pequannock River West, C1 Waterway, Wetlands, Highlands Region Steep Slopes
8000	1	Class: 15C - Public Property	R-4	REAR WHITNEY AV	BOROUGH OF POMPTON LAKES	10.27	9.78	0.49	6	0	0	Old Swimming Hole, SFHA, C1 Waterway, Wetlands, Highlands Region Steep Slopes
8002	24.01	Class: 15C - Public Property	R-4	WHITNEY AVE	BOROUGH OF POMPTON LAKES	0.09	0.04	0.05	6	0	0	Undersized, Old Swimming Hole, SFHA, C1 Waterway, Highlands Region Steep Slopes
8300	2.02	Class: 1 - Vacant Land	B-2	RAMAPO AVENUE	OWNER UNKNOWN	0.01	0.00	0.01	6	0	0	C1 Waterway
8700	8	Class: 1 - Vacant Land	R-4	RAMAPO AVE.	WOLL, WILLIAM & ELIZABETH	0.06	0.01	0.06	6	0	0	Undersized, C1 Waterway, Highlands Region Steep Slopes
8700	16	Class: 15C - Public Property	R-4	CENTER ST - OFF	BOROUGH OF POMPTON LAKES	6.17	6.03	0.14	6	0	0	Undersized, Snodgrass Park, SFHA, C1 Waterway, Wetlands, Highlands Region Steep Slopes
8702	9	Class: 1 - Vacant Land	R-4	WATERVLIET AVE	MAGNA JAMES & AMANDA P	0.14	0.00	0.14	6	0	0	Undersized
8705	1	Class: 2 - Residential	R-4	142 ALBANY AVE	STINNARD, DONALD & JOANN	0.46	0.31	0.15	6	0	0	Developed, Single Family Home, SFHA, C1 Waterway, Highlands Region Steep Slopes
8705	6	Class: 15C - Public Property	R-4	ALBANY AVE	BOROUGH OF POMPTON LAKES	0.05	0.04	0.01	6	0	0	Utility, Sewer, SFHA, C1 Waterway, Highlands Region Steep Slopes
8705	15.01	Class: 15C - Public Property	R-4	ALBANY AVE	MUNICIPAL UTILITIES AUTHORITY	0.19	0.19	0.00	6	0	0	Pumping Station, C1 Waterway, Highlands Region Steep Slopes
8706	1	Class: 15C - Public Property	R-4	HERSHFLD PK	POMPTON LAKES BOARD OF EDUCATION	3.62	3.62	0.00	6	0	0	SFHA, C1 Waterway, Wetlands
8706	2	Class: 15C - Public Property	R-4	700 RAMAPO AVE	BOROUGH OF POMPTON LAKES	9.15	7.83	1.32	6	0	0	Hershfield Park, SFHA, C1 Waterway, Wetlands, Highlands Region Steep Slopes
9000	25	Class: 15C - Public Property	GWD	RIVERVIEW DR	POMPTON LAKES BOARD OF EDUCATION	0.20	0.20	0.00	6	0	0	Historic District(Pompton Furnace and Iron Works Dam), SFHA, C1 Waterway
9001	17	Class: 15C - Public Property	R-4	MILL ST	BOROUGH OF POMPTON LAKES	1.14	0.69	0.45	6	0	0	Pompton Lakes Public Works, Historic District(Pompton Furnace and Iron Works Dam), SFHA, Highlands Region Steep Slopes
9100	1	Class: 15C - Public Property	R-4	MATHES AVE	BOROUGH OF POMPTON LAKES	0.16	0.16	0.00	6	0	0	Mathes Avenue Woodlands, SFHA, C1 Waterway
9100	6	Class: 15C - Public Property	R-3	MATHES AVE	BOROUGH OF POMPTON LAKES	6.14	6.14	0.00	6	0	0	Mathes Avenue Woodlands, SFHA, C1 Waterway, Wetlands, Highlands Region Steep Slopes
9400	25	Class: 1 - Vacant Land	R-4	945 RAMAPO AVE	BUCHALLA, WILMA C	0.11	0.00	0.11	6	0	0	Undersized
9401	20	Class: 15C - Public Property	R-4	LINCOLN AVE	BOROUGH OF POMPTON LAKES	0.18	0.15	0.04	6	0	0	Undersized, Municipal Open Space, C1 Waterway, Highlands Region Steep Slopes
9509	3	Class: 15C - Public Property	CR	ELM AVE	BOROUGH OF POMPTON LAKES	11.85	11.85	0.00	6	0	0	Undersized, Ventimiglia West, SFHA, C1 Waterway, Wetlands, Highlands Region Steep Slopes
9509	5	Class: 15C - Public Property	R-4	324 WOODLAWN AV	STATE OF NJ - DEP	0.19	0.19	0.00	6	0	0	Pompton Lakes Borough Open Space, Blue Acres Program, SFHA, C1 Waterway, Wetlands

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Block	Lot	Class	Zoning	Location	Current Owner	Gis Acres	Encumbered Acres	Buildable Acres	Units/Acre	Total Capacity	Capacity RDP/20% Set	All Constraints
9509	6	Class: 15C - Public Property	CR	PEQ. RIVER BANK	COUNTY OF PASSAIC	14.29	14.29	0.00	6	0	0	Pompton Park, C1 Waterway, Wetlands, Highlands Region Steep Slopes
9509	7	Class: 15C - Public Property	CR	1878 LINCOLN AVE	BOROUGH OF POMPTON LAKES	5.12	5.12	0.00	6	0	0	Community Radio Station, C1 Waterway, Wetlands, Highlands Region Steep Slopes
9509	8	Class: 15C - Public Property	CR	2000 LINCOLN AVE	MUNICIPAL UTILITIES AUTHORITY	6.63	6.63	0.00	6	0	0	Utility, Sewer, C1 Waterway, Wetlands, Highlands Region Steep Slopes
9509	14	Class: 15C - Public Property	R-4	1818 LINCOLN AVE	BOROUGH OF POMPTON LAKES	0.17	0.17	0.00	6	0	0	Undersized, Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway, Wetlands
9509	141	Class: 1 - Vacant Land	CR	OAK AVE	ZHAKU URIM	0.22	0.22	0.00	6	0	0	Undersized, C1 Waterway, Wetlands, Highlands Region Steep Slopes
9509	142.01	Class: 15C - Public Property	CR	OAK AVE	BOROUGH OF POMPTON LAKES	0.50	0.50	0.00	6	0	0	Undersized, Aquatic Park, C1 Waterway, Wetlands, Highlands Region Steep Slopes
9510	13	Class: 15C - Public Property	R-4	432 POPLAR AVE	BOROUGH OF POMPTON LAKES	0.23	0.23	0.00	6	0	0	Pompton Lakes Borough Open Space, Green Acres Program, C1 Waterway, Wetlands
9510	17	Class: 15C - Public Property	R-4	1712 LINCOLN AVE	STATE OF NJ - DEP	0.22	0.22	0.00	6	0	0	Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway, Wetlands
9511	1	Class: 15C - Public Property	R-4	1705 LINCOLN AVE	MUNICIPAL UTILITIES AUTHORITY	0.27	0.27	0.00	6	0	0	Utility, Sewer, C1 Waterway
9511	2	Class: 15C - Public Property	R-4	1711 LINCOLN AVE	STATE OF NJ - DEP	0.21	0.21	0.00	6	0	0	Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway, Wetlands
9511	3	Class: 15C - Public Property	R-4	LINCOLN AVE	BOROUGH OF POMPTON LAKES	2.78	2.78	0.00	6	0	0	Undersized, Pompton Lakes Borough Open Space, C1 Waterway, Wetlands, Highlands Region Steep Slopes
9511	4	Class: 15C - Public Property	R-4	1803 LINCOLN AVE	BOROUGH OF POMPTON LAKES	0.29	0.29	0.00	6	0	0	Undersized, Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway, Wetlands
9511	19	Class: 15C - Public Property	R-4	1576 RIVEREDGE DR	BOROUGH OF POMPTON LAKES	0.19	0.19	0.00	6	0	0	Undersized, Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway
9511	20	Class: 15C - Public Property	R-4	1580 RIVEREDGE DR	BOROUGH OF POMPTON LAKES	0.20	0.20	0.00	6	0	0	Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway
9512	1	Class: 15C - Public Property	R-4	1605 LINCOLN AVE	BOROUGH OF POMPTON LAKES	0.25	0.25	0.00	6	0	0	Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway
9512	4	Class: 15C - Public Property	R-4	446 MAGNOLIA AVE	BOROUGH OF POMPTON LAKES	0.17	0.17	0.00	6	0	0	Pompton Lakes Borough Open Space, Local Blue Acres, C1 Waterway
9512	13.01	Class: 15C - Public Property	R-4	511 POPLAR AVE	BOROUGH OF POMPTON LAKES	0.18	0.18	0.00	6	0	0	Undersized, Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway
9512	16.01	Class: 15C - Public Property	R-4	507 POPLAR AVE	BOROUGH OF POMPTON LAKES	0.24	0.24	0.00	6	0	0	Municipal Open Space, Green Acres Program, C1 Waterway
9513	16	Class: 15C - Public Property	R-4	1600 LINCOLN AVE	STATE OF NJ - DEP	0.20	0.20	0.00	6	0	0	Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway
9513	18.01	Class: 15C - Public Property	R-4	1620 LINCOLN AVE	BOROUGH OF POMPTON LAKES	0.19	0.19	0.00	6	0	0	Undersized, Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway
9515	7	Class: 1 - Vacant Land	R-4	1518 LINCOLN AVE	KROL ANDRZEJ S	0.17	0.17	0.00	6	0	0	Undersized, C1 Waterway
9517	6	Class: 15C - Public Property	R-4	108 DAWES HWY	STATE OF NJ - DEP	0.25	0.25	0.00	6	0	0	Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway
9517	7	Class: 15C - Public Property	R-4	1514 RIVEREDGE DR	STATE OF NJ - DEP	0.15	0.15	0.00	6	0	0	Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway
9517	8	Class: 15C - Public Property	R-4	1520 RIVEREDGE DR	BOROUGH OF POMPTON LAKES	0.17	0.17	0.00	6	0	0	Pompton Lakes Borough Open Space, Local Blue Acres, C1 Waterway
9517	9	Class: 15C - Public Property	R-4	1524 RIVEREDGE DR	BOROUGH OF POMPTON LAKES	0.20	0.20	0.00	6	0	0	Pompton Lakes Borough Open Space, Local Blue Acres, C1 Waterway
9517	10	Class: 15C - Public Property	R-4	1530 RIVEREDGE DR	STATE OF NJ - DEP	0.16	0.16	0.00	6	0	0	Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway
9517	11	Class: 15C - Public Property	R-4	1529 WASHINGTON	STATE OF NJ - DEP	0.18	0.18	0.00	6	0	0	Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway
9519	18	Class: 15C - Public Property	R-3	RIVERDALE ROAD	BOROUGH OF POMPTON LAKES	5.51	5.51	0.00	6	0	0	Mathes Avenue Woodlands, C1 Waterway, Wetlands, Highlands Region Steep Slopes
9519	41	Class: 15C - Public Property	R-4	105 HAROLDSON PL	BOROUGH OF POMPTON LAKES	0.14	0.14	0.00	6	0	0	Pompton Lakes Borough Open Space, Local Blue Acres, C1 Waterway, Wetlands
9519	42.01	Class: 15C - Public Property	R-4	HAROLDSON PL	STATE OF NJ - DEP	0.70	0.70	0.00	6	0	0	Undersized, C1 Waterway, Wetlands, Highlands Region Steep Slopes
9520	2	Class: 15C - Public Property	R-4	1397 RIVEREDGE DR	STATE OF NJ - DEP	0.25	0.25	0.00	6	0	0	Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway, Highlands Region Steep Slopes
9520	3	Class: 15C - Public Property	R-4	1403 RIVEREDGE DR	STATE OF NJ - DEP	0.21	0.21	0.00	6	0	0	Undersized, Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway, Highlands Region Steep Slopes
9520	5.01	Class: 15C - Public Property	R-4	RIVEREDGE DR	STATE OF NJ - DEP	0.49	0.49	0.00	6	0	0	Undersized, C1 Waterway, Highlands Region Steep Slopes
9520	8.01	Class: 15C - Public Property	R-4	RIVEREDGE DR	BOROUGH OF POMPTON LAKES	0.50	0.50	0.00	6	0	0	Stiles Park, C1 Waterway, Highlands Region Steep Slopes
9520	10	Class: 15C - Public Property	R-4	1447 RIVEREDGE DR	STATE OF NJ - DEP	0.38	0.38	0.00	6	0	0	Undersized, Stiles Park, Blue Acres Program, C1 Waterway, Highlands Region Steep Slopes
9520	11	Class: 15C - Public Property	R-4	1457 RIVEREDGE DR	STATE OF NJ - DEP	0.27	0.27	0.00	6	0	0	Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway, Highlands Region Steep Slopes
9520	11.01	Class: 15C - Public Property	R-4	1465 RIVEREDGE DR	BOROUGH OF POMPTON LAKES	0.28	0.28	0.00	6	0	0	Ramapo Riverway, Local Blue Acres, C1 Waterway, Highlands Region Steep Slopes
9520	12.01	Class: 15C - Public Property	R-4	RIVEREDGE DR	BOROUGH OF POMPTON LAKES	0.26	0.26	0.00	6	0	0	Undersized, Ramapo Riverway, C1 Waterway, Highlands Region Steep Slopes
9522	22	Class: 15C - Public Property	R-4	1432 RIVEREDGE DR	STATE OF NJ - DEP	0.24	0.24	0.00	6	0	0	Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway

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Block	Lot	Class	Zoning	Location	Current Owner	Gis Acres	Encumbered Acres	Buildable Acres	Units/Acre	Total Capacity	Capacity RDP/20% Set	All Constraints
9522	23	Class: 15C - Public Property	R-4	1428 RIVEREDGE DR	STATE OF NJ - DEP	0.19	0.19	0.00	6	0	0	Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway
9522	24	Class: 15C - Public Property	R-4	1422 RIVEREDGE DR	STATE OF NJ - DEP	0.19	0.19	0.00	6	0	0	Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway
9522	26	Class: 15C - Public Property	R-4	1412 RIVEREDGE DR	STATE OF NJ - DEP	0.18	0.18	0.00	6	0	0	Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway
9522	27	Class: 15C - Public Property	R-4	1406 RIVEREDGE DR	STATE OF NJ - DEP	0.18	0.18	0.00	6	0	0	Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway
10000	14	Class: 15C - Public Property	R-4	17 LAUREL AVE	BOROUGH OF POMPTON LAKES	0.23	0.23	0.00	6	0	0	Undersized, Municipal Open Space, Green Acres Program, C1 Waterway, Highlands Region Steep Slopes
10000	15	Class: 15C - Public Property	R-4	15 LAUREL AVE	BOROUGH OF POMPTON LAKES	0.17	0.17	0.00	6	0	0	Undersized, Municipal Open Space, Green Acres Program, C1 Waterway
10100	10	Class: 15C - Public Property	R-4	CRAIG PL	PALUMBO WILLIAM & JESSICA	0.07	0.00	0.07	6	0	0	Undersized, Craig Place Corner, C1 Waterway
10300	1	Class: 15C - Public Property	R-4	18 LAUREL AVE	STATE OF NJ - DEP	0.24	0.24	0.00	6	0	0	Undersized, Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway
10300	2	Class: 15C - Public Property	R-4	20 LAUREL AVE	BOROUGH OF POMPTON LAKES	0.17	0.17	0.00	6	0	0	Undersized, Pompton Lakes Borough Open Space, Local Blue Acres, C1 Waterway
10300	3	Class: 15C - Public Property	R-4	22 LAUREL AVE	BOROUGH OF POMPTON LAKES	0.23	0.23	0.00	6	0	0	Undersized, Pompton Lakes Borough Open Space, Local Blue Acres, C1 Waterway
10300	17	Class: 15C - Public Property	R-4	6 WALNUT AVENUE	STATE OF NJ - DEP	0.18	0.18	0.00	6	0	0	Undersized, Pompton Lakes Borough Open Space, Local Blue Acres, C1 Waterway, Wetlands
10500	1	Class: 15C - Public Property	R-4	WALNUT AVE	BOROUGH OF POMPTON LAKES	0.07	0.07	0.00	6	0	0	Pequannock River Open Space, C1 Waterway, Wetlands, Highlands Region Steep Slopes
10600	1	Class: 15C - Public Property	R-4	5 WALNUT AVENUE	STATE OF NJ - DEP	0.32	0.32	0.00	6	0	0	Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway, Wetlands
10600	3	Class: 15C - Public Property	CR	MAPLE AVE	BOROUGH OF POMPTON LAKES	0.51	0.51	0.00	6	0	0	Joe Grill Field, C1 Waterway, Wetlands
10700	1	Class: 15C - Public Property	R-4	11 WALNUT AVE	BOROUGH OF POMPTON LAKES	0.23	0.23	0.00	6	0	0	Joe Grill Field, Local Blue Acres, C1 Waterway
10700	2	Class: 15C - Public Property	R-4	19 WALNUT AVE	STATE OF NJ - DEP	0.23	0.23	0.00	6	0	0	Undersized, Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway
10700	3	Class: 15C - Public Property	R-4	23 WALNUT AVE	STATE OF NJ - DEP	0.23	0.23	0.00	6	0	0	Undersized, Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway
10700	13	Class: 15C - Public Property	CR	MAPLE AVE	BOROUGH OF POMPTON LAKES	0.90	0.88	0.02	6	0	0	Joe Grill Field, SFHA, C1 Waterway, Highlands Region Steep Slopes
11000	1	Class: 15C - Public Property	CR	MAPLE AVE	BOROUGH OF POMPTON LAKES	1.83	1.80	0.03	6	0	0	Joe Grill Field, SFHA, C1 Waterway, Highlands Region Steep Slopes
11100	1	Class: 15C - Public Property	CR	MAPLE & WILLOW	BOROUGH OF POMPTON LAKES	1.34	1.34	0.00	6	0	0	Undersized, Joe Grill Field, C1 Waterway, Wetlands
11200	1	Class: 15C - Public Property	CR	10 WILLOW AVE	STATE OF NJ - DEP	0.40	0.40	0.00	6	0	0	Undersized, Joe Grill Field, Blue Acres Program, C1 Waterway
11200	3	Class: 15C - Public Property	CR	WILLOW AVE	BOROUGH OF POMPTON LAKES	0.23	0.23	0.00	6	0	0	Undersized, Joe Grill Field, C1 Waterway, Wetlands
11200	4	Class: 15C - Public Property	CR	RIVERSIDE DR	BOROUGH OF POMPTON LAKES	0.71	0.71	0.00	6	0	0	Undersized, Willow Avenue Sports Complex, Green Acres Program, C1 Waterway, Wetlands
11200	5	Class: 15C - Public Property	CR	PEQUANNOCK RD	BOROUGH OF POMPTON LAKES	0.56	0.56	0.00	6	0	0	Undersized, Joe Grill Field, C1 Waterway, Wetlands
11300	1	Class: 15C - Public Property	CR	WILLOW AV	BOROUGH OF POMPTON LAKES	5.25	5.25	0.00	6	0	0	Pompton Lakes Borough Open Space, C1 Waterway, Wetlands, Highlands Region Steep Slopes
11300	2	Class: 15C - Public Property	CR	RIVERSIDE DR	BOROUGH OF POMPTON LAKES	0.12	0.12	0.00	6	0	0	Joe Grill Field, C1 Waterway, Wetlands, Highlands Region Steep Slopes
11300	8	Class: 15C - Public Property	CR	WILLOW AVE	BOROUGH OF POMPTON LAKES	12.10	11.73	0.37	6	0	0	Undersized, Division of Parks and Forestry Open Space, C1 Waterway, Wetlands, Highlands Region Steep Slopes
11300	10	Class: 15C - Public Property	CR	RIVERDALE BLVD	STATE OF NJ - DEP	5.00	5.00	0.00	6	0	0	Undersized, Division of Parks and Forestry Open Space, C1 Waterway, Wetlands, Highlands Region Steep Slopes
11300	12	Class: 15C - Public Property	CR	12 WILLOW AVE	STATE OF NJ - DEP	0.22	0.22	0.00	6	0	0	Joe Grill Field, Blue Acres Program, C1 Waterway, Wetlands
11300	13	Class: 15C - Public Property	CR	PEQUANNOCK RD	BOROUGH OF POMPTON LAKES	0.36	0.36	0.00	6	0	0	Joe Grill Field, C1 Waterway, Wetlands
11300	15	Class: 15C - Public Property	CR	38 WILLOW AVE	STATE OF NJ - DEP	0.50	0.50	0.00	6	0	0	Undersized, Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway, Wetlands
11300	17	Class: 15C - Public Property	CR	2 WILLOW AVE	BOROUGH OF POMPTON LAKES	0.83	0.83	0.00	6	0	0	Undersized, Pompton Lakes Borough Open Space, Local Blue Acres, C1 Waterway, Wetlands
11300	34	Class: 15C - Public Property	CR	RIVERDALE BLVD	BOROUGH OF POMPTON LAKES	0.64	0.64	0.00	6	0	0	Pompton Lakes Borough Open Space, C1 Waterway, Wetlands, Highlands Region Steep Slopes
11301	1	Class: 15C - Public Property	CR	ELMWOOD RD	COUNTY OF PASSAIC	0.13	0.13	0.00	6	0	0	Undersized, Pompton Park, C1 Waterway, Wetlands, Highlands Region Steep Slopes
11301	2	Class: 15C - Public Property	CR	ELMWOOD RD	STATE OF NJ - DEP	1.81	1.81	0.00	6	0	0	Undersized, Division of Parks and Forestry Open Space, C1 Waterway, Wetlands
11302	1	Class: 15C - Public Property	CR	RIVERCREST DR	STATE OF NJ - DEP	1.09	1.09	0.00	6	0	0	Undersized, Division of Parks and Forestry Open Space, C1 Waterway, Wetlands
11302	7	Class: 15C - Public Property	CR	RIVERCREST DR	BOROUGH OF POMPTON LAKES	0.18	0.18	0.00	6	0	0	Undersized, Pequannock River Open Space, C1 Waterway, Wetlands
11303	1	Class: 15C - Public Property	CR	ELMWOOD RD	STATE OF NJ - DEP	2.19	2.19	0.00	6	0	0	Undersized, Division of Parks and Forestry Open Space, C1 Waterway, Wetlands
11304	1	Class: 15C - Public Property	CR	ASHWOOD OAKWO	STATE OF NJ - DEP	1.38	1.38	0.00	6	0	0	Undersized, Division of Parks and Forestry Open Space, C1 Waterway, Wetlands
11305	1	Class: 15C - Public Property	CR	RIVERCREST FERN	STATE OF NJ - DEP	0.85	0.85	0.00	6	0	0	Undersized, Division of Parks and Forestry Open Space, C1 Waterway, Wetlands
11306	1	Class: 15C - Public Property	CR	MAPLEWOOD RD	STATE OF NJ - DEP	0.57	0.57	0.00	6	0	0	Undersized, Division of Parks and Forestry Open Space, C1 Waterway, Wetlands

2025 - Pompton Lakes - Vacant Land Analysis

Block	Lot	Class	Zoning	Location	Current Owner	Gis Acres	Encumbered Acres	Buildable Acres	Units/Acre	Total Capacity	Capacity RDP/20% Set	All Constraints
11306	6	Class: 15C - Public Property	CR	MAPLEWOOD RD	BOROUGH OF POMPTON LAKES	0.32	0.32	0.00	6	0	0	Undersized, Pequannock River Open Space, C1 Waterway, Wetlands
11306	9	Class: 15C - Public Property	CR	MAPLEWOOD RD	STATE OF NJ - DEP	1.39	1.39	0.00	6	0	0	Undersized, Division of Parks and Forestry Open Space, C1 Waterway, Wetlands
11306	17	Class: 15C - Public Property	CR	MAPLEWOOD RD	BOROUGH OF POMPTON LAKES	0.12	0.12	0.00	6	0	0	Undersized, Pequannock River Open Space, C1 Waterway, Wetlands
11307	1	Class: 15C - Public Property	CR	RIVERCREST DR	STATE OF NJ - DEP	2.42	2.42	0.00	6	0	0	Division of Parks and Forestry Open Space, C1 Waterway, Wetlands
11307	40	Class: 15C - Public Property	CR	RIVERCREST DR	BOROUGH OF POMPTON LAKES	0.19	0.19	0.00	6	0	0	Pequannock River Open Space, C1 Waterway, Wetlands
11308	1	Class: 15C - Public Property	CR	RIVERCREST DR	COUNTY OF PASSAIC	0.07	0.07	0.00	6	0	0	Undersized, Pompton Park, C1 Waterway, Wetlands, Highlands Region Steep Slopes
11308	2	Class: 15C - Public Property	CR	RIVERCREST DR	STATE OF NJ - DEP	0.52	0.52	0.00	6	0	0	Undersized, Division of Parks and Forestry Open Space, C1 Waterway, Wetlands, Highlands Region Steep Slopes
11308	11	Class: 15C - Public Property	CR	RIVERCREST DR	COUNTY OF PASSAIC	0.11	0.11	0.00	6	0	0	Undersized, Pompton Park, C1 Waterway, Wetlands, Highlands Region Steep Slopes
11308	13	Class: 15C - Public Property	CR	RIVERCREST DR	STATE OF NJ - DEP	1.34	1.34	0.00	6	0	0	Undersized, Division of Parks and Forestry Open Space, C1 Waterway, Wetlands, Highlands Region Steep Slopes
11308	30	Class: 15C - Public Property	CR	RIVERCREST DR	BOROUGH OF POMPTON LAKES	0.11	0.11	0.00	6	0	0	Undersized, Pequannock River Open Space, C1 Waterway, Wetlands
11308	32	Class: 15C - Public Property	CR	RIVERCREST DR	STATE OF NJ - DEP	0.07	0.07	0.00	6	0	0	Undersized, Division of Parks and Forestry Open Space, C1 Waterway, Wetlands, Highlands Region Steep Slopes
11308	33	Class: 15C - Public Property	CR	RIVERCREST DR	BOROUGH OF POMPTON LAKES	0.21	0.21	0.00	6	0	0	Pequannock River Open Space, C1 Waterway, Wetlands, Highlands Region Steep Slopes
11308	36	Class: 15C - Public Property	CR	RIVERCREST DR	STATE OF NJ - DEP	1.34	1.34	0.00	6	0	0	Undersized, Division of Parks and Forestry Open Space, C1 Waterway, Wetlands, Highlands Region Steep Slopes
11308	60	Class: 15C - Public Property	CR	RIVERCREST DR	BOROUGH OF POMPTON LAKES	0.06	0.06	0.00	6	0	0	Undersized, Municipal Open Space, C1 Waterway, Wetlands, Highlands Region Steep Slopes
11308	61	Class: 15C - Public Property	CR	RIVERCREST DR	BOROUGH OF POMPTON LAKES	0.11	0.11	0.00	6	0	0	Undersized, C1 Waterway, Wetlands, Highlands Region Steep Slopes
11308	63	Class: 15C - Public Property	CR	RIVERCREST DR	STATE OF NJ - DEP	0.18	0.18	0.00	6	0	0	Undersized, Division of Parks and Forestry Open Space, C1 Waterway, Wetlands, Highlands Region Steep Slopes
11309	1	Class: 15C - Public Property	CR	OAKWOOD RD	STATE OF NJ - DEP	1.33	1.33	0.00	6	0	0	Undersized, Division of Parks and Forestry Open Space, C1 Waterway, Wetlands
12100	9	Class: 1 - Vacant Land	R-4	OAK AVE.	ZHAKU URIM	0.23	0.16	0.07	6	0	0	SFHA, C1 Waterway, Wetlands
12200	83	Class: 15C - Public Property	R-4	RIVEREDGE DR	BOROUGH OF POMPTON LAKES	0.83	0.83	0.00	6	0	0	Ramapao Riverway, C1 Waterway, Wetlands, Highlands Region Steep Slopes
12200	93	Class: 15C - Public Property	R-4	1605 RIVEREDGE DR	STATE OF NJ - DEP	0.86	0.86	0.00	6	0	0	Undersized, Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway, Wetlands, Highlands Region Steep Slopes
12200	103	Class: 15C - Public Property	R-4	RIVEREDGE DR	BOROUGH OF POMPTON LAKES	0.16	0.16	0.00	6	0	0	Ramapao Riverway, C1 Waterway, Wetlands, Highlands Region Steep Slopes
12200	105	Class: 15C - Public Property	R-4	1589 RIVEREDGE DR	STATE OF NJ - DEP	0.24	0.24	0.00	6	0	0	Undersized, Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway, Highlands Region Steep Slopes
12200	108	Class: 15C - Public Property	R-4	1583 RIVEREDGE DR	STATE OF NJ - DEP	0.26	0.26	0.00	6	0	0	Undersized, Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway
12200	111	Class: 15C - Public Property	R-4	1577 RIVEREDGE DR	BOROUGH OF POMPTON LAKES	0.23	0.23	0.00	6	0	0	Undersized, Pompton Lakes Borough Open Space, Local Blue Acres, C1 Waterway, Highlands Region Steep Slopes
12200	113	Class: 15C - Public Property	R-4	1571 RIVEREDGE DR	STATE OF NJ - DEP	1.02	1.02	0.00	6	0	0	Undersized, Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway, Highlands Region Steep Slopes
12200	127	Class: 15C - Public Property	R-4	1557 RIVEREDGE DR	STATE OF NJ - DEP	0.27	0.27	0.00	6	0	0	Undersized, Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway, Highlands Region Steep Slopes
12200	129	Class: 15C - Public Property	R-4	1531 RIVEREDGE DR	STATE OF NJ - DEP	0.37	0.37	0.00	6	0	0	Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway, Highlands Region Steep Slopes
12200	132	Class: 15C - Public Property	R-4	1525 RIVEREDGE DR	STATE OF NJ - DEP	0.72	0.72	0.00	6	0	0	Undersized, Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway, Highlands Region Steep Slopes
12200	136	Class: 15C - Public Property	R-4	1511 RIVEREDGE DR	STATE OF NJ - DEP	0.31	0.31	0.00	6	0	0	Undersized, Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway, Highlands Region Steep Slopes
12200	138	Class: 15C - Public Property	R-4	1505 RIVEREDGE DR	STATE OF NJ - DEP	0.30	0.30	0.00	6	0	0	Undersized, Pompton Lakes Borough Open Space, Blue Acres Program, C1 Waterway, Highlands Region Steep Slopes
12300	1	Class: 15C - Public Property	CR	RIVERDALE BLVD.	MUNICIPAL UTILITIES AUTHORITY	0.23	0.23	0.00	6	0	0	Undersized, Pumping Station, C1 Waterway, Wetlands, Highlands Region Steep Slopes
12300	2	Class: 15C - Public Property	CR	OAK AVE	BOROUGH OF POMPTON LAKES	0.52	0.52	0.00	6	0	0	Pompton Lakes Borough Open Space, C1 Waterway, Wetlands, Highlands Region Steep Slopes
12500	1	Class: 1 - Vacant Land		FEDERAL HILL RD.	UNITED WATER & NJDWSC C/O ALTUS	4.34	0.06	4.29	6	0	0	Utility, Water Supply, Highlands Region Steep Slopes
12600	1	Class: 15C - Public Property	O-S	POMPTON LAKE	BOROUGH OF POMPTON LAKES	116.59	115.33	1.25	6	0	0	Pompton Lake Park, Encumbered by Water, Historic District(Pompton Furnace and Iron Works Dam), SFHA, C1 Waterway, Wetlands, Highlands Region Steep Slopes
12600	2	Class: 15C - Public Property	O-S	POMPTON LK. ISLAND	BOROUGH OF POMPTON LAKES	0.74	0.74	0.00	6	0	0	Pompton Lake Island, C1 Waterway

# EXHIBIT P-2

**RESOLUTION ADOPTING HOUSING ELEMENT AND FAIR SHARE PLAN AND  
AMENDING MASTER PLAN FOR THE BOROUGH OF POMPTON LAKES**

**WHEREAS**, N.J.S.A. 40:55D-28 authorizes the Planning Board to prepare and, after a public hearing, adopt or amend a Master Plan, or components thereof, to guide the use of lands within the municipality in a manner that protects public health and safety and promotes the public welfare; and

**WHEREAS**, the Borough of Pompton Lakes Planning Board conducted a public hearing on February 24, 2026 to consider the adoption of the Housing Element and Fair Share Plan of February 2026, entitled "Fourth Round Housing Element and Fair Share Plan Borough of Pompton Lakes" and prepared by Sanyogita S. Chavan, P.P., AICP ("Housing Element"); and

**WHEREAS**, a notice of said public hearing was duly published in the Official Newspaper, and written notices were served as required by the provisions of N.J.S.A. 40:55D-13; and

**WHEREAS**, at said public hearing the aforesaid document was presented to the public and members of the public were given an opportunity to be heard; and

**WHEREAS**, the Board finds that the Housing Element is consistent with the physical, economic and social development of the Borough of Pompton Lakes and the purposes of the Municipal Land Use Law as stated in N.J.S.A. 40:55D-2.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Pompton Lakes in the County of Passaic and State of New Jersey on this 24th day of February, 2026, as follows:

1. The Board hereby amends the Borough of Pompton Lakes Master Plan and adopts the
- 202102

Housing Element in the form considered by the Board and attached hereto, and the Planning Board Secretary is directed to record this date, February 24, 2026, as the date of its adoption.

2. The Planning Board Secretary is authorized and directed to provide notice of this action in accordance with N.J.S.A. 40:55D-13.
3. The Planning Board Secretary is hereby directed to forward a copy of the Housing Element of February 2026, together with a copy of this Resolution to the Office of Planning Advocacy and to the Passaic County Planning Board as required by law.
4. This Resolution shall take effect as provided by law.

\*\*\*\*\*

I, Susan O'Malley, Secretary of the Pompton Lakes Planning Board, in the County of Passaic and State of New Jersey, do hereby certify the foregoing to be a true copy of the Resolution adopted by the said Pompton Lakes Planning Board on the 24th day of February, 2026, at a meeting duly convened of said Body.

  
\_\_\_\_\_  
Susan O'Malley, Secretary

# EXHIBIT P-3



# BOROUGH OF POMPTON LAKES PASSAIC COUNTY, NEW JERSEY



## Resolution No: 26-137

**TITLE:**

### RESOLUTION ENDORSING THE 2025 FOURTH ROUND HOUSING ELEMENT & FAIR SHARE PLAN AS PREVIOUSLY ADOPTED BY THE BOROUGH PLANNING BOARD

**WHEREAS**, on March 20, 2024, Governor Murphy signed P.L.2024. c.2 into law, establishing a new framework for determining and enforcing a municipality's affordable housing obligation under the New Jersey Supreme Court's Mount Laurel doctrine and New Jersey's Fair Housing Act (the "FHA") (N.J.S.A. 52:27D-301, *et al.*); and

**WHEREAS**, in compliance with said Act and related framework, the Borough of Pompton Lakes (the "Borough") adopted a binding resolution on January 22, 2025, identifying its present and prospective fair share obligation for the Fourth Round and subsequently filed a Declaratory Judgment action on January 24, 2025, to confirm said obligation and in conformance with the Act; and

**WHEREAS**, as per the FHA requirements the Borough submitted an adopted Fourth Round Housing Element & Fair Share Plan on June 26, 2025; and

**WHEREAS**, Fair Share Housing Center ("FSHC") filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough's HEFSP on August 27, 2025; and

**WHEREAS**, the Borough and FSHC have agreed to amicably resolve the issues set forth in the challenge through a mediation agreement dated January 10, 2026, which required an amendment to the HEFSP dated June 26, 2025; and

**WHEREAS**, following a public hearing held on February 24, 2026, the Borough's Planning Board determined the amended Fourth Round Housing Element & Fair Share Plan to be consistent with the physical, economic and social development of the Borough and the purposes of the Municipal Land Use Law as stated in N.J.S.A. 40:55D-2; and

**WHEREAS**, on the basis of the said determination, the Planning Board adopted the amended Fourth Round Housing Element & Fair Share Plan and amended the Borough's Master Plan to incorporate same.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Pompton Lakes that the amended Fourth Round Housing Element & Fair Share Plan for the Borough of Pompton Lakes is hereby endorsed, approved and adopted in the form previously adopted on February 24, 2026, by the Borough's Planning Board.

#### RECORD OF COUNCIL VOTE:

I, Elizabeth Brandsness, R.M.C., Municipal Clerk, hereby certify that the above resolution is a true copy of the resolution adopted by the Mayor and Council at their Regular Meeting held on Wednesday, February 25, 2026, at 7:00 p.m. in the Pompton Lakes Municipal Building, 25 Lenox Avenue, Pompton Lakes, N.J.

Motion - by: Santers Second - by: Venin

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Baig	✓				Kent			✓	
Cruz	✓				Santers	✓			
Hinton	✓				Venin	✓			
<b>MAYOR (Tie-Break Vote):</b> Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: February 25, 2026

*Elizabeth Brandsness*  
Elizabeth Brandsness, R.M.C., Municipal Clerk

*Michael Serra*  
Michael Serra, Mayor

# EXHIBIT P-4



# BOROUGH OF POMPTON LAKES PASSAIC COUNTY, NEW JERSEY



## Resolution No: 26-117

**TITLE:**

**DIRECTING PLANNING BOARD TO AMEND REDEVELOPMENT PLAN**

**WHEREAS**, the Borough of Pompton Lakes has, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., (the "LRHL") designated certain properties within the Borough as areas in need of redevelopment; and

**WHEREAS**, pursuant to the LRHL, the Borough adopted an ordinance establishing the Block 100, Lot 8 Redevelopment Plan ("Plan"), which established the Block 100, Lot 8 Redevelopment Area; and

**WHEREAS**, on or about December 17, 2025, the Borough reached a settlement with Fair Share Housing Center ("Settlement") which requires that certain amendments be made to the Plan in order to satisfy the settlement and satisfy the Borough's obligation to provide for affordable housing within the Borough; and

**WHEREAS**, it is the desire of the Borough comply with the Settlement by making necessary and appropriate amendments to the Plan; and

**WHEREAS**, Section 7 of the LRHL provides that a governing body may direct the Planning Board to prepare and amendment or revision to a redevelopment plan.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Pompton Lakes, in the County of Passaic, and State of New Jersey, that the Planning Board of the Borough of Pompton Lakes is directed to prepare an amendment to the Block 100, Lot 8 Redevelopment Plan to provide that multi-family residential housing shall be a permitted use in the Redevelopment Area at a density consistent with the Settlement; all new residential development within the Redevelopment Area shall include twenty percent affordable housing units; and to make all other revisions and/or amendments to the Plan necessary to comply and conform with the Settlement.


### RECORD OF COUNCIL VOTE:

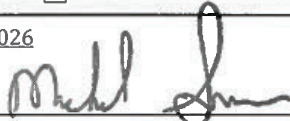
I, Elizabeth Brandsness, R.M.C., Municipal Clerk, hereby certify that the above resolution is a true copy of the resolution adopted by the Mayor and Council at their Regular Meeting held on Wednesday, February 11, 2026, at 7:00 p.m. in the Pompton Lakes Municipal Building, 25 Lenox Avenue, Pompton Lakes, N.J.

Motion - by: Cruz Second - by: Baig

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Baig	✓				Kent	✓			
Cruz	✓				Santers	✓			
Hinton	✓				Venin	✓			
<b>MAYOR (Tie-Break Vote):</b> Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: February 11, 2026

  
 Elizabeth Brandsness, R.M.C., Municipal Clerk

  
 Michael Serra, Mayor

CC: Borough Administrator, Borough Attorney, Affordable Housing Planner, Planning Board, Planning Board Attorney, Borough Planner

# EXHIBIT P-5



# BOROUGH OF POMPTON LAKES PASSAIC COUNTY, NEW JERSEY



## ORDINANCE NO. 26-07

### AN ORDINANCE AMENDING CHAPTER 190 ARTICLE XIVA, "BLOCK 100, LOT 8 REDEVELOPMENT PLAN (Lidl - Pompton Lakes Town Square)

**WHEREAS**, the Borough Council ("Borough Council") designated the area located upon Block 100, Lots 8, as identified on the municipal tax maps of Pompton Lakes Borough ("Block 100, Lot 8 Redevelopment Area"), as an area in need of redevelopment pursuant to the Redevelopment Law (N.J.S.A. 40A:12A-7); and

**WHEREAS**, the Borough Council adopted, by Ordinance, the Block 100, Lot 8 Redevelopment Plan for the Block 100, Lot 8 Redevelopment Area on May 27, 2007, pursuant to the Redevelopment Law (N.J.S.A. 40A:12A-7); and

**WHEREAS**, the Borough having filed its Housing Element and Fair Share Housing Plan ("HEFSP") on June 26, 2025; and

**WHEREAS**, Fair Share Housing Center ("FSHC") filed a challenge pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough's HEFSP on August 27, 2025; and

**WHEREAS**, the Borough entered a settlement agreement with FSHC, dated January 10, 2026, in which the Borough agreed to review and amend, as needed, it's the Housing Element and Fair Share Plan, Affordable Housing Ordinance, and other ordinances to address the agreed upon affordable housing obligation for the Fourth Round; and

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Pompton Lakes, the Block 100, Lot 8 Redevelopment Plan is amended as follows:

#### Section 1

- A. Residential uses shall be permitted in the Block 100, Lot 8 Redevelopment Area.
- B. A maximum of 140 housing units may be developed in the Block 100, Lot 8 Redevelopment Area, which 20% must be affordable to low- and moderate-units households.
- C. Residential uses shall be located above the ground floor.

#### REPEALER

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

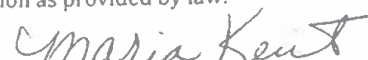
#### SEVERABILITY

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

#### EFFECTIVE DATE

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

  
Elizabeth Brandsness, R.M.C., Municipal Clerk

  
Maria Kent, Presiding Officer/Council President

#### NOTICE

**NOTICE IS HEREBY GIVEN**, that the above Ordinance was introduced at a regular meeting of the Mayor and Borough Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey held in the Municipal Building on the 25th day of February, 2026 and the same came up for final passage at the regular meeting of the Mayor and Borough Council held on the 11th day of March, 2026 at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Borough of Pompton Lakes after approval by the Mayor or in accordance with law.

# EXHIBIT P-6



# BOROUGH OF POMPTON LAKES PASSAIC COUNTY, NEW JERSEY



## ORDINANCE NO. 26-08

### AN ORDINANCE AMENDING CHAPTER 190 ARTICLE XV, AFFORDABLE HOUSING, CHAPTER 190 ARTICLE XVI, AFFORDABLE HOUSING SETASIDE, AND CHAPTER 190 ARTICLE XVII AFFORDABLE HOUSING DEVELOPMENT FEES TO ADDRESS THE BOROUGH'S AFFORDABLE HOUSING OBLIGATIONS UNDER THE AMENDED FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC)

**WHEREAS**, the State of New Jersey ("State") has adopted an Amended Fair Housing Act at P.L. 2024, c. 2 (A4) which provides new Fourth Round affordable housing fair share requirements for each municipality; and

**WHEREAS**, the State has adopted new Fourth Round substantive affordable housing regulations at N.J.A.C. 5:99; and

**WHEREAS**, The New Jersey Department of Community Affairs (DCA) and the Housing and Mortgage Finance Agency (NJHMFA) have adopted new Uniform Housing and Affordability Controls (UHAC) at J.A.C. 5:80-26.1 et seq; and

**WHEREAS**, the Borough of Pompton Lakes Planning Board ("Planning Board") has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq.

**WHEREAS**, in order to maintain compliance with said state regulations regarding affordable housing, the Borough of Pompton Lakes (the "Borough") must amend certain sections of the Municipal Code; and

**WHEREAS**, Chapter 190, Article XV, Affordable Housing, Article XVI, Mandatory Set-Aside, Article XVII, Affordable Housing Development Fees, contains requirements for affordable housing provisions based on previous COAH regulations and regulations regarding affordable housing development fees; and

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey, that Chapter 190, Articles XV, XVI, and XVII, of the Municipal Code are hereby amended and replaced as follows:

(Added text is **emboldened**, and text being eliminated is shown in *strikethrough italics*.)

#### Section 1

Chapter 190, "Affordable Housing, Article XV, "Affordable Housing", Section 190-98, "Purpose" of the General legislation of the Borough of Pompton Lakes is hereby amended as follows:

#### § 190-98. Purpose.

The purpose of the Affordable Housing Ordinance is to create an opportunity for the construction of low- and moderate-income housing in the Borough of Pompton Lakes and address the fair share housing obligation, in conformance with the latest fair share obligation promulgated by the Courts and under the New Jersey Fair Housing Act.

**A. This section of the Code sets forth regulations regarding the very low-, low- and moderate-income housing units in (Borough of Pompton Lakes) consistent with the provisions outlined in P.L 2024, Chapter 2, including the amended Fair Housing Act ("FHA") at N.J.S.A. 52:27D-301 et seq., as well as the Department of Community Affairs, Division of Local Planning Services ("LPS") at N.J.A.C. 5:99 et seq., statutorily upheld existing ng regulations of the now-defunct Council on Affordable Housing ("COAH") at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls ("UHAC") at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted municipal Fourth Round Housing Element and Fair Share Plan ("HEFSP").**

**B. This Ordinance is intended to ensure that very low-, low- and moderate-income units ("affordable units") are created with controls on affordability over time and that very low-, low- and moderate-income households shall occupy these units pursuant to statutory requirements. This Ordinance shall apply to all inclusionary developments, individual affordable units, and 100% affordable housing developments except where inconsistent with applicable law. Low-Income Housing Tax Credit financed developments shall adhere to the provisions set forth below in item c. below.**



## BOROUGH OF POMPTON LAKES PASSAIC COUNTY, NEW JERSEY



- C. The Borough of Pompton Lakes Planning Board has adopted a HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan describes the ways the municipality shall address its fair share of very low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element.
- D. This Ordinance implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of P.L 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented.

### § 190-99. Definitions.

The following terms when used in this article shall have the meanings given in this section:

#### ACT

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

#### ADAPTABLE

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

#### ADMINISTRATIVE AGENT

The entity designated by the Borough to administer affordable units in accordance with this article, ~~N.J.A.C. 5:93,<sup>1</sup> and UHAC (N.J.A.C. 5:80-26)~~ N.J.A.C. 5:99, and UHAC (N.J.A.C. 5:80-26)..

#### AFFIRMATIVE MARKETING

A regional marketing strategy designed to attract buyers and/ or renters of affordable units pursuant to ~~N.J.A.C. 5:80-26.15~~ N.J.A.C. 5:80-26.16.

#### AFFORDABILITY AVERAGE

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

#### AFFORDABLE

~~A sales price or rent level that is within the means of a low- or moderate- income household as defined within N.J.A.C. 5:93-7.4,<sup>2</sup> and, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.~~ A sales price or rent within the economic means of a low- or moderate-income household, as defined in the UHAC as, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.7 and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.13.

#### AFFORDABLE HOUSING DEVELOPMENT

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

#### AFFORDABLE HOUSING DELIVERY MECHANISMS

Any of the methods of creating or preserving actual housing units available to low- and moderate-income households or creating a realistic opportunity for the construction of such units, as permitted by the Act.

#### AFFORDABLE HOUSING DISPUTE RESOLUTION PROGRAM

The dispute resolution program established pursuant to N.J.S.A. 52:27D-313.2.

#### AFFORDABLE HOUSING MONITORING SYSTEM" or "AHMS"



## BOROUGH OF POMPTON LAKES PASSAIC COUNTY, NEW JERSEY



**The Department of Community Affairs's cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.**

### AFFORDABLE HOUSING PROGRAM(S)

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

### AFFORDABLE UNIT

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

### AGE-RESTRICTED UNIT

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

### AGENCY

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

### ALTERNATIVE LIVING ARRANGEMENT

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

### ASSISTED LIVING RESIDENCE

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

### CERTIFIED HOUSEHOLD

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

### COAH

The Council on Affordable Housing **established in, ~~as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.)~~ but not of, DCA pursuant to the Act and that was abolished effective March 20, 2024, pursuant to section 3 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1).**

### COMMISSIONER

**The Commissioner of the Department of Community Affairs.**

### COMPLIANCE CERTIFICATION

**Means the certification issued to a municipality by the Program pursuant to section 3 at P.L. 2024, c. 2, that provides a municipality immunity from exclusionary zoning litigation during the current round of present and prospective need and through July 1 of the year the next round of affordable housing obligations begins, which is also known as a "judgment of compliance" resulting in an "order for repose." "Compliance certification" shall include a judgment of repose granted in an action filed pursuant to section 13 at P.L. 1985, c. 222 (N.J.S.A. 52:27D-313).**



## BOROUGH OF POMPTON LAKES PASSAIC COUNTY, NEW JERSEY



### COMPLIANT MUNICIPALITY

A municipality that is in the process of seeking compliance certification pursuant to the directives issued by the Administrative Office of the Courts, has obtained compliance certification, or who has filed for, or has obtained, a Judgment of Compliance, Order for Repose, or other court approval pursuant to the Act.

### CONSTRUCTION

New construction and additions, but does not include alterations, reconstruction, renovations, conversion, relocation, or repairs, as those terms are defined in the State Uniform Construction Code promulgated pursuant to the State Uniform Construction Code Act, P.L. 1975, c. 217 (N.J.S.A. 52:27D-119 et seq.).

### COUNTY-LEVEL HOUSING JUDGE

Means a judge appointed pursuant to section 5 at P.L. 2024, c. 2, to resolve disputes over the compliance of municipal fair share affordable housing obligations and municipal fair share plans and housing elements with the Act.

### DCA

The State of New Jersey Department of Community Affairs.

### DEFICIENT HOUSING UNIT

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

### DEVELOPER

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

### DEVELOPMENT

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

### DEVELOPMENT FEE

Money paid by a developer for the improvement of residential and non-residential property as permitted pursuant to N.J.S.A 52:27D-329.2 and 40:55D-8.1 through 40:55D-8.7 and N.J.A.C. 5:99-3.

### DIVISION

Division of Local Planning Services within the Department of Community Affairs.

### EMERGENT OPPORTUNITY

A circumstance that has arisen whereby affordable housing can be created through a delivery mechanism not originally anticipated by or included in a fair share plan that has received compliance certification.

### EXTENSION OF EXPIRING CONTROLS

Extending the deed restriction period on units where the controls will expire in the current round of housing obligation, so that the total years of a deed restriction is at least 60 years.

### FAIR SHARE OBLIGATION

The total of the present need and prospective need as determined by the Affordable Housing Dispute Resolution Program, or a court of competent jurisdiction.



## BOROUGH OF POMPTON LAKES PASSAIC COUNTY, NEW JERSEY



### **FAIR SHARE PLAN**

The plan or proposal, which may readily be adopted with accompanying ordinances and resolutions, pursuant to subsection f. of section 3 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1) by which a municipality proposes to satisfy its obligation to create a realistic opportunity to meet its fair share of low- and moderate-income housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided in the municipal housing element, and addresses the development regulations necessary to implement the housing element, including, but not limited to, inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations.

### **FHA**

The New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

### **HMFA OR THE AGENCY**

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

### **HOUSING REGION**

A geographic area established pursuant to N.J.S.A. 52:27D-304.2 for each round of low- and moderate-income housing obligations pursuant to the Act.

### **INCLUSIONARY DEVELOPMENT**

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

### **"JUDGMENT OF COMPLIANCE" OR "JUDGMENT FOR REPOSE"**

Means a determination issued by the Superior Court approving a municipality's fair share plan to satisfy its affordable housing obligation for a particular 10-year round.

### **LOW-INCOME HOUSEHOLD**

A household with a total gross annual household income equal to 50% or less of the median household income.

### **LOW-INCOME UNIT**

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

### **MAJOR SYSTEM**

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

### **MARKET-RATE UNITS**

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

### **MEDIAN INCOME**

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

### **MODERATE-INCOME HOUSEHOLD**

A household with a total gross annual household income in excess of 50% but less than 80% of the median household income.

### **MODERATE-INCOME UNIT**

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

### **MULTIFAMILY UNIT**

A structure containing five or more dwelling units.



## **BOROUGH OF POMPTON LAKES PASSAIC COUNTY, NEW JERSEY**



### **MUNICIPAL AFFORDABLE HOUSING TRUST FUND**

A separate, interest-bearing account held by a municipality for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing, barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Legislature and (N.J.A.C 5:99-1 et. seq)."

### **MUNICIPAL DEVELOPMENT FEE ORDINANCE**

An ordinance adopted by a municipality's governing body that authorizes the collection of development fees.

### **MUNICIPAL HOUSING LIAISON (MHL)**

An appointed Borough employee who is responsible for oversight and/or administration of the affordable housing units created within the municipality and oversight of the authorization of individuals being provided access to the AHMS.

### **NEW JERSEY AFFORDABLE HOUSING TRUST FUND**

An account established pursuant to N.J.S.A. 52:27D-320.

### **NONEXEMPT SALE**

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

### **NON-RESIDENTIAL DEVELOPMENT FEE**

The fee authorized to be imposed pursuant to N.J.S.A. 40:55D-8.1 through 40:55D-8.7.

### **ORDER FOR REPOSE**

The protection a municipality has from a builder's remedy lawsuit for a period of time following the entry of a judgment of compliance by the Superior Court; a judgment of compliance often results in an order for repose.

### **PERSON WITH DISABILITY**

A person with a physical disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, aging, or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impairment, deafness or hearing impairment, the inability to speak or a speech impairment, or physical reliance on a service animal, wheelchair, or other remedial appliance or device.

### **PRICE DIFFERENTIAL**

The difference between the controlled sale price of a restricted unit and the contract price at the exit sale of the unit, determined as of the date of a proposed contract of sale for the unit. If there is no proposed contract of sale, the price differential is the difference between the controlled sale price of a restricted unit and the appraised value of the unit as if it were not subject to UHAC, determined as of the date of the appraisal. If the controlled sale price exceeds the contract price or, in the absence of a contract price, the appraised value, the price differential is zero dollars.

### **PRIOR ROUND UNIT**

A housing unit that addresses a municipality's fair share obligation from a round prior to the fourth round of affordable housing obligations, including any unit that: (1) received substantive certification from COAH; (2) is part of a third-round settlement agreement or judgment of compliance approved by a court of competent jurisdiction, inclusive of units created pursuant to a zoning designation adopted as part of the settlement agreement or



## BOROUGH OF POMPTON LAKES PASSAIC COUNTY, NEW JERSEY



judgment of compliance to create a realistic opportunity for development; (3) is subject to a grant agreement or other contract with either the State or a political subdivision thereof entered into prior to July 1, 2025, pursuant to either item (1) or (2) above; or (4) otherwise addresses a municipality's fair share obligation from a round prior to the fourth round of affordable housing obligations. A unit created after the enactment of P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1) on March 20, 2024, is not a prior round unit unless: (1) it is created pursuant to a prior round development plan or zoning designation that received COAH or court approval on or before the cutoff date of June 30, 2025, or the date that the municipality adopts the implementing ordinances and resolutions for the fourth round of affordable housing obligations, whichever occurs sooner; and (2) its siting and creation are consistent with the form of the prior round development plan or zoning designation in effect as of the cutoff date, without any amendment or variance.

### PROSPECTIVE NEED

A projection of housing needs based on development and growth which is reasonably likely to occur in a region or a municipality, as the case may be, as a result of actual determination of public and private entities. Prospective need shall be determined by the methodology set forth pursuant to sections 6 and 7 of P.L.2024, c. 2 (C.52:27D-304.2 and C.52:27D-304.3) for the fourth round and all future rounds of housing obligations.

### RANDOM SELECTION PROCESS

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

### REGIONAL ASSET LIMIT

The maximum housing value in each housing region affordable to a four-person household with an income at 80% of the regional median as defined by duly adopted regional income limits published annually by COAH or a successor entity.

### REHABILITATION

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

### RENT

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

### RESTRICTED UNIT

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

### SPENDING PLAN

Means a method of allocating funds contained in an affordable housing trust fund account, which includes, but is not limited to, development fees collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to N.J.S.A. 52:27D-329.1 et seq., for the purpose of meeting the housing needs of low- and moderate-income individuals.

### SUPPORTIVE HOUSING HOUSEHOLD

A very low-, low- or moderate-income household certified as income eligible by an administrative agent in accordance with N.J.A.C. 5:80-26.14, in which at least one member is an individual who requires supportive services to maintain housing stability and independent living and who is part of a population identified by federal or state statute, regulation, or program guidance as eligible for supportive or special needs housing. Such populations include, but are not limited to: persons with intellectual or developmental disabilities, persons with serious mental illness, person with head injuries (as defined in



## BOROUGH OF POMPTON LAKES PASSAIC COUNTY, NEW JERSEY



Section 2 of P.L. 1977), persons with physical disabilities or chronic health conditions, persons who are homeless as defined by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 578, survivors of domestic violence, youth aging out of foster care, and other special needs populations recognized under programs administered by the U.S. Department of Housing and Urban Development, the Low-Income Housing Tax Credit Program, the McKinney-Vento Act, or the New Jersey Department of Human Services. A supportive housing household may include family members, unrelated individuals, or live-in aides, provided that the household meets the income eligibility requirements of this subchapter, except that in the case of unrelated individuals not operating as a family unit, income eligibility shall be tested on an individual basis rather than in the aggregate; the unit is leased or sold subject to the affordability controls established herein; and the supportive services available to the household are designed to promote housing stability, independent living, and community integration. The determination of whether unrelated individuals are operating as a family unit shall be made based on the applicant's self-identification of household members on the affordable housing application.

### **SUPPORTIVE HOUSING SPONSORING PROGRAM**

A grant or loan program which provided financial assistance to the development of the unit.

**SUPPORTIVE HOUSING UNIT**—A restricted rental unit that is affordable to very low-, low- or moderate-income households and is reserved for occupancy by a supportive housing household. A supportive housing unit is intended to provide long-term, community-based housing for individuals with intellectual or developmental disabilities, as defined at N.J.S.A. 30:6D-25(b). Such units must be leased subject to the affordability controls established herein; remain subject to Affirmative Marketing requirements, household certification, and administrative agent oversight; and may, with the approval of the municipal housing liaison and the administrative agent, be leased either by the bedroom or to a single household in the case of multi-bedroom configurations, provided such arrangement is consistent with the Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968) and the project's Affirmative Marketing Program. A supportive housing unit may, with the approval of the administrative agent, be subject to a master lease by an approved supportive housing operator, provided that all subleases are to be certified supportive housing households and remain fully subject to the affordability controls of this subchapter. Rents for supportive housing units shall not exceed the rent standards established and published by the New Jersey Department of Human Services. Supportive housing units are also referred to as permanent supportive housing units.

### **UHAC**

The Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26 et seq.

### **VERY-LOW-INCOME HOUSEHOLD**

A household with a total gross annual household income equal to 30% or less of the median household income for the applicable housing region.

### **VERY-LOW-INCOME UNIT**

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

### **WEATHERIZATION**

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

### § 190-100. Applicability

- A. The provisions of this article shall apply to all affordable housing developments and affordable housing units that currently exist and that are proposed to be created within the Borough of Pompton Lakes pursuant to the Borough's most recently adopted Housing Element and Fair Share Plan. The existing downtown redevelopment zones (DRA-1 and DRA-2), amended by the Borough, requires a 10% set-aside for low- and moderate-income units, with the option to provide for 7% on-site units and a payment in lieu of 3% at a cost of \$90,000 per unit and shall be deposited into the Borough's Affordable Housing Trust Fund, except those identified in § 190-103.C.3. All other residential development of five units or



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more shall require a 15% set-aside requirement for rental units and a 20% requirement for all for-sale units.

- B. In **certain** redevelopment areas identified in the **2019 Settlement Agreement addressing the prior round**, a 10% set-aside for low- and moderate-income units is required, with the option to provide for 7% on-site units and a payment in lieu of 3% at a cost of \$90,000 per unit and shall be deposited into the Borough's Affordable Housing Trust Fund. All other residential development of five units or more shall require a **20%** ~~15%~~ set-aside requirement for rental units and ~~a 20% requirement~~ for ~~all~~-for-sale units.
- C. The following sections shall apply to all developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.
- D. All affordable housing developments, including those intended to be funded through federal Low Income Housing Tax Credit programs, shall be deed restricted to comply with COAH and UHAC Rules pertaining to the income and bedroom distributions of the units.

### § 190-101. Affordable housing programs

The Borough of Pompton Lakes has determined that it will use the following mechanisms to satisfy its affordable housing obligations: rehabilitation programs.

- A. Rehabilitation program.
  - (1) Pompton Lakes' rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28-1.1 et seq or the **Rehabilitation Subcode, N.J.A.C. 5:23-6 to the extent applicable.**
  - (2) Both owner-occupied and renter-occupied units shall be eligible for rehabilitation funds.
  - (3) All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units the control period will be enforced with a lien and for renter-occupied units the control period will be enforced with a deed restriction.
  - (4) The Borough of Pompton Lakes shall dedicate a minimum of \$10,000 for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
  - (5) The Borough of Pompton Lakes shall adopt a resolution committing to fund any shortfall in the rehabilitation programs for the Borough of Pompton Lakes.
  - (6) The Borough of Pompton Lakes shall designate, subject to the approval of the Department, one or more administrative agents to administer the rehabilitation program in accordance with ~~N.J.A.C. 5:96 and N.J.A.C. 5:97.~~<sup>3</sup> **P.L.2024, Chapter 2.** The administrative agent(s) shall provide a rehabilitation manual for the owner occupancy rehabilitation program and a rehabilitation manual for the rental occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of the Department. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the administrative agent(s).
  - (7) Units in a rehabilitation program shall be exempt from ~~N.J.A.C. 5:97-9<sup>4</sup>~~ and Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
    - (a) If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to ~~N.J.A.C. 5:97-9~~ and UHAC.



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- (b) If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to *N.J.A.C. 5:97-9* and UHAC.
- (c) Rents in rehabilitated units may increase annually based on the standards in *UHAC N.J.A.C. 5:97-9*.
- (d) Applicant and/or tenant households shall be certified as income-eligible in accordance with *N.J.A.C. 5:97-9* and UHAC, except that households in owner-occupied units shall be exempt from the regional asset limit.

**§ 190-102. Alternative living arrangements: Supportive Housing and Group Homes (per N.J.A.C. 5:97-6.10)**

A. ~~The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8<sup>5</sup> and UHAC, with the following exceptions:~~

- ~~(1) Affirmative marketing (N.J.A.C. 5:80-26.155-80-26.16); provided, however, that the units or bedrooms may be affirmatively marketed by the provider in accordance with an alternative plan approved by the Court;~~
- ~~(2) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.3 5:80-26.4).~~

The following provisions shall apply to group homes, residential health care facilities, and supportive shared living housing:

- (1) The unit of credit shall be the bedroom. However, the unit of credit shall be the unit if occupied by a single person or household.
- (2) Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.)
- (3) Occupancy shall not be restricted to youth under 18 years of age.
- (4) In affordable developments with 20 or more restricted units that are supportive housing, two-bedroom units must compose at least five percent of those restricted units.
- (5) The bedrooms and/or units shall comply with UHAC with the following exceptions:
  - (a) Affirmative marketing; however, group homes, residential health care facilities, permanent supportive housing and supportive shared living housing shall be affirmatively marketed to broadest possible population of qualified individuals with special needs in accordance with a plan, if applicable, approved by the sponsoring program;
  - (b) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).

B. ~~With the exception of units established with capital funding through a twenty-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least thirty-year controls on affordability in accordance with UHAC. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.). In the event that a supportive housing provider is unable to record or execute a long-term deed restriction, the units shall be subject to annual recertification by the Municipal Housing Liaison to confirm continued occupancy and compliance with this Section.~~



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- C. ~~With the exception of units established with capital funding through a twenty-year operating contract with the Department of Human Services, Division of Developmental Disabilities, alternative living arrangements shall have at least thirty-year controls on affordability in accordance with UHAC. Objective standards shall be applied in the selection of tenants for supportive housing units and shall be designed to ensure that individuals are not excluded in an arbitrary or capricious manner.~~
- D. The following documentation shall be submitted by the sponsor to the municipality prior to marketing the completed units or facility:
  - (1) An Affirmative Marketing Plan in accordance with D1 above; and
  - (2) If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency in accordance with the requirements of this section, which includes validation of the number of bedrooms or units in which low- or moderate-income occupants reside.
- E. The sponsor/owner shall complete annual monitoring as directed by the MHL.

§ 190-103. Inclusionary zoning.

- A. Rental units: In inclusionary developments, all affordable units shall be family rental units.
- B. ~~Phasing:~~ **Completion Schedule:** In inclusionary developments the following schedule shall be followed. Low- and moderate-income unit fractions shall be rounded upward to the higher whole number if 0.5 or greater and shall be rounded down to the lower whole number if less than 0.5. **Inclusionary developments shall satisfy the affordable housing requirements set forth in §190-104, "New Construction", of this chapter of the ordinance.**

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

- C. List of inclusionary sites: the above requirements shall apply to all future inclusionary developments in addition to those identified in the ~~2019~~ **the most recent** Fair Share Plan and herein listed:
  - (1) The Affordable Housing Overlay Zones (AH-1 and AH-2), adopted by the Borough, permits inclusionary residential units on several vacant and potential reuse sites.
  - (2) The existing downtown redevelopment zones (DRA-1 and DRA-2), amended by the Borough, requires a 10% set-aside for low- and moderate-income units, with the option to provide for 7% on-site units and a payment in lieu of 3% at a cost of \$90,000 per unit and shall be deposited into the Borough's Affordable Housing Trust Fund. All other residential development of five (5) units or more shall require 20%.
  - (3) **For specified sites within the DRA-1 and DRA-2 districts, the affordable housing set aside shall be set to 20% of total units within a development. These sites are listed, as follows:**
    - (a) **Blocks 3000, Lots 3, 10, 13, 14, 19, and 21.01) within the DRA-1 Zone**
    - (b) **Block 11, Lot 10.03, within the DRA-2 Zone**

§ 190-104. New construction

- A. Low/moderate split and bedroom distribution of affordable housing units:



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- (1) The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit. At least 13% of all restricted rental units **rounded up to the nearest whole number** shall be very- low-income units (affordable to a household earning 30% or less of median income). The very-low-income units shall be counted as part of the required number of low-income units within the development. At least 25% of the obligation shall be met through rental units, including at least 1/2 in rental units available to families. A maximum of 25% **addressing the prior round obligations and 30% addressing the fourth-round prospective need** may be age-restricted.
  - (2) In each affordable development, at least 50% of the restricted units within each bedroom distribution **rounded up to the nearest whole number** shall be low-income units.
  - (3) **Unless otherwise approved by the Division of Local Planning Services in the DCA, Affordable affordable** developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
    - (a) The combined number of efficiency and one-bedroom units shall be no greater than 20% of the total low- and moderate-income units;
    - (b) At least 30% of all low- and moderate-income units shall be two-bedroom units;
    - (c) At least 20% of all low- and moderate-income units shall be three-bedroom units; and
    - (d) The remaining two- and three-bedroom units may be allocated at the discretion of the developer and Borough.
    - (e) **At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units.**
  - (4) Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. This standard may be met by having all one- bedroom units or by having a two-bedroom unit for each efficiency unit.
- B. Accessibility requirements:
- (1) ~~The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7, and the following:~~ **Any new construction shall be adaptable; however, elevators shall not be required in any building or within any dwelling unit for the purpose of compliance with this section. In buildings without elevator service, only ground floor dwelling units shall be required to be constructed to conform with the technical design standards of the barrier free subcode. "Ground floor" means the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.**
  - (2) ~~All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:~~ **Notwithstanding the exemption for townhouse dwelling units in the barrier free subcode, the first floor of all townhouse dwelling units and of all other multi-floor dwelling units that are attached to at least one other dwelling unit shall be subject to the technical design standards of the barrier free subcode and shall include the following features:**
    - (a) An adaptable toilet and bathing facility on the first floor; and
    - (b) An adaptable kitchen on the first floor; and
    - (c) An interior accessible route of travel on the first floor; and



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- (d) An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
- (e) If not all of the foregoing requirements in Subsection B(2)(a) through (d) can be satisfied, then an interior accessible route of travel must be provided between stories within an individual unit, but if all of the terms of Subsection B(2)(a) through (d) above have been satisfied, then an interior accessible route of travel shall not be required between stories within an individual unit; and
- (f) An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that Pompton Lakes has collected funds from the developer sufficient to make 10% of the adaptable entrances in the development accessible:
  - [1] Where a unit has been constructed with an adaptable entrance, upon the request of a person with disabilities who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
  - [2] To this end, the builder of restricted units shall deposit funds within the Borough of Pompton Lakes' Affordable Housing Trust Fund sufficient to install accessible entrances in 10% of the affordable units that have been constructed with adaptable entrances.
  - [3] The funds deposited under Subsection B(2)(f)[2] above shall be used by the Borough of Pompton Lakes for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
  - [4] The developer of the restricted units shall submit a design plan and cost estimate to the Construction Official of the Borough of Pompton Lakes for the conversion of adaptable to accessible entrances.
  - [5] Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough's Affordable Housing Trust Fund in care of the Borough Chief Financial Officer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
  - [6] ~~Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site-impracticable" to meet the requirements. If full compliance with this section would be site impracticable, compliance with this section for any portion of the dwelling shall be required to the extent that it is not site impracticable. Determinations of site impracticability shall comply with the Barrier Free Subcode at N.J.A.C. 5:23-7.~~

### C. Design:

**The following design requirements apply to affordable housing developments, excluding prior round units.**

- ~~(1) In inclusionary developments, to the extent possible, low and moderate income units shall be integrated with the market units.~~
- ~~(2) In inclusionary developments, low and moderate income units shall have access to all of the same common elements and facilities as the market units.~~
- (1) **Design of 100 percent affordable developments:**
  - (a) **Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum**



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square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.

- (b) Each bedroom in each restricted unit must have at least one window.
- (c) Restricted units must include adequate air conditioning and heating.

(2) Design of developments comprising market-rate rental units and restricted rental units. The following does not apply to prior round units, unless stated otherwise.

- (a) Restricted units must use the same building materials and architectural design elements (for example, plumbing, insulation, or siding) as market-rate units of the same unit type (for example, flat or townhome) within the same development, except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
- (b) Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations.
- (c) Restricted units may not be physically clustered so as to segregate restricted and market-rate units within the same development or within the same building, but must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services. Prior round affordable units shall be integrated with market rate units to the extent feasible.
- (d) Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
- (e) Restricted units must include adequate air conditioning and heating and must use the same type of cooling and heating sources as market-rate units of the same unit type. This shall apply to prior round units.
- (f) Each bedroom in each restricted unit must have at least one window.
- (g) Restricted units must be of the same unit type as market-rate units within the same building.
- (h) Restricted units and bedrooms must be no less than 90 percent of the minimum size prescribed by the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.

D. Maximum initial rents and sales prices:

- (1) In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC, N.J.A.C. 5:80-26.4. *utilizing the regional income limits established by COAH or a successor entity.*
- (2) The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60% of median income, and the average rent for restricted rental units shall be affordable to households earning no more than 52% of median income.
- (3) The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units, provided that at least 13% of all low- and moderate-income rental units shall be affordable to very-low-income households, earning 30% or less of the regional median household income.
- (4) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median



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income, and each affordable development must achieve an affordability average of 55% for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different sales prices for each bedroom type, and low-income ownership units must be available for at least two different sales prices for each bedroom type.

- (5) In determining the initial sales prices and rent levels for compliance with the affordability average requirements for restricted units other than assisted living facilities and age-restricted developments, the following standards shall be used:
  - (a) A studio shall be affordable to a one-person household;
  - (b) A one-bedroom unit shall be affordable to a one-and-one-half-person household;
  - (c) A two-bedroom unit shall be affordable to a three-person household;
  - (d) A three-bedroom unit shall be affordable to a four-and-one-half-person household; and
  - (e) A four-bedroom unit shall be affordable to a six-person household.
- (6) In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted developments, the following standards shall be used:
  - (a) A studio shall be affordable to a one-person household;
  - (b) A one-bedroom unit shall be affordable to a one-and-one-half-person household; and
  - (c) A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- (7) The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95% of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28% of the eligible monthly income of the appropriate size household as determined under N.J.A.C. ~~5:80-26.4~~ **5:80-26.3**, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. ~~5:80-26.3~~ **5:80-26.4**, as may be amended and supplemented.
- (8) The initial rent for a restricted rental unit shall be calculated so as not to exceed 30% of the eligible monthly income of the appropriate size household, including an allowance for tenant paid utilities, as determined under N.J.A.C. ~~5:80-26.4~~ **5:80-26.3**, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. ~~5:80-26.3~~ **5:80-26.4**, as may be amended and supplemented.
- (9) The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
- (10) ~~The rent of low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed 9% in any one year. Rents for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.~~ **At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, following a minimum 90-day notice provided to the occupant household, the rent may be increased to an amount commensurate with the annual percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), specifically U.S. Bureau of Labor Statistics Series CUUR0100SAH, titled "Housing in Northeast urban, all urban consumers, not seasonally adjusted." The maximum allowable rent increase for the year will be effective as of the same date as the regional median income limits determined pursuant to N.J.A.C. 5:80-26.3 and published by the Agency. This rent increase may not exceed five percent in any one year**



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and notice thereof must be filed with the administrative agent. If the landlord has charged a tenant less than the initial maximum allowable rent for a restricted unit, the landlord may, with the approval of the administrative agent, use the maximum allowable rent instead of the current rent in performing this multiplication to establish the rent for the next tenant under a new lease. LIHTC units are not governed by the provisions of this section, but rather by the provisions of the State's Qualified Allocation Plan, N.J.A.C. 5:80-33.1 through 33.40.

(11) The master deeds and declarations of covenants and restrictions for affordable developments may not distinguish between restricted units and market-rate units in the calculation of any condominium or homeowner association fees and special assessments to be paid by low- and moderate-income purchasers and those to be paid by market-rate purchasers. Notwithstanding the foregoing sentence, condominium units subject to a municipal ordinance adopted before December 20, 2004, which ordinance provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection are governed by the ordinance.

E. Minimum resumptive densities/maximum presumptive set-aside for multifamily development:

(1) Affordable housing requirements.

(a) For-sale and rental developments: Any project not associated with a specific density or affordable housing requirement as outlined in a specific zone or redevelopment plan shall be required to provide a ~~15%~~ 20% set-aside requirement for rental units and ~~a 20% requirement~~ for *all* for-sale units.

(b) A project shall not be subdivided into two or more lots so as to fall below the threshold or avoid the set-aside requirement by taking multiple actions.

### § 190-105. Utilities.

- A. Affordable units shall utilize the same type of heating source as market units within an inclusionary development.
- B. Tenant-paid utilities included in the utility allowance shall be set forth in the lease and shall be consistent with the utility allowance ~~approved by DCA for its Section 8 program~~ in accordance with N.J.A.C 5:80-26.13(e).

### § 190-106. Occupancy standards.

In referring certified households to specific restricted units, the administrative agent shall **follow the Occupancy standards set forth in UHAC regulations (N.J.A.C 5:80-26.5) and**, to the extent feasible and without causing an undue delay in the occupancy of a unit, strive to:

- A. Provide an occupant for each bedroom; **except for age-restricted and supportive and special needs housing units,**
- B. Provide children of different sexes with separate bedrooms;
- C. Provide separate bedrooms for parents and children; and
- D. Prevent more than two persons from occupying a single bedroom.
- E. **Avoid placing a one-person household into a unit with more than one bedroom.**

### § 190-107. Control periods for restricted ownership units and enforcement mechanisms.

- A. Control periods for restricted ownership units shall be in accordance with N.J.A.C. ~~5:80-26.5~~ 5:80-26.6, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this article for a period of at least 30 years, until Pompton Lakes takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1et seq., as may be amended and supplemented.
- B. **If existing affordability controls are being extended, the extended control period for**



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- a restricted ownership unit commences on the effective date of the extension, which is the end of the original control period.
- C. After the end of any control period, the restricted ownership unit remains subject to the affordability controls set forth in this subchapter until the owner gives notice of their intent to make an exit sale, at which point:
- (1) If the municipality exercises the right to extend the affordability controls on the unit, no exit sale occurs and a new control period commences; or
  - (2) If the municipality does not exercise the right to extend the affordability controls on the unit, the affordability controls terminate following the exit sale.
- D. Prior to the issuance of any building permit for the construction/rehabilitation of restricted ownership units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
- E. ~~E.~~ The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit. **The date of commencement shall be identified in the deed restriction.**
- F. ~~F.~~ Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
- G. ~~G.~~ At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the administrative agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first nonexempt sale after the unit's release from the restrictions set forth in this article, an amount equal to the difference between the unit's nonrestricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- H. ~~H.~~ **The affordability controls set forth in this article shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.**
- I. ~~I.~~ A restricted ownership unit shall be required to obtain a continuing certificate of occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. ~~5:80-26.5(a)~~ 5:80-26.6(a) as may be amended and supplemented.
- J. **Rehabilitated housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years (crediting towards present need only).**
- § 190-108. Price restrictions for restricted ownership units, homeowner association fees and resale prices.
- Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. ~~5:80-26.1~~ 5:80-26.7, as may be amended and supplemented, including:
- A. The initial purchase price for a restricted ownership unit shall be approved by the administrative agent.
  - B. The administrative agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the ~~foregoing~~ standards set forth in N.J.A.C 5:80-26.7.
    - (1) **If the resale occurs prior to the one-year anniversary of the date on which title to the unit was transferred to a certified household, the maximum resale price for a is the most recent non-exempt purchase price.**



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- (2) If the resale occurs on or after such anniversary date, the maximum resale price is the most recent non-exempt purchase price increased to reflect the cumulative annual percentage increases to the regional median income, effective as of the same date as the regional median income calculated pursuant to N.J.A.C. 5:80-26.3.

~~C. The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low and moderate-income purchasers and those paid by market purchasers.~~

- ~~C. D.~~ The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See § 190-111.
- D. No increase for capital improvements is permitted if the maximum resale price prior to adjusting for capital improvements already exceeds whatever initial purchase price the unit would have if it were being offered for purchase for the first time at the initial affordability percentage. All adjustments for capital improvements are subject to 10-year, straight-line depreciation.

### § 190-109. Buyer income eligibility.

- A. Buyer income eligibility for restricted ownership units shall be in accordance with ~~N.J.A.C. 5:80-26.1~~ N.J.A.C. 5:80-26.17, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50% of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80% of median income.
- B. ~~Notwithstanding the foregoing, however, the administrative agent may, upon approval by the Borough Council, and subject to the Court's approval, permit moderate-income purchasers to buy low-income units in housing markets if the administrative agent determines that there is an insufficient number of eligible low-income purchasers to permit prompt occupancy of the units. All such low-income units to be sold to moderate-income households shall retain the required pricing and pricing restrictions for low-income units.~~ Notwithstanding the foregoing, the Administrative Agent may, upon approval by the municipality, and subject to the Division's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit. Similarly, the administrative agent may permit low-income purchasers to buy very-low-income units in housing markets where, as determined by the Division, units are reserved for very-low-income purchasers, but there is an insufficient number of very-low-income purchasers to permit prompt occupancy of the units. In such instances, the purchased unit must be maintained as a very-low-income unit and sold at a very-low-income price point such that on the next resale the unit will still be affordable to very-low-income households and able to be purchased by a very-low-income household. A very-low-income unit that is seeking bonus credit pursuant to N.J.S.A. 52:27D-311.k(9) must first be advertised exclusively as a very-low-income unit according to the Affirmative Marketing requirements at N.J.A.C. 5:80-26.16, then advertised as a very-low-income or low-income unit for at least 30 additional days prior to referring any low-income household to the unit.
- C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the administrative agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
- D. The administrative agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as



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applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed ~~33%~~ 35% of the household's eligible monthly income—; **provided, however, that this limit may be exceeded if one or more of the following circumstances exists:**

- a. **The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for housing expenses, and the proposed housing expenses will reduce its housing costs;**
- b. **The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for housing expenses in the past and has proven its ability to pay; or**
- c. **The household is currently in substandard or overcrowded living conditions;**
- d. **The household documents the existence of assets, within the asset limitation otherwise applicable, with which the household proposes to supplement the rent payments.**

### § 190-110. Limitations on indebtedness secured by ownership unit; subordination.

- A. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the administrative agent for a determination in writing that the proposed indebtedness complies with the provisions of this section, and the administrative agent shall issue such determination prior to the owner incurring such indebtedness.
- B. With the exception of first purchase money mortgages, neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95% of the maximum allowable resale price of the unit, as such price is determined by the administrative agent in accordance with N.J.A.C. ~~5:80-26.6(b)~~ 5:80-26.7(c).

### § 190-111. Capital improvements to ownership units.

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

### § 190-112. Control periods for restricted rental units.

- A. ~~Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11 as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this article for a period of at least 30 years, until Pompton Lakes takes action to release the unit from such requirements. Prior to such action, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented. For new projects receiving nine percent low-income housing tax credits, a control period of not less than a~~



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~~thirty-year compliance period plus a fifteen-year extended use period shall be required. Control periods for units that meet the definition of prior round units shall be pursuant to the 2001 UHAC rules originally adopted October 1, 2001, 33 N.J.R. 3432 and shall remain subject to the requirements of this ordinance for a period of at least 30 years as applicable unless otherwise indicated.~~

- B.** Other than for prior round units, control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 40 years. Restricted rental units created as part of developments receiving 9 percent Low-Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period for a total of 45 years.
- C.** The affordability control period for a restricted rental unit shall commence on the first date that a unit is issued a certificate of occupancy following the execution of the deed restriction or, if affordability controls are being extended, on the effective date of the extension, which is the end of the original control period.
- D.** ~~B.~~ Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Passaic. The deed shall also identify each affordable unit by apartment number and/or address and whether that unit is designated as a very-low, low- or moderate-income unit. Neither the unit nor its affordability designation shall change throughout the term of the deed restriction. A copy of the filed document shall be provided to the administrative agent within 30 days of the receipt of a certificate of occupancy.
- E.** ~~C.~~ A restricted rental unit shall remain subject to the affordability controls of this article despite the occurrence of any of the following events:
- (1) Sublease or assignment of the lease of the unit;
  - (2) Sale or other voluntary transfer of the ownership of the unit; or
  - (3) The entry and enforcement of any judgment of foreclosure on the property containing the unit.

### § 190-113. Rent restrictions for rental units; leases and fees.

- A.** ~~The initial rent for a restricted rental unit shall be set by the Administrative Agent.~~
- B.** ~~A.~~ A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the administrative agent.
- C.** ~~B.~~ No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the administrative agent.
- (1) Operating costs, for the purposes of this section, include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory utility submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household.**
- D.** ~~C.~~ Any fee structure that would remove or limit affordable unit occupant access to any amenities or services that are required or included for market-rate unit occupants is prohibited. Application fees (including the charge for any credit check) shall not exceed 5% of the monthly rent of the applicable restricted unit and shall be payable to the administrative agent to be applied to the costs of administering the controls applicable to the unit as set forth in this article.
- E.** ~~D.~~ ~~No rent control ordinance or other pricing restriction shall be applicable to either the market units or the affordable units in any development in which at least 15% of the total number of dwelling units are restricted rental units in compliance with this article.~~



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- F. Fees for unit-specific, non-communal items that are charged to market-rate unit tenants on an optional basis, such as pet fees for tenants with pets, storage spaces, bicycle-share programs, or one-time rentals of party or media rooms, may also be charged to affordable unit tenants, if applicable.
- G. Pet fees may not exceed \$30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.
- H. Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.
- I. For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with 5:80-26.13(c)1, may continue until the occupant household's current lease term expires or that occupant household vacates the unit, whichever occurs later.

### § 190-114. Tenant income eligibility.

- A. Tenant income eligibility shall be in accordance with N.J.A.C. ~~5:80-26.135~~**80-26.14**, as may be amended and supplemented, and shall be determined as follows:
  - (1) Very-low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of **regional** median income.
  - (2) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of **regional** median income.
  - (3) Moderate-income rental units shall be reserved for households with a gross household income less than 80% of **regional** median income.
- B. The administrative agent shall certify a household as eligible for a restricted rental unit when the household is a very-low-income household, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35% (40% for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. ~~5:80-26.165~~**80-26.16**, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
  - (1) The household currently pays more than 35% (40% for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
  - (2) The household has consistently paid more than 35% (40% for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
  - (3) The household is currently in substandard or overcrowded living conditions.
  - (4) The household documents the existence of assets with which the household proposes to supplement the rent payments; or
  - (5) The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the administrative agent and the owner of the unit.
- C. The applicant shall file documentation sufficient to establish the existence of the circumstances in Subsections A and B above with the administrative agent, who shall counsel the household on budgeting.

### § 190-115. Municipal Housing Liaison.

- A. The Borough of Pompton Lakes shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for administering the affordable housing program, including affordability controls, the affirmative marketing plan, monitoring and reporting, and, where applicable, supervising any contracted administrative agent. Pompton Lakes



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shall adopt an ordinance creating the position of Municipal Housing Liaison. Pompton Lakes shall adopt a resolution appointing a Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full or part-time municipal employee. The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.

- B. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Pompton Lakes, including the following responsibilities which may not be contracted out to the administrative agent:
- (1) Serving as Pompton Lakes' primary point of contact for all inquiries from the state, affordable housing providers, administrative agents and interested households;
  - (2) ~~Monitoring the status of all restricted units in Pompton Lakes' Fair Share Plan;~~ **The oversight of the Affirmative Marketing Plan and affordability controls;**
  - (3) ~~Compiling, verifying and submitting annual monitoring reports as may be required by the Court;~~ **When applicable, overseeing and monitoring any contracting Administrative Agent.**
  - (4) Coordinating meetings with affordable housing providers and administrative agents, as needed; and
  - (5) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing ~~at least annually and more often as needed and~~ **affirmative marketing as offered or approved by the Division.**
  - (6) **Overseeing the monitoring of the status of all restricted units listed in the Fair Share Plan.**
  - (7) **Verifying, certifying and providing annual information within AHMS at such time and in such form as required by the Division.**
  - (8) **Overseeing the recording of a preliminary instrument in the form set forth at N.J.A.C. 5:80-26.1 for each affordable housing development.**
  - (9) **Coordinating with the Administrative Agent, municipal attorney and municipal Construction Code Official to ensure that permits are not issued unless the document required in C.8. above has been duly recorded.**
  - (10) **Listing on the municipal website contact information for the MHL and Administrative Agents.**
- C. ~~Subject to the approval of the Court, the Borough of Pompton Lakes shall designate one or more administrative agent(s) to administer newly constructed affordable units in accordance with UHAC. An operating manual for each affordable housing program shall be provided by the administrative agent(s) to be adopted by resolution of the governing body and subject to approval of the Court. The operating manual(s) shall be available for public inspection in the office of the Borough Clerk, in the office of the Municipal Housing Liaison, and in the office(s) of the administrative agent(s). The Municipal Housing Liaison shall supervise the contracting administrative agent(s).~~

### § 190-116. Administrative agent

The administrative agent shall be an independent entity serving under contract to and reporting to the municipality. For new sale and rental developments, all of the fees of the administrative agent shall be paid by the owners of the affordable units for which the services of the administrative agent are required. For resales, single-family homeowners and condominium homeowners shall be required to pay 3% of the sales price for services provided by the administrative agent related to the resale of their homes. That fee shall be collected at closing and paid directly to the administrative agent. The administrative agent shall perform the duties and responsibilities of an administrative agent as set forth in UHAC, including those set forth in Sections. ~~5:80-26.14, 5:80-26.16 and 5:80-26.18~~ **5:80-26.15, 5:80-26.17 and 5:80-26.19** thereof, which include:



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### A. Affirmative marketing:

- (1) Conducting an outreach process to affirmatively market affordable housing units in accordance with the affirmative marketing plan of the Borough of Pompton Lakes and the provisions of N.J.A.C. ~~5:80-26.15~~ **5:80-26.16**; and
- (2) Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (3) The developer shall assume all costs for the affirmative marketing and initial sales and rental transactions associated with the low- and moderate-income housing development. The municipality's contracted administrative agent shall charge a reasonable fee to the program seller(s)/owner(s) for which the services of the administrative agent are required. The administrative agent shall perform the duties and responsibilities of an administrative agent as set forth in the Uniform Housing Affordability Controls (UHAC) N.J.A.C. 5:80-26 et seq., including those set forth in Sections ~~5:80-26.14, 5:80-26.16 and 5:80-26.18~~ **5:80-26.15, 5:80-26.17 and 5:80-26.19** thereof.

### B. Household certification:

- (1) Soliciting, scheduling, conducting and following up on interviews with interested households;
- (2) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
- (3) Providing written notification to each applicant as to the determination of eligibility or noneligibility;
- (4) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
- (5) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
- (6) Employing a random selection process as provided in the affirmative marketing plan of the Borough of Pompton Lakes when referring households for certification to affordable units.

### C. Affordability controls:

- (1) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;
- (2) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
- (3) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the Passaic County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit **in accordance with UHAC**;
- (4) Communicating with lenders **and the Municipal Housing Liaison** regarding foreclosures; and
- (5) Ensuring the issuance of continuing certificates of occupancy or certifications pursuant to N.J.A.C. ~~5:80-26.10~~ **5:80-26.11**.

### D. Resales and rentals:



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- (1) Instituting and maintaining an effective means of communicating information between owners and the administrative agent regarding the availability of restricted units for resale or rental; and
  - (2) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or rental.
- E. Processing requests from unit owners:
- (1) Reviewing and approving requests for determination from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership that the amount of indebtedness to be incurred will not violate the terms of this article;
  - (2) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air-conditioning systems;
  - (3) Notifying the municipality of an owner's intent to sell a restricted unit; and
  - (4) Making determinations on requests by owners of restricted units for hardship waivers.
- F. Enforcement:
- (1) Securing annually from the municipality a list of all affordable housing units for which tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
  - (2) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person other than a household duly certified to the unit by the administrative agent;
  - (3) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the administrative agent where complaints of excess rent or other charges can be made;
  - (4) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. ~~5:80-26.18(d)~~ **45:80-26.19(d)4**;
  - (5) Establishing a program for diverting unlawful rent payments to the municipality's Affordable Housing Trust Fund; and
  - (6) Creating and publishing a written operating manual for each affordable housing program administered by the administrative agent, to be approved by the Borough Council and the Court, setting forth procedures for administering the affordability controls.
- G. Additional responsibilities:
- (1) The administrative agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities ~~herein hereunder~~.
  - ~~(2) The administrative agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet any monitoring requirements and deadlines imposed by the Court.~~
  - ~~(3) The administrative agent shall attend continuing education sessions on affordability controls, compliance monitoring, and affirmative marketing at least annually and more often as needed.~~
- H. Records retention.
- (1) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded recapture mortgage,



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and note, as appropriate.

- (2) Records received, retained, retrieved, or transmitted in furtherance of crediting affordable units of a municipality constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality.**

§ 190-117. Affirmative marketing requirements.

- A. The Borough of Pompton Lakes shall adopt by resolution an affirmative marketing plan, subject to approval of the Court, that is compliant with N.J.A.C. ~~5:80-26.15~~ **5:80-26.16**, as may be amended and supplemented.
- B. The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs marketing activities toward Housing Region 1 and is required to be followed throughout the period of restriction.
- C. The affirmative marketing plan shall provide a regional preference for all households that live and/or work in Housing Region 1, comprised of Bergen, Hudson, Passaic, and Sussex Counties
- D. The municipality has the ultimate responsibility for adopting the affirmative marketing plan and for the proper administration of the affirmative marketing program, including initial sales and rentals and resales and rerentals. The administrative agent designated by the Borough of Pompton Lakes shall implement the affirmative marketing plan to assure the affirmative marketing of all affordable units.
- E. In implementing the affirmative marketing plan, the administrative agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- F. The affirmative marketing plan shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the affirmative marketing plan, the administrative agent shall consider the use of language translations where appropriate.
- G. The affirmative marketing process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy.
- H. Applications for affordable housing shall be available in several locations, including, at a minimum, the county administration building and/or the county library for each county within the housing region; the municipal administration building and the municipal library in the municipality in which the units are located; and the developer's rental office. Pre-applications shall be emailed or mailed to prospective applicants upon request.
- I. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

§ 190-118. Enforcement of affordable housing regulations.

- A. Upon the occurrence of a breach of any of the regulations governing the affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. After providing written notice of a violation to an owner, developer or tenant of a low- or moderate-income unit and advising the owner, developer or tenant of the penalties for



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such violations, the municipality may take the following action(s) against the owner, developer or tenant for any violation that remains uncured for a period of 60 days after service of the written notice:

- (1) The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation or violations of the regulations governing the affordable housing unit. If the owner, developer or tenant is adjudged by the Court to have violated any provision of the regulations governing affordable housing units the owner, developer or tenant shall be subject to one or more of the following penalties, at the discretion of the Court:
  - (a) A fine of not more than \$500 per day or imprisonment for a period not to exceed 90 days, or both, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
  - (b) In the case of an owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Pompton Lakes Affordable Housing Trust Fund of the gross amount of rent illegally collected;
  - (c) In the case of an owner who has rented a low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
  
- (2) The municipality may file a court action in the Superior Court seeking a judgment that would result in the termination of the owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any such judgment shall be enforceable as if the same were a judgment of default of the first purchase money mortgage and shall constitute a lien against the low- or moderate-income unit.
  - (a) The judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any first purchase money mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating owner shall have his right to possession terminated as well as his title conveyed pursuant to the Sheriff's sale.
  - (b) The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.
  - (c) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.



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- (d) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the first purchase money mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the first purchase money mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
  - (e) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser which may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
  - (f) The owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the owner.
- (3) **The municipality shall have the authority to levy fines against the owner of the development for instances of noncompliance with NJHRC advertising requirements (N.J.S.A. 52:27D-321.6.e.(2)), following written notice to the owner. The fine for the first offense of noncompliance shall be \$5,000, the fine for the second offense of noncompliance shall be \$10,000, and the fine for each subsequent offense of noncompliance shall be \$15,000.**

### § 190-119. Appeals.

~~Appeals from all decisions of an administrative agent appointed pursuant to this article shall be filed in writing with the Court.~~ Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must be filed, in writing, with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's decision is a final administrative action.

### § 190-120. Reporting and monitoring requirements.

- A. ~~On the first anniversary of the entry of the order granting the Borough a final judgment of compliance and repose, and every anniversary thereafter, through the end of the repose period, the Borough shall provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing or Local Government Services, or such other entity designated by the State of New Jersey, with copies provided to Fair Share Housing, 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 Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended. The municipality shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its court-approved Housing Element and Fair Share Plan:~~
  - (1) The municipality shall provide electronic monitoring data with the Department pursuant to P.L 2024, Chapter 2 and N.J.A.C. 5:99 through the Affordable Housing Monitoring System (AHMS). All monitoring information required to be made public by the FHA shall be available to the public on the Department's website at <https://www.nj.gov/dca/dlps/hss/MuniStatusReporting.shtml>.
  - (2) On or before February 15 of each year, the municipality shall provide annual reporting of its municipal Affordable Housing Trust Fund activity to the Department on the AHMS portal. The reporting shall include an accounting of all municipal Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended, for the previous year from January 1st to December 31st.



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- (3) On or before February 15 of each year, the annual reporting of the status of all affordable housing activity shall be provided to the Department on the AHMS portal, for the previous year from January 1st to December 31st.

~~B. On the first anniversary of the entry of the order granting the Borough a final judgment of compliance and repose, and every anniversary thereafter, through the end of the repose period, the Borough shall provide annual reporting of the status of all affordable housing activity within the Borough through posting on the Borough website with copies 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 Court-appointed Special Master and Fair Share Housing Center.~~

~~C. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough shall post on its Borough website, with copies provided to Fair Share Housing Center, a status report as to its implementation of its 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 Borough, with copies provided 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.~~

~~D. 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 the entry of the order granting the Borough a final judgment of compliance and repose, and every third year thereafter, the Borough shall post on its Borough website, with copies provided to Fair Share Housing, 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 Borough with copies provided to Fair Share Housing, on the issue of whether the municipality has complied with its very low income housing obligation.~~

### Section 2

Chapter 190, "Affordable Housing Set-Aside, Article XVI, "Affordable Housing", Section 190-121, "Mandatory set-aside." of the General legislation of the Borough of Pompton Lakes is hereby amended as follows:

#### § 190-121. Mandatory set-aside.

- A. If Pompton Lakes permits the construction of multifamily or single-family attached residential development ~~that is "approvable" and "developable," as defined at N.J.A.C. 5:93-1.3, of a residential development~~ **consisting** of five or more units and not within one of the redevelopment projects identified in the **third round** settlement agreement made between the Borough of Pompton Lakes and Fair Share Housing Center (signed July 3, 2019) ("~~Settlement Agreement~~"), the Borough shall require that an appropriate percentage of the residential units be set-aside for low- and moderate-income households, as defined by applicable state law or regulations. For inclusionary projects in which the low- and moderate-income units are to be offered for sale **or for rent**, the **minimum appropriate** set-aside percentage is 20%~~; for projects in which the low- and moderate-income units are to be offered for rent, the appropriate set-aside percentage is 15%.~~

- (1) All affordable housing controls and standards are subject to the rules of the Council on Affordable Housing ("COAH") or any subsequent state agency. The development, marketing and sale of the affordable units shall be pursuant to applicable state regulations and Article XV, Affordable Housing, and any subsequent amendments thereto.
- (2) This requirement shall apply to any multifamily or single-family attached residential development, including the residential portion of a mixed-use project, in any zone within Pompton Lakes, and proposed to construct five units or greater, whether permitted by a zoning amendment, a variance granted by Pompton Lakes' Planning Board or Board of Adjustment, or adoption of a redevelopment plan or amended redevelopment plan in areas in need of redevelopment or rehabilitation, outside the redevelopment areas identified in the settlement agreements made between the



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Borough of Pompton Lakes and Fair Share Housing Center, as part of the third round settlement referenced above. (*signed July 3, 2019*).

- (3) This requirement shall not impose any obligation on a development, or the nonresidential portion of a mixed-use development, that is subject to the State Non-Residential Development Fee Act, N.J.S.A. 40:55D-8.1 et seq.
- B. Nothing in this section precludes Pompton Lakes from imposing an affordable housing set-aside requirement on a development that is not required to have an affordable housing set-aside pursuant to this section, when such imposition is consistent with N.J.S.A. 52:27D-311(h) and other applicable law.
- C. ~~A property owner or applicant may not be permitted to subdivide a project into two lots and then make each of them a number of units just below the threshold as to avoid this affordable housing set-aside requirement.~~ **No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement. Developers cannot, for example, subdivide a project into two lots and then make each of them a number of units just below the threshold.**
- D. This affordable housing set-aside requirement shall not create any entitlement to a special dispensation or approval for a property owner or applicant for subdivision of site plan approval, a zoning amendment, use variance, or adoption of a redevelopment plan or amended redevelopment plan, or for approval of any particular proposed project.
- E. This requirement does not apply to any sites or specific zones for which other set-aside standards have been ~~or will be~~ established, either by zoning, subdivision or site plan approval, or an adopted redevelopment plan or amended redevelopment plan.
- F. ~~If the Borough's 2019 settlement agreement or 2019 Housing Element and Fair Share Plan established set-aside standards for any specific sites or zones which are different from the set-aside standards set forth in this section, the set-asides established for those sites or zones in the settlement agreement or Housing Element and Fair Share Plan shall govern. This municipality-wide mandatory set-aside requirement does not apply to any sites or specific zones otherwise identified in the HEFSP, for which density and set-aside requirements shall be governed by the specific standards as set forth therein.~~

### Section 3

Chapter 190, Article XVII, "Affordable Housing Development Fees", of the General legislation of the Borough of Pompton Lakes is hereby amended as follows:

#### § 190-122. Findings: purpose.

- A. ~~In *Holmdel Builder's Ass'n v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules. This section establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with the amended Fair Housing Act (P.L.2024, c.2), N.J.A.C. 5:99, and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan.~~
- B. ~~Pursuant to P.L. 2008, c. 46 Section 8 (N.J.S.A. 52:27D-329.2) and the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or a court of competent jurisdiction and have an approved spending plan may retain fees collected from nonresidential development.~~
- C. ~~This article establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance with P.L. 2008, c. 46, Sections 8 and 32-38. Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing. This article shall be interpreted within the~~



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~~framework of COAH's prior round rules on development fees, codified at N.J.A.C. 5:93-8<sup>2</sup> and P.L. 2008, c. 46, Section 8 (N.J.S.A. 52:27D-329.2) and the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7) and the COAH settlement in "In the Matter of the Borough of Pompton Lakes, Passaic County, New Jersey and Affordable Housing Certification, Superior Court of New Jersey, Law Division, Docket: PAS-L-002397-15."~~

### § 190-123. Basic requirements.

- A. **The municipality previously adopted a development fee ordinance, which established the Municipal Affordable Housing Trust Fund.**
- B. ~~A~~ This article shall not be effective until approved by the Court.
- ~~B. The Borough of Pompton Lakes shall not spend development fees until the Court has approved a plan for spending such fees in conformance with N.J.A.C. 5:93-5.1(c).<sup>3</sup>~~

### § 190-124. Definitions.

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

#### **AFFORDABLE HOUSING DEVELOPMENT**

A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100% affordable development.

#### **COAH or THE COUNCIL**

The New Jersey Council on Affordable Housing established in, ~~under the Fair Housing Act~~ but not of, **DCA pursuant to the Act and that was abolished effective March 20, 2024, pursuant to section 3 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1).**

#### **DEVELOPER**

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

#### **DEVELOPMENT FEE**

Money paid by a developer for the improvement ~~of property as permitted in N.J.A.C. 5:93-8,<sup>4</sup>~~ **of residential and non-residential property as permitted pursuant to N.J.S.A 52:27D-329.2 and 40:55D-8.1 through 40:55D-8.7 and N.J.A.C. 5:99-3.**

#### **EQUALIZED ASSESSED VALUE or EAV**

The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5 and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through 54:1-35c). **Estimates at the time of building permit may be obtained by the tax assessor using construction cost estimates. Final EAV shall be determined at project completion by the municipal assessor.**

#### **GREEN BUILDING STRATEGIES**

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

### § 190-125. Residential development fees.

#### A. Imposed fees.

- (1) Within all zoning district(s), residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5% of the equalized assessed value for residential development provided no increased density is permitted.
- (2) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of 6% of the equalized assessed value for each additional unit that may be realized.



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However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5% of the equalized assessed value on the first two units; and the specified higher percentage up to 6% of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

- (3) Eligible exactions, ineligible exactions, and exemptions for residential development.
  - (a) Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
  - (b) Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
  - (c) Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, unless the owner resided in the previous dwelling for a period of one year or more prior to obtaining a demolition permit, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved or replaced structure as compared to the previous structure.
  - (d) Homes replaced as a result of a natural disaster (such as a fire or flood) shall be exempt from the payment of a development fee.

### § 190-126. Nonresidential development fees.

#### A. Imposed fees.

- (1) Within all zoning districts, nonresidential developers, except for developers of the types of development specifically exempted below, shall pay a fee equal to two and 2.5% of the equalized assessed value of the land and improvements, for all new nonresidential construction on an unimproved lot or lots.
- (2) Nonresidential developers, except for developers of the types of development specifically exempted below, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
- (3) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e., made an improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

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

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



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

### § 190-127. Collection procedures.

- A. Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- B. For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Nonresidential Development Certification/Exemption" to be completed as per the instructions provided. The Developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- C. The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- D. Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- E. The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- F. Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G. Should the Borough of Pompton Lakes fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).
- H. Except as provided in § 190-126A(3) above, 50% of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.



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

### § 190-128. Affordable housing trust fund.

- A. ~~There is hereby created a~~ A separate, interest-bearing housing trust fund ~~to~~ **shall** be maintained by the Borough of Pompton Lakes Chief Financial Officer for the purpose of depositing development fees collected from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.
- B. The following additional funds shall be deposited in the affordable housing trust fund and shall at all times be identifiable by source and amount:
  - (1) Payments in lieu of on-site construction of affordable units **where previously permitted by ordinance or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2;**
  - (2) Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
  - (3) Rental income from municipally operated units;
  - (4) Repayments from affordable housing program loans;
  - (5) Recapture funds;
  - (6) Proceeds from the sale of affordable units; and
  - (7) Any other funds collected in connection with the Borough of Pompton Lakes' affordable housing program.
- C. ~~In the event of a failure by the Borough of Pompton Lakes to comply with trust fund monitoring and reporting requirements or to submit accurate monitoring reports; or a failure to comply with the conditions of the judgment of compliance or a revocation of the judgment of compliance; or a failure to implement the approved Spending Plan and to expend funds within the applicable required time period as set forth in In re Tp. of Monroe, 442 N.J. Super. 565 (Law Div. 2015) (aff'd 442 N.J. Super. 563); or the expenditure of funds on activities not approved by the Court; or for other good cause demonstrating the unapproved use(s) of funds, the Court may authorize the State of New Jersey, Department of Community Affairs, Division of Local Government Services (LGS), to direct the manner in which the funds in the Affordable Housing Trust Fund shall be expended, provided that all such funds shall, to the extent practicable, be utilized for affordable housing programs within the Borough of Pompton Lakes, or, if not practicable, then within the County or the Housing Region. Any party may bring a motion before the Superior Court presenting evidence of such condition(s), and the Court may, after considering the evidence and providing the municipality a reasonable opportunity to respond and/or to remedy the noncompliant condition(s), and upon a finding of continuing and deliberate noncompliance, determine to authorize LGS to direct the expenditure of funds in the trust fund. The Court may also impose such other remedies as may be reasonable and appropriate to the circumstances.~~



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- C. ~~D.~~ All interest accrued in the housing trust fund shall only be used on eligible housing activities approved by the Court.
- D. **The municipality shall provide the Division with written authorization, in the form of a tri-party escrow agreement(s) between the municipality, the Division and the financial institution in which the municipal affordable housing trust fund has been established to permit the Division to direct the disbursement of the funds as provided for in N.J.A.C. 5:99-2.1 et seq.**
- E. **Occurrence of any of the following deficiencies may result in the Division requiring the forfeiture of all or a portion of the funds in the municipal Affordable Housing Trust Fund:**
- (1) **Failure to meet deadlines for information required by the Division in its review of a development fee ordinance;**
  - (2) **Failure to commit or expend development fees within four years of the date of collection in accordance with N.J.A.C. 5:99-5.5;**
  - (3) **Failure to comply with the requirements of the Non-Residential Development Fee Act and N.J.A.C. 5:99-3;**
  - (4) **Failure to submit accurate monitoring reports pursuant to this subchapter within the time limits imposed by the Act, this chapter, and/or the Division;**
  - (5) **Expenditure of funds on activities not approved by the Superior Court or otherwise permitted by law;**
  - (6) **Revocation of compliance certification or a judgment of compliance and repose;**
  - (7) **Failure of a municipal housing liaison or administrative agent to comply with the requirements set forth at N.J.A.C. 5:99-6, 7, and 8;**
  - (8) **Other good cause demonstrating that municipal affordable housing funds are not being used for an approved purpose.**

### § 190-129. Use of funds.

- A. The expenditure of all funds shall conform to a spending plan approved by the Court. Funds deposited in the housing trust fund may be used for any activity approved by the Court to address the Borough of Pompton Lakes' fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, **the construction of group homes and supportive and special needs housing**, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted ~~pursuant to N.J.A.C. 5:93-8.16~~<sup>5</sup> **by Superior Court** and specified in the approved spending plan.
- B. Funds shall not be expended to reimburse the Borough of Pompton Lakes for past housing activities.
- C. **At least 30% a portion** of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.



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- (1) Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
  - (2) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
  - (3) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- D. The Borough of Pompton Lakes may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance.
- E. No more than 20% of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with the reporting and monitoring requirements that have been approved by the Court. Legal or other fees related to litigation opposing affordable housing sites or objecting to or appealing Court's approval of Pompton Lake' Housing Element and Fair Share Plan are not eligible uses of the affordable housing trust fund.

### § 190-130. Monitoring.

~~On an annual basis commencing with the first anniversary of the entry of the order granting a final judgment of compliance and repose to Pompton Lakes, the Borough of Pompton Lakes shall report all activity in connection with its affordable housing trust fund to the New Jersey Department of Community Affairs [either the Division of Local Government Services or the Council on Affordable Housing (COAH), whichever entity is designated by the State of New Jersey], with a copy provided to Fair Share Housing Center, under the Fair Housing Act and Approval of its Amended Spending Plan, Docket No.: PAS-L-2361-15, and with a posting of same on the municipal website, using forms previously developed for this purpose by COAH. The reporting shall include all sources and amounts collected/earned and the amounts and purposes for which funds have been expended. On or before February 15 of each year, the municipality shall provide annual electronic data reporting of trust fund activity for the previous year from January 1st to December 31st through the AHMS Reporting System. This reporting shall include an accounting of all Municipal Affordable Housing Trust Fund activity, including the sources and amounts of all funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, previously eligible payments in lieu of constructing affordable units on site (if permitted by ordinance or by agreement with the municipality prior to the March 20, 2024 statutory elimination per P.L. 2024, c.4), funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income from municipally-owned affordable housing units, repayments from affordable housing program loans, interest and any other funds collected in connection with municipal housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.~~

### § 190-131. Ongoing collection of fees.

- A. ~~The ability for the Borough of Pompton Lakes to impose, collect and expend development fees shall expire with its judgment of compliance and repose unless the Borough of Pompton Lakes has filed an adopted Housing Element and Fair Share Plan with the Court or with COAH or its successor agency designated by the State of New Jersey, has petitioned for a judgment of compliance and repose or substantive certification, and has received the Court's or COAH's approval of its development fee ordinance. If the Borough of Pompton Lakes fails to renew its ability to impose and collect development fees prior to the expiration of its judgment of compliance and repose, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to Section 20 of P.L. 1985, c. 222 (N.J.S.A. 52:27D-~~



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~~320). The Borough of Pompton Lakes shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its judgment of compliance and repose, nor shall the Borough of Pompton Lakes retroactively impose a development fee on such a development. The Borough of Pompton Lakes shall not expend development fees after the expiration of its judgment of compliance and repose. The ability to impose, collect and expend development fees shall continue so long as the municipality retains authorization from the Court in the form of Compliance Certification or the good faith effort to obtain it.~~

- B. ~~It is the intent of the Borough Council to incorporate the additions, amendments and/or supplements contained in this article into the Code.~~ If the municipality fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to section 20 of P.L.1985, c.222 (C. 52:27D-320).
- C. A copy of this Ordinance shall be available for public inspection at the offices of the Borough Clerk.

### REPEALER

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

### SEVERABILITY

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

### EFFECTIVE DATE

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

  
Elizabeth Brandsness, R.M.C., Municipal Clerk

  
Maria Kent, Presiding Officer/Council President

### NOTICE

**NOTICE IS HEREBY GIVEN**, that the above Ordinance was introduced at a regular meeting of the Mayor and Borough Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey held in the Municipal Building on the 25th day of February, 2026 and the same came up for final passage at the regular meeting of the Mayor and Borough Council held on the 11th day of March, 2026 at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Borough of Pompton Lakes after approval by the Mayor or in accordance with law.

# EXHIBIT P-7



**BOROUGH OF POMPTON LAKES  
PASSAIC COUNTY, NEW JERSEY**



**Resolution No: 26-153**

**TITLE:**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF POMPTON LAKES, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY ADOPTING THE BOROUGH'S AFFIRMATIVE MARKETING PLAN FOR AFFORDABLE HOUSING UNITS**

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

**WHEREAS**, the Borough has retained Triad Associates to serve as its administrative agent for the administration of the Borough's affordable housing program; and

**WHEREAS**, Triad Associates has prepared an "Affirmative Marketing Process for the Administration of Marketing Affordable Housing Units" for the Borough of Pompton Lakes (Housing Region 1), dated March 2026 (the "Affirmative Marketing Plan"); and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Governing Body of the Borough of Ringwood, County of Passaic, State of New Jersey, do hereby adopt the Affirmative Marketing Plan attached hereto as Exhibit A.

This Resolution shall take effect immediately.

**RECORD OF COUNCIL VOTE:**

I, Elizabeth Brandsness, R.M.C., Municipal Clerk, hereby certify that the above resolution is a true copy of the resolution adopted by the Mayor and Council at their Regular Meeting held on Wednesday, March 11, 2026 at 7:00 p.m. in the Pompton Lakes Municipal Building, 25 Lenox Avenue, Pompton Lakes, N.J.

Motion - by: Cruz Second - by: Hinton

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Baig	✓				Kent	✓			
Cruz	✓				Santers	✓			
Hinton	✓				Venin	✓			
<b>MAYOR (Tie-Break Vote):</b> Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: March 11, 2026

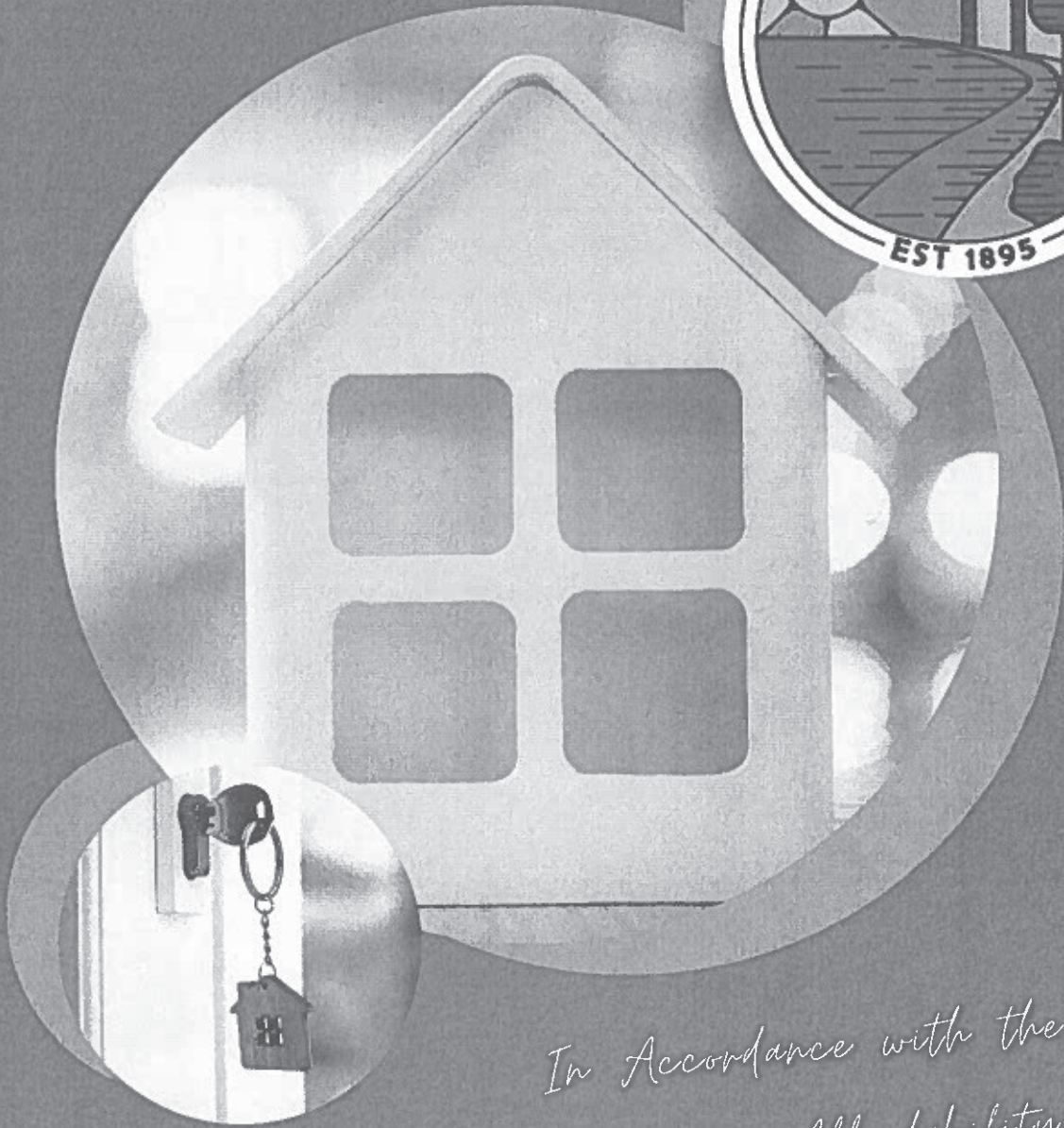
Elizabeth Brandsness  
Elizabeth Brandsness, R.M.C., Municipal Clerk

Maria Kent  
Maria Kent, Presiding Officer/Council President

cc: administrator, cfo, finance

# EXHIBIT A

# Affirmative Marketing Process for the Administration of MARKETING AFFORDABLE HOUSING UNITS



*In Accordance with the Uniform  
Housing Affordability Controls*

Prepared by



March 2026



## FAIR HOUSING AFFIRMATIVE MARKETING PROCESS

### For the Borough of Pompton Lakes

For Affordable Housing in (REGION 1)

#### I. APPLICANT AND PROJECT INFORMATION

Section I must be completed individually for each development or program within the municipality. The information contained in this section shall be included in all affirmative marketing materials.

<p><b>1a. Administrative Agent Name, Address, Phone Number</b></p> <p>Triad Associates          1301 W. Forest Grove Road          Vineland, NJ 08360          856-690-9590  <a href="http://www.triadhousingprograms.com">www.triadhousingprograms.com</a>  <a href="mailto:housing@triadassociates.com">housing@triadassociates.com</a></p>	<p><b>1b. Development or Program Name, Address:</b></p> <p>Borough of Pompton Lakes          25 Lenox Avenue          Pompton Lakes, NJ 07442  <a href="http://www.pomptonlakes-nj.gov">www.pomptonlakes-nj.gov</a>          (201) 569-5252</p> <p><b>Development:</b> To be determined for each project</p> <p><input checked="" type="checkbox"/> FOR RENT UNITS    <input checked="" type="checkbox"/> FOR SALE UNITS</p>	
<p><b>1c.</b></p> <p><input checked="" type="checkbox"/> Number of Units: TBD  <input checked="" type="checkbox"/> Number of Total Affordable Units: TBD  <input checked="" type="checkbox"/> Number of Affordable Sale Units: TBD  <input checked="" type="checkbox"/> Number of Affordable Rental Units: TBD</p>	<p><b>1d.</b></p> <p><input checked="" type="checkbox"/> Family  <input checked="" type="checkbox"/> Age Restricted  <input checked="" type="checkbox"/> Supportive Housing</p>	<p><b>1e. State and Federal Funding Sources (if any)</b></p> <p>N/A</p>
<p><b>1f. Approximate Starting Dates</b></p> <p>Advertising: To be determined for each project          Occupancy: To be determined for each project          Lottery Date: To be determined for each project</p>	<p><b>1g. Price or Rental Range</b></p> <p>From: To be determined for each project          To: To be determined for each project</p>	
<p><b>1h. Physical characteristics of the units – List bedroom counts, total square footage, and accessibility features</b></p>		
<p><b>1i. County:</b> Passaic</p>	<p><b>1j. Census Tract(s):</b></p>	
<p><b>1k. Managing/Sales Agent's Name, Address, Phone Number</b> To be determined for each project</p>		
<p><b>1l. Application Fees (if any):</b> Application, Credit and Background Check Fees may apply. To be determined for each project</p>		



## FAIR HOUSING AFFIRMATIVE MARKETING PROCESS

### For the Borough of Pompton Lakes For Affordable Housing in (REGION 1)

(Sections II through IV are consistent for all affordable housing developments and programs within the municipality. Sections that differ must be described in the approved contract between the municipality and the administrative agent and in the approved Operating Manual.)

#### II. RANDOM SELECTION

1. Description of the random selection process that will be used once applications are received.

##### INITIAL RANDOMIZATION

In carrying out the affirmative marketing process, the administrative agent shall comply with the Housing Affordability Controls rules at N.J.A.C. 5:80-26 (UHAC) Adopted November 6, 2025, and all provisions of the Fair Chance in Housing Act, N.J.S.A. 46:8-52 through 64.

The Affirmative Marketing process will begin approximately four months prior to expected occupancy. At this time, the applicant waitlist opens, and the affordable units are posted on the New Jersey Housing Resource Center (NJHRC) website. During this four-month (120-day) period, the property is advertised and interested applicants have the opportunity to submit Preliminary Applications.

After a minimum of 60 days from the date that the units are posted on the NJHRC website, a lottery randomization takes place. No random selection may be conducted prior to 60 days following the initial advertisement on the New Jersey Housing Resource Center. All preliminary applications received during the affirmative marketing period are included in this lottery randomization, which will establish the applicant waitlist. The lottery date will be included in all affirmative marketing materials. The random selection is conducted prior to households being certified for eligibility.

If the units are Supportive Housing units, within one business day of listing the affordable housing units on the New Jersey Housing Resource Center, the Administrative Agent will notify the local Continuum of Care of any rental housing units for individuals with special needs that are reserved for individuals and families that are homeless and of any permanent supportive housing rental units.

All applicants are included in the lottery and randomized regardless of household size or, desired number of bedrooms. The process is as follows:

The lottery will be conducted by the Administrative Agent with at least two professionals present. The applicant pool will include all applicants who have applied. The Administrative Agent will utilize a computer program to randomly assign a number, which will then become the applicant's lottery number.

When a unit becomes available, the Administrative Agent will identify the applicants that match the number of bedrooms and affordability (very low, low, or moderate income). Those who work or live in Region 1 will be given preference and contacted for the unit first. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for up to 50 percent of the restricted units will be given to very low-, low- and moderate-income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised. If a veteran's preference is in effect, the veterans will be offered the unit prior to the general applicant pool.

Preliminary Applications received after the lottery date will be added to the applicant pool in the order they were received.

If the applicant pool becomes close to being depleted, the Administrative Agent will conduct additional marketing until units are filled.

The administrative agent will designate an experienced staff person to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law. Alternatively, the administrative agent or municipality may contract with a HUD-certified housing counselor or an otherwise experienced entity approved by the NJ Department of Community Affairs to provide such counseling services.

### III. MARKETING

3a. Direction of Marketing Activity: (Indicate which group(s) in the housing region are least likely to apply for the housing without special outreach efforts because of its location and other factors)

White (non-Hispanic)     
  Black (non-Hispanic)     
  Hispanic  
 American Indian or Alaskan Native     
  Asian or Pacific Islander     
  Other group:

3b. HOUSING RESOURCE CENTER ([www.njhrc.gov](http://www.njhrc.gov)) A free, online listing of affordable housing. Listed for the duration of the affirmative marketing process. Listing will be posted at minimum 60 days prior to lottery date.

3c. Commercial Media (required) (Check all that apply)

DURATION/ FREQUENCY OF OUTREACH	NAMES OF REGIONAL MEDIA SOURCES	CIRCULATION AREA
<b>TARGETS ENTIRE HOUSING REGION</b>		
INTERNET ADVERTISING		

<input checked="" type="checkbox"/>	Listed for the duration of the affirmative marketing process	Zillow/Social Media Sites	Statewide
<input checked="" type="checkbox"/>	Run social media ads targeting a housing region of the township/city	Social media ads include "apply today" button that goes to the landing page for each listing	Regional
<input checked="" type="checkbox"/>	Listed for the duration of the affirmative marketing process	NJHRC.gov	Statewide
<input checked="" type="checkbox"/>	Listed for the duration of the affirmative marketing process	Triadhousingprograms.com	Statewide
<input checked="" type="checkbox"/>	Advertising to run for at least one week in a regional news publication listed below with a print/digital combination.	To be determined for each project	Regional

<b>TARGETS PARTIAL HOUSING REGION</b>			
LOCAL AND REGIONAL NEWSPAPERS			
<input checked="" type="checkbox"/>	Press Release at beginning of affirmative marketing	The Bergen Record – North Jersey.com	Bergen, Essex, Hudson, and Passaic counties
<input checked="" type="checkbox"/>	Press Release at beginning of affirmative marketing	Star-Ledger – Digital only	Northern and Central New Jersey
<input checked="" type="checkbox"/>	Press Release at beginning of affirmative marketing	Herald News	Regional
<input checked="" type="checkbox"/>	Press Release at beginning of affirmative marketing	The Observer	South Bergen and West Hudson

✓	Press Release at beginning of affirmative marketing	Northern Valley Press	Northern Valley
✓	Press Release at beginning of affirmative marketing	Straus News Publications	Sussex County
✓	Press Release at beginning of affirmative marketing	Tri State Newspaper	Regional
✓	Press Release at beginning of affirmative marketing	Englewood-Englewood Cliffs News	Englewood
✓	Press Release at beginning of affirmative marketing	Our Town- rtownmaywoodrp@aol.com	Maywood, Bergen

**3d. Other Publications (such as neighborhood newspapers, religious publications, and organizational newsletters) (Check all that apply)**

DURATION & FREQUENCY OF OUTREACH	MEDIA OUTLET	OUTREACH AREA	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE	
<b>TARGETS ENTIRE HOUSING REGION</b>				
✓	Flyers to be mailed at beginning of Marketing	El Hispano	Camden and Trenton areas	Spanish-Language
✓	Flyers to be mailed at beginning of Marketing	Servicios Latinos	servicioslatinos@hotmail.com	Burlington County
✓	Flyers to be mailed at beginning of Marketing	Nuestra Comunidad	sreece@echo-media.com	Spanish-Language
✓	Flyers to be mailed at beginning of Marketing	Sino Monthly	info@sino-monthly.com	Chinese-American
✓	Flyers to be mailed at beginning of Marketing	24 Horas	redaccion@24-horas.mx	Portuguese-Language
✓	Flyers to be mailed at beginning of Marketing	Arab Voice Newspaper	info@arabamerica.com	Arab-American
✓	Flyers to be mailed at beginning of Marketing	Catholic Advocate, The	submissions@rcan.org	Catholic
✓	Flyers to be mailed at beginning of Marketing	New Jersey Jewish News	Beth@JewishMediaGroup.com	Jewish
✓	Flyers to be mailed at beginning of Marketing	Desi NJ	ilayasq@newsindia-times.com	South Asian
✓	Flyers to be mailed at beginning of Marketing	Ukrainian Weekly	staff@ukrweekly.com	Ukrainian Community
✓	Flyers to be mailed at beginning of Marketing	Amerika Magyar Nepszava (American Hungarian Peoples' Voice)	usanepszava@gmail.com	Hungarian-Language

**3e. Community Contacts (names of community groups/organizations throughout the housing region who will receive direct notification of the availability of affordable housing units and who will be asked to post advertisements and distribute flyers and application forms regarding available affordable housing to their members.**

	OUTREACH	GROUP/ORGANIZATION	ADDRESS
✓	Flyers to be mailed at beginning of Marketing	New Jersey Housing Resource Center	600 1st Ave, Raritan, NJ 08869
✓	Flyers to be mailed at beginning of Marketing	Native American Advancement Corporation	75 N. Pearl Street P.O. Box 824 Bridgeton, NJ 08302
✓	Flyers to be mailed at beginning of Marketing	Supportive Housing Assoc.	Alden St #14, Cranford, NJ 07016
✓	Flyers to be mailed at beginning of Marketing	Catholic Charities Trenton	info@cctrenton.org
✓	Flyers to be mailed at beginning of Marketing	Anti-Poverty Network of NJ	renee@njcitizenaction.org
✓	Flyers to be mailed at beginning of Marketing	Catholic Charities Camden	Cynthia.LeBron@camdendiocese.org
✓	Flyers to be mailed at beginning of Marketing	Catholic Charities Archdiocese of Newark	kgelman@ccannj.org
✓	Flyers to be mailed at beginning of Marketing	Fair Share Housing.org	orlandosalas@fairsharehousing.org
✓	Flyers to be mailed at beginning of Marketing	Latino Action Network	Info@lanfoundation.org
✓	Flyers to be mailed at beginning of Marketing	New Jersey SHARES	info@sharesnation.org
✓	Flyers to be mailed at beginning of Marketing	Puerto Rican Action Committee	sholmes@pracnj.com
✓	Flyers to be mailed at beginning of Marketing	Supportive Housing Assoc.	kate.kelly@shanj.org
✓	Flyers to be mailed at beginning of Marketing	NAACP NJ State Conference	info@naacpnjsc.org
✓	Flyers to be mailed at beginning of Marketing	Center for Family Services	info@centerffs.org
✓	Flyers to be mailed at beginning of Marketing	Continuum of Care Bergen County	adrakes@bergencountynj.gov
✓	Flyers to be mailed at beginning of Marketing	Housing Authority of Edgewater	clodato@edgewaterha.or
✓	Flyers to be mailed at beginning of Marketing	Housing Authority of Englewood	dsenande@ehahousing.org
✓	Flyers to be mailed at beginning of Marketing	Housing Authority of Garfield	info@garfieldhousing.org
✓	Flyers to be mailed at beginning of Marketing	Housing Authority of Guttenberg	gha07093@gmail.com
✓	Flyers to be mailed at beginning of Marketing	Housing Authority of Hackensack	jamies@hackensackhousing.org
✓	Flyers to be mailed at beginning of Marketing	Housing Authority of Harrison	nazevedo@harrisonhousing.com
✓	Flyers to be mailed at beginning of Marketing	Housing Authority of Hoboken	info@myhhanj.com
✓	Flyers to be mailed at beginning of Marketing	Housing Authority of Jersey City	Lep@jcha.us
✓	Flyers to be mailed at beginning of Marketing	Housing Authority of Lodi	frankp@lodihousing.org
✓	Flyers to be mailed at beginning of Marketing	Housing Authority of Irvington	info@ihanj.org
✓	Flyers to be mailed at beginning of Marketing	Weehawken Housing Authority	d.vetter@weehawkenhousing.org

✓	Flyers to be mailed at beginning of Marketing	Housing Authority of Passaic	info@passaichousing.org
✓	Flyers to be mailed at beginning of Marketing	Sussex County NAACP	lowersussexnaacp@yahoo.com
✓	Flyers to be mailed at beginning of Marketing	Passaic County NAACP	naacppassaicchapter@gmail.com
✓	Flyers to be mailed at beginning of Marketing	Bergen County NAACP	bergennaacp@gmail.com
✓	Flyers to be mailed at beginning of Marketing	Meadowlands Family Success Center	crodriguez@meadowlandsfsc.org
✓	Flyers to be mailed at beginning of Marketing	Urban League Hudson County	info@ulohc.org
✓	Flyers to be mailed at beginning of Marketing	YMCA of Greater Bergen County	digital@ymca.net
✓	Flyers to be mailed at beginning of Marketing	Bergen Volunteer Center	info@bergenvolunteers.org
✓	Flyers to be mailed at beginning of Marketing	Alliance Against Homelessness of Bergen County	aahbergen.org
✓	Flyers to be mailed at beginning of Marketing	DCA Rental Assistance	20 Market St, Camden, NJ 08102
✓	Flyers to be mailed at beginning of Marketing	Rancocas Valley Clergy Ass.	125 Garden St, Mt Holly NJ 08060
✓	Flyers to be mailed at beginning of Marketing	Bergen County Board of Social Services	218 NJ-17, Rochelle Park, NJ 07662
✓	Flyers to be mailed at beginning of Marketing	Bergen County Division of Health Services	Bergen County One Bergen County Plaza Hackensack, NJ 07601-7076
✓	Flyers to be mailed at beginning of Marketing	Hudson County NAACP	153 Martin Luther King Dr Jersey City, NJ 07305
✓	Flyers to be mailed at beginning of Marketing	Community Hope	959 Route 46 East, Suite 402, Parsippany, NJ 07054
✓	Flyers to be mailed at beginning of Marketing	Family Promise of Bergen County	100 Dayton Street, Ridgewood, NJ 07450
✓	Flyers to be mailed at beginning of Marketing	Family Promise of Sussex	County 19 Church St. Newton, MA 02458
✓	Flyers to be mailed at beginning of Marketing	Greater Bergen Community Action	392 Main Street Hackensack, NJ 07601
✓	Flyers to be mailed at beginning of Marketing	Housing Authority of Bergen County	One Bergen County Plaza, 2nd Floor Hackensack, NJ 07601
✓	Flyers to be mailed at beginning of Marketing	Hudson County	153 Martin Luther King Drive, Jersey City, NJ 07305
✓	Flyers to be mailed at beginning of Marketing	Hudson County Board of Social Services	257 Cornelison Ave, Jersey City, NJ 07302
✓	Flyers to be mailed at beginning of Marketing	Jewish Family Services of Northern New Jersey	1485 Teaneck Road Teaneck, New Jersey 07666
✓	Flyers to be mailed at beginning of Marketing	New Jersey Citizen Action	The Hahne's Building 625 Broad Street, Suite 270 Newark, NJ 07102
✓	Flyers to be mailed at beginning of Marketing	Paramus Department of Human Services	1 West Jockish Square Paramus, NJ 07652
✓	Flyers to be mailed at beginning of Marketing	Passaic County Board of Social Services	114 Prospect St, Passaic, NJ 07055
✓	Flyers to be mailed at beginning of Marketing	Passaic County Department of Senior Services	930 Riverview Dr #200 Totowa, NJ 07512

✓	Flyers to be mailed at beginning of Marketing	Passaic Resource Network	3 Garret Mountain Plaza #200, Woodland Park, NJ 07424
✓	Flyers to be mailed at beginning of Marketing	Social Service Association of Ridgewood & Vicinity	6 Station Plaza Ridgewood, NJ 07450
✓	Flyers to be mailed at beginning of Marketing	United Way of Northern NJ	NJ Herald Building, 2 Spring Street,
✓	Flyers to be mailed at beginning of Marketing	Urban League of Bergen County	96 Engle Street Englewood, NJ 07631
✓	Flyers to be mailed at beginning of Marketing	Veterans Transitional Housing Program	959 Route 46 East, Suite 402 Parsippany, NJ 07054
✓	Flyers to be mailed at beginning of Marketing	Supportive Housing Association	185 Valley St South Orange, NJ 07079
✓	Flyers to be mailed at beginning of Marketing	Sussex County Division of Social Services	PO Box 218 83 Spring Street Suite 203 Newton, NJ 07860
✓	Flyers to be mailed at beginning of Marketing	United Way of Bergen County	6 Forest Avenue, Suite 220 Paramus, NJ 07652

**IV. APPLICATIONS**

*Applications for affordable housing for the above units will be available at the following locations:*

**4a. County Administration Buildings and/or Libraries for all counties in the housing region (list county building, address, contact person) (Check all that apply)**

	BUILDING	LOCATION
✓	Passaic County Library System	info@palsplus.org
✓	Passaic County Administration Building	401 Grand Street, Paterson, NJ 07505
✓	Bergen County Library System	bccls@bccls.org
✓	Bergen County Administration Building	One Bergen County Plaza, Hackensack, NJ 07601
✓	Sussex County Main Library	125 Morris Turnpike, Newton, NJ 07860
✓	Sussex County Administrative Building	One Spring Street, Newton, NJ 07860
✓	Hudson County Library System	472 Jersey Ave. Jersey City, NJ 07302
✓	Hudson County Administration Building	595 Newark Avenue, Jersey City, NJ 07306

Borough of Pompton Lakes  
 25 Lenox Avenue  
 Pompton Lakes, NJ 07442  
 www.pomptonlakes-nj.gov  
 (201) 569-5252

Pompton Lakes Public Library  
 Emanuel Einstein Memorial Library  
 333 Wanaque Avenue  
 Pompton Lakes, NJ 07442  
 www.pomptonlakeslibrary.org  
[pllibrary@pomptonlakeslibrary.org](mailto:pllibrary@pomptonlakeslibrary.org)  
 1 973-835-0482

4c. Sales/Rental Office for units (if applicable)  
To be determined for each project

#### V. CERTIFICATIONS AND ENDORSEMENTS

*I hereby certify that the above information is true and correct to the best of my knowledge. I understand that knowingly falsifying the information contained herein may affect the Municipality's substantive certification.*

*Susan DiBiasio*

\_\_\_\_\_  
Susan DiBiasio, Triad Associates  
Administrative Agent & Affirmative Marketing

March 2, 2026

Date

# EXHIBIT P-8



**BOROUGH OF POMPTON LAKES  
PASSAIC COUNTY, NEW JERSEY**



**Resolution No: 26-154**

**TITLE:**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF POMPTON LAKES,  
IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY  
ADOPTING FOURTH ROUND AFFORDABLE HOUSING SPENDING PLAN**

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2 which amended various provisions of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq. ("Amended FHA")); and

**WHEREAS**, the Amended FHA sets forth that the Fourth Round period of affordable housing obligations shall run from July 1, 2025 through June 30, 2035 ("Fourth Round" or "Round Four"); and

**WHEREAS**, A municipality may not spend or commit to spend any affordable housing development fees, without first obtaining the approval of the expenditure as part of its compliance certification or by the New Jersey Department of Community Affairs (DCA); and

**WHEREAS**, the Governing Body of the Borough of Pompton Lakes, County of Passaic, State of New Jersey, adopted a development fee ordinance on March 11, 2026; and

**WHEREAS**, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units, and/or any other funds collected for affordable housing purposes; and

**WHEREAS**, the Borough of Pompton Lakes has prepared a Fourth Round Affordable Housing Trust Fund Spending Plan, dated March 11, 2026; and

**NOW THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Pompton Lakes, County of Passaic, New Jersey, that the Borough of Pompton Lakes hereby adopts the Fourth Round Affordable Housing Trust Fund Spending Plan for the Borough of Pompton Lakes, dated March 11, 2026, prepared by H2M Associates, Inc., which is attached hereto as Exhibit A.

This Resolution shall take effect immediately.

**RECORD OF COUNCIL VOTE:**

I, Elizabeth Brandsness, R.M.C., Municipal Clerk, hereby certify that the above resolution is a true copy of the resolution adopted by the Mayor and Council at their Regular Meeting held on Wednesday, March 11, 2026 at 7:00 p.m. in the Pompton Lakes Municipal Building, 25 Lenox Avenue, Pompton Lakes, N.J.

Motion - by: Santers

Second - by: Cruz

COUNCIL	Yes	No	Absent	Abstain	COUNCIL	Yes	No	Absent	Abstain
Baig	✓				Kent	✓			
Cruz	✓				Santers	✓			
Hinton	✓				Venin	✓			
<b>MAYOR (Tie-Break Vote):</b> Yes <input type="checkbox"/> No <input type="checkbox"/>									

Date of Adoption: March 11, 2026

Elizabeth Brandsness  
Elizabeth Brandsness, R.M.C., Municipal Clerk

Maria Kent  
Maria Kent, Presiding Officer/Council President

# EXHIBIT A

**Draft**  
**AMENDED FOURTH ROUND SPENDING PLAN**  
**Borough of Pompton Lakes, Passaic County, New Jersey**

*Prepared by:*



## I. Introduction

The Borough of Pompton Lakes has prepared the Fourth Round Housing Element and Fair Share Plan (“HEFSP”) in accordance with the Municipal Land Use Law (N.J.A. 40:55D-1 et seq.) and the Fair Housing Act (“FHA”). On December 9, 2019, the Borough of Pompton Lakes adopted a development fee ordinance (Ord. No. 19-28), which created a dedicated revenue source for affordable housing and established the Borough of Pompton Lakes’ affordable housing trust fund.

N.J.A.C 5:99 requires that a municipality, which has adopted an HEFSP and intends to collect development fees and other permitted revenues to fund the implementation of an approved HEFSP, shall adopt a spending plan for spending current funds and funds anticipated to be collected during the affordable housing round (“spending plan”). All development fees, payments in-lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited into this separate, interest-bearing Affordable Housing Trust Fund “Trust Fund” for the purposes of affordable housing. The funds are kept in an interest-bearing affordable housing trust fund account at Columbia Bank for these purposes, with separate journal entries for the different revenue and expenditure items and shall be spent in accordance with the applicable affordable housing regulations.

The Borough seeks approval for the expenditure of funds contemplated under the Borough’s spending plan. This constitutes a “commitment” for expenditure, pursuant to N.J.S.A. 52:27D-329.2 and -329.3, with the four-year time period for expenditure beginning to run with the final approval of the Borough’s HEFSP and spending plan. As of February 11, 2026, the affordable housing trust fund balance was **\$129,605.51**.

## **1. REVENUES FOR CERTIFICATION PERIOD**

As of February 11, 2026, the Borough collected **\$110,101.49** in fees and interest and **\$81,000.00** in payments in lieu of construction of on-site affordable housing for a total of **\$191,101.49**.

To calculate a projection of revenue anticipated during the Fourth Round the Borough of Pompton Lakes considered the following:

(a) Development fees:

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

**Based upon the total development fees collected since the establishment of the affordable housing trust fund, the Borough is estimating that annual development fees will total \$161,500 from February 12, 2026, through June 30, 2035.**

(b) Payment in lieu (PIL):

Actual and committed payments in lieu (PIL) of construction received from developers that were part of the third-round plan.

**In the Fourth Round, P.L. 2024, c2 eliminated the use of payments in Lieu of Construction. The Borough, however, collected a total of \$81,000 in payment in lieu of construction in the Third Round.**

(c) Other funding sources:

Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, proceeds from the sale of affordable units and other funds.

**The Borough does not anticipate any other funding sources from February 12, 2026, through June 30, 2035.**

(d) Projected interest:

Interest expected on the projected revenue in the municipal affordable housing trust fund for the next ten years based on what has been accrued.

**It is estimated that the Borough of Pompton will collect approximately \$43,367.50 in total interest from February 12, 2026, through June 30, 2035.**

Projected Revenues-Housing Trust Fund - 2025 THROUGH 2035												
SOURCE OF FUNDS	Through 2/11/2026	2/12/2026-12/31/2026	2027	2028	2029	2030	2031	2032	2033	2034	1/1/2035-6/30/2035	(2/12/2026-6/30/2035)
(a) Development fees:	\$100,971.20	\$17,000.00	\$17,000.00	\$17,000.00	\$17,000.00	\$17,000.00	\$17,000.00	\$17,000.00	\$17,000.00	\$17,000.00	\$8,500.00	\$161,500.00
1. Approved Development	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2. Develop. Pending Approval	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
3. Projected Development	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
(b) Payments in Lieu of Construction*	\$81,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
(c) Other Funds (Specify source(s)):	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
(d) Interest (0.01)	\$9,130.29	\$4,565.00	\$4,565.00	\$4,565.00	\$4,565.00	\$4,565.00	\$4,565.00	\$4,565.00	\$4,565.00	\$4,565.00	\$2,282.50	\$43,367.50
Total	\$191,101.49	\$21,565.00	\$21,565.00	\$21,565.00	\$21,565.00	\$21,565.00	\$21,565.00	\$21,565.00	\$21,565.00	\$21,565.00	\$10,782.50	\$204,867.50

Based upon the total development fees collected since the establishment of the affordable housing trust fund, it is estimated that the Borough collected an average of \$16,828.53 in development fees up to February 11, 2026. The range for each year varies therefore, the hypothetical average development fees estimated between February 12, 2025, through June 30, 2035, are extrapolated to an average of \$17,000 per year. Based upon the average interest collected for the years 2023 and 2024, an assumption is made that the Borough will collect an average of \$4,565 per year.

## **2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS**

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

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with Borough of Pompton Lakes' development fee ordinance for both residential and non-residential developments in accordance with all applicable rules, regulations, and legislation.

(b) Distribution of development fee revenues:

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

The Housing Trust fund is to be maintained by Pompton Lakes' Chief Financial Officer (CFO) and all expenditures of such funds shall conform to this spending plan, once approved by the Court.

### 3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

#### (a) Present Need/ Rehabilitation

The Borough of Pompton Lakes will dedicate **\$75,000** to address the five-unit present need (the remaining 40 will be through the veteran's project as per the Settlement Agreement). Any other funds collected in development fees not used towards affordability assistance or administration may be allocated for the hard costs of the rehabilitation program.

**New construction project(s): \$0.00**

At the present time, the Borough of Pompton Lakes does not anticipate utilizing the portion of funds available from the Affordable Housing Trust Fund to defray the costs incurred for new construction projects.

#### (b) Affordability Assistance

Projected minimum affordability assistance requirement:

<b>Affordability Assistance</b>		
Actual development fees through 2/11/2026		\$100,971.20
Actual interest earned through 2/11/2026	+	\$9,130.29
Payment in lieu of construction through 2/11/2026	+	\$81,000.00
Development fees projected 2026-2035	+	\$161,500.00
Interest projected 2/12/2026 through 6/30/2035	+	\$43,367.50
Less housing activity expenditures through 2/11/2026	-	\$0.00
Less the Portion of all Dev Fees & Interest Permitted for Admin Expenditures (Calculate 20 percent)	-	\$79,193.80
Total	=	\$316,775.19
Affordability Assistance		\$241,775.19
Less Affordability assistance expenditures through 2/11/2026	-	\$0.00
PROJECTED Affordability Assistance 1/1/2026 through 12/31/2035*		\$241,775.19
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 1/1/2026 through 06/30/2035	÷ 3 =	\$80,591.73

Pompton Lakes is committed to dedicating a portion of any funds collected in development fees to affordability assistance, of which one-third shall be reserved for very low-income affordability assistance. The Borough anticipates dedicating **\$241,775.19** to render units more affordable, including **\$80,591.73** to render units more affordable to households earning 30% or less of the region's median income.

**(c) Administrative Expenses (N.J.A.C. 5:99-2.4)****Administrative Expenses**

Actual dev fees and interest through 2/11/2026		\$110,101.49
Projected dev fees and interest through 06/30/2035	+	\$204,867.50
Payments-in-lieu of construction and other deposits through 2/12/2025	+	\$81,000.00
<b>Total</b>	=	\$395,968.99
Portion of all Dev Fees & Interest Permitted for Admin Expenditures (Calculate 20 percent)	x .20 =	\$79,193.80
Less admin expenditures through 2/11/2026	-	\$61,495.98
<b>PROJECTED MAXIMUM available for administrative expenses through 06/30/2035</b>	=	<b>\$17,697.82</b>

Projected administrative expenditures, subject to the 20 percent cap, are as follows:

Administrative expenses may include costs reasonably related to the determination of the fair share obligation and the development of a municipal housing element and fair share plan and may include fees necessary to develop or implement affordable housing programs, an affirmative marketing program, and/or expenses that are reasonably necessary for compliance with the processes of the Affordable Housing Dispute Resolution Program ("Program"), including, but not limited to, the costs to the municipality of resolving a challenge pursuant to the Program. Administrative expenses may also include costs associated with functions carried out in compliance with UHAC, including activities related to the marketing program and waitlist management, administering the placement of occupants in housing units, income qualification of households, monitoring the turnover of sale and rental units, preserving existing affordable housing, and compliance with the Division's monitoring requirements.

As of February 11, 2026, the Borough has collected \$110,101.49 in fees and interest and \$81,000.00 in payments in lieu of construction of on-site affordable housing. Additionally, the Borough has spent \$61,495.98 on administrative expenditures. Borough of Pompton Lakes projects that \$17,697.82 will be available from the affordable housing trust fund to be used for administrative purposes.

**4. EXPENDITURE SCHEDULE**

Borough of Pompton Lakes intends to use affordable housing trust fund revenues as detailed in the below table. In accordance with N.J.A.C. 5:99-5.5, the Borough will spend or commit to expend all development fees on authorized activities or purposes within four years of the date of collection.

Program	Number of Units Projected	Funds expended and/or dedicated until 2/11/2026											Total (02/12/26-06/30/2035)	
			02/12/2026 -12/30/2026	2027	2028	2029	2030	2031	2032	2033	2034	6/30/2035		
Rehabilitation*	5	\$0.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$75,000.00
New Construction		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total Programs</b>	5	\$0.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$75,000.00
Affordability Assistance		\$0.00	\$25,450.02	\$25,450.02	\$25,450.02	\$25,450.02	\$25,450.02	\$25,450.02	\$25,450.02	\$25,450.02	\$25,450.02	\$25,450.02	\$12,725.01	\$241,775.19
Administration		\$61,495.98	\$1,966.42	\$1,862.93	\$1,862.93	\$1,862.93	\$1,862.93	\$1,862.93	\$1,862.93	\$1,862.93	\$1,862.93	\$1,862.93	\$827.97	\$17,697.82
<b>Total</b>		\$61,495.98	\$42,416.44	\$42,312.95	\$42,312.95	\$42,312.95	\$42,312.95	\$27,312.95	\$27,312.95	\$27,312.95	\$27,312.95	\$27,312.95	\$13,552.98	\$334,473.01

## **5. EXCESS OR SHORTFALL OF FUNDS**

In the event of excess funds, the Borough will commit surplus revenues toward buying down low-income units to make them affordable to very low-income households. In the event that a shortfall of anticipated revenues occurs, the Borough of Pompton Lakes will address the shortfall of funds through an alternative funding source to be identified by the Borough, or the Borough will amend its spending plan to reduce the amount of funds available for the affordability assistance program and administrative expenses.

## **6. BARRIER FREE ESCROW**

Collection and distribution of barrier free funds shall be consistent with the Borough of Pompton Lakes' Affordable Housing Ordinance and in accordance with N.J.A.C. 5:99.

## II. SUMMARY

The Borough of Pompton Lakes intends to spend affordable housing trust fund revenues pursuant to applicable rules and to be consistent with the housing programs outlined in the 2025 Housing Element and Fair Share Plan and the 2026 Amendment to the Housing Element and Fair Share Plan. The Borough anticipates receiving a total of **\$334,473.01** into its trust fund between February 12, 2026, through June 30, 2035. This Spending Plan commits to spending or reserving all projected revenues during that time for permitted and required affordable housing purposes for a balance of zero.

<b>SPENDING PLAN SUMMARY</b>	
Balance as of February 11, 2026	\$129,605.51
<b>Projected Revenue Feb 12, 2026 through June30, 2026</b>	
Development fees	+ \$161,500.00
Payments in lieu of construction	+ \$0.00
Other funds	+ \$0.00
Interest	+ \$43,367.50
<b>TOTAL REVENUE</b>	<b>= \$334,473.01</b>
<b>EXPENDITURES</b>	
Funds used for Rehabilitation	- \$75,000.00
Funds for New Construction	
1	- \$0.00
2	- \$0.00
3	- \$0.00
4	- \$0.00
5	- \$0.00
6	- \$0.00
7	- \$0.00
8	- \$0.00
9	- \$0.00
10	- \$0.00
Affordability Assistance	- \$241,775.19
Administration	- \$17,697.82
Excess Funds for Additional Housing Activity	= \$0.00
	- \$0.00
	- \$0.00
	- \$0.00
<b>TOTAL PROJECTED EXPENDITURES</b>	<b>= \$334,473.01</b>
<b>REMAINING BALANCE</b>	<b>= \$0.00</b>