

**RESOLUTION 2025-08**  
**RESOLUTION ADOPTING THE**  
**2025 FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN**  
**BOROUGH OF ALPHA, WARREN COUNTY, NEW JERSEY**

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

**WHEREAS**, pursuant to N.J.S.A. 52:27D-304.1(f)(1)(b), each municipality must adopt a binding resolution no later than January 31, 2025 determining its present and prospective fair share obligation for the Fourth Round; and

**WHEREAS**, pursuant to Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024, "[a] municipality seeking a certification of compliance with the [Fair Housing Act] shall file an action in the form of a declaratory judgment complaint and Civil Case Information Statement (Civil CIS) in the county in which the municipality is located" within 48 hours of adopting the municipal resolution of fair share obligations; and

**WHEREAS**, the Borough of Alpha (the "Borough") adopted a binding resolution on January 14, 2025 identifying its present and prospective fair share obligation for the Fourth Round; and

**WHEREAS**, the Borough filed a Declaratory Judgement identifying its present and prospective fair share obligation for the Fourth Round and committing to adopting and submitting a fourth round housing element and fair share plan as required by the FHA; and

**WHEREAS**, the FHA now requires, among other actions, that municipalities submit an adopted housing element in fair share plan on or before June 30, 2025;

**WHEREAS**, on March 25, 2025, the Hon. William G. Mennan, J.S.C. issued an order finding in favor of the Borough's identified affordable housing obligation and authorizing the Borough to proceed with preparation and adoption of a fourth round housing plan by June 30, 2025;

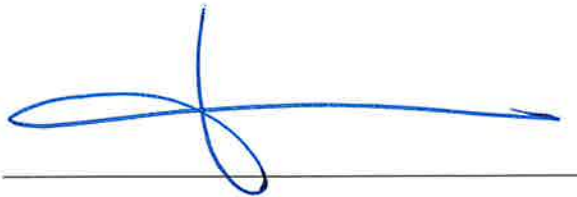
**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Land Use Board of the Borough of Alpha (the "Board") held a public hearing on the 2025 Fourth Round Housing Plan Element and Fair Share Plan on June 18, 2025 during which the document was presented to the public and Board, and opportunity for comments and questions were provided; and

**WHEREAS**, upon the conclusion of the public hearing, the Board determined that the proposed 2025 Fourth Round Housing Plan Element and Fair Share Plan is consistent with the goals and objectives of the Master Plan of the Borough of Alpha, will guide the use of lands in the

**NOW THEREFORE BE IT RESOLVED**, by motion duly made and seconded, that the  
Land Use Board of the Borough of Alpha, Warren County, State of New Jersey, hereby adopts the  
2025 Fourth Round Housing Plan Element and Fair Share Plan.

This resolution is available for public inspection in the office of the Land Use Board at the  
Municipal building, 1001 East Boulevard, Alpha, New Jersey.

I certify that this is a true copy of a resolution adopted by the Land Use Board of the Borough  
of Alpha, Warren County, to memorialize the Land Use Board's action on June 18, 2025.

A handwritten signature in blue ink, consisting of a large loop followed by a horizontal stroke and a small loop at the end.

Donna L. Messina Land Use Board Secretary

Date: 6/18/25

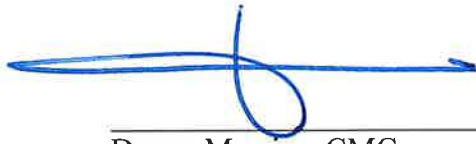
**BOROUGH OF ALPHA**  
**RESOLUTION 2025-83**  
**RESOLUTION OF THE BOROUGH OF ALPHA ENDORSING FOURTH ROUND**  
**HOUSING ELEMENT and FAIR SHARE PLAN**

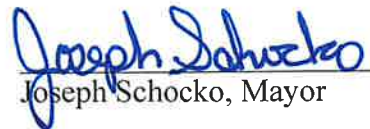
**WHEREAS**, the Planning Board of the Borough of Alpha, County of Warren, State of New Jersey adopted the Round 4: Housing Element and Fair Share Plan on June 18, 2025; and

**WHEREAS**, the Governing Body of the Borough of Alpha wishes to endorse the Round 4: Housing Element and Fair Share Plan adopted by the Planning Board of the Borough of Alpha on June 18, 2025.

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Alpha, County of Warren, State of New Jersey does endorse the Round 4: Housing Element and Fair Share Plan as adopted by the Planning Board of the Borough of Alpha on June 18, 2025

ATTEST:

  
\_\_\_\_\_  
Donna Messina, CMC

  
\_\_\_\_\_  
Joseph Schocko, Mayor

Approved: June 19, 2025

BE IT FURTHER RESOLVED that a copy of this resolution shall be maintained in the Office of the Borough Clerk and made available for public inspection.



# 2025 FOURTH ROUND HOUSING PLAN

HOUSING ELEMENT & FAIR SHARE PLAN  
BOROUGH OF ALPHA  
WARREN COUNTY  
NEW JERSEY

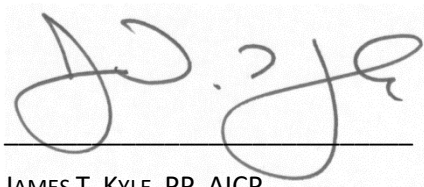
ADOPTED BY THE PLANNING BOARD

JUNE 18<sup>TH</sup>, 2025

ENDORSED BY THE BOROUGH COUNCIL

JUNE 10<sup>TH</sup>, 2025

PREPARED BY:



JAMES T. KYLE, PP, AICP  
NEW JERSEY PROFESSIONAL PLANNER LICENSE 5667

**KYLE McMANUS ASSOCIATES**

A SIGNED AND SEALED ORIGINAL IS ON FILE WITH THE BOROUGH CLERK



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Donna Messina, Clerk

Joseph C. Tauriello, Esq., Borough Attorney

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3. Warren County Housing Rehabilitation Program Manual
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6. AH Affordable Housing Zone Amendment
7. Affordability Assistance Manual
8. Affordable Housing Ordinance
9. Affirmative Marketing Plan
10. Development Fee Ordinance

## **INTRODUCTION & EXECUTIVE SUMMARY**

This Housing Plan addresses the Borough of Alpha's newly assigned fourth round affordable housing obligation consisting of a present need (rehabilitation) of 4 units and a prospective need (new construction) of 58 units. To address these obligations, the Borough will continue to utilize the Warren County Housing Rehabilitation Program for present need and is proposing to partner with Ingerman who will construct a 100% affordable housing development of 48 units on property currently owned by the Borough to address prospective need.

Since the 1975 New Jersey Supreme Court decision known as "Mount Laurel I," New Jersey municipalities have 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". Through these actions, New Jersey municipalities have been assigned their fair share of the region's affordable housing need for each compliance period and mechanisms must be created to address that need to have "satisfied" their constitutional obligation. The purpose of this Housing Element and Fair Share Plan (hereinafter the "Plan") is to detail how Alpha will satisfy its constitutional obligation.

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. Each affordable unit, depending on the age and type of housing, must remain reserved for low and moderate income households for up to 40 years, a requirement enforced by deed restriction. Each affordable unit is eligible for one "credit" against the obligation and certain units are eligible for "bonus credits," which potentially provide more than one credit per unit. In addition to providing the minimum number of credits, municipalities must ensure diversity in the unit type (at least half of the units must be available to families and the remaining may be reserved for seniors and those with special needs), diversity in the level of affordability (very low, low and moderate income units), and diversity in the size of affordable units (one, two and three bedroom units).

Participation in this process, and therefore satisfaction of the affordable housing obligation, can be achieved voluntarily or involuntarily, however, voluntary compliance is heavily incentivized. Municipalities that do not successfully participate may be vulnerable to exclusionary zoning litigation or a builder's remedy, which is a litigation tool that can grant a developer the right to construct what is typically multifamily development on land that was not zoned to permit that use or density. Alpha seeks to avoid this possibility and has already taken substantial steps to do so, evidenced by its compliance for the first, second and third rounds.

This Plan supersedes all previously adopted housing plans and will serve as the foundation for the Borough's filing with the New Jersey Affordable Housing Dispute Resolution Program and a request for Compliance Certification.

As detailed in this Plan, the Borough – like all New Jersey municipalities – has four components of its affordable housing obligation. Each component of the Borough's obligation is identified below and further detail is provided in a later section.

- **Rehabilitation Obligation: 4 units**

The rehabilitation obligation can be defined as an estimate of the number of deteriorated housing units existing in Alpha that are occupied by low- and moderate-income households. This component is also referred to as "present need".



- First & Second Rounds Obligation: 13 units  
The first and second round obligations can be defined as the cumulative 1987 through 1999 new construction affordable housing obligation. This component is often referred to as the “prior round” obligation.
- Third Round Obligation: 0 units  
The third round obligation can be defined as the 1999 through 2025 new construction affordable housing obligation.
- Fourth Round Obligation: 58 units  
The fourth round obligation can be defined as the 2025-2035 new construction affordable housing obligation. The current round of affordable housing, now the fourth round, is also referred to as the “prospective need”.

It is important to note that the Borough of Alpha is fully conforming to the requirements of the Highlands Regional Master Plan, having opted in to conforming for the Planning Area. Alpha has adopted its land use ordinance for the Planning Area and implements consistency through application of these regulations. The Borough also has an approved Highlands Center which was recently expanded to include the majority of the Borough. Additional discussion is presented later in this plan.

## **AFFORDABLE HOUSING IN NEW JERSEY**

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. Mount Laurel II also gave developers, under appropriate circumstances, the opportunity to secure a builder’s remedy. A builder’s remedy is a litigation tool that grants a developer the right to develop 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. Alpha seeks to avoid this possibility and has already taken substantial steps to do so by fully complying with its first, second and third round obligations.

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 (hereinafter “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).

COAH created the criteria and guidelines for municipalities to determine and address their respective affordable housing obligation. 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. Under regulations adopted for the third round, the obligation of municipalities to create new affordable housing for the first and second rounds was referred to as the “prior round” obligation.

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, was the subject to significant litigation and was 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 rounds 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 a 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 NJ Supreme Court issued a ruling on the Motion In Aid of Litigant's Rights (In re Adoption of N.J.A.C. 5:96 & 5:97, 221 NJ 1, aka "Mount Laurel IV"). This long-awaited decision provided a new direction for how New Jersey municipalities were to comply with the constitutional requirement to provide their fair share of affordable housing. The Court transferred responsibility to review and approve housing elements and fair share plans from COAH to designated Mount Laurel trial judges. The implication was that municipalities were required to apply to Superior Court with a Declaratory Judgement Action, instead of to COAH, if they wished to be protected from exclusionary zoning litigation, including builder's remedy. These trial judges, with the assistance of an appointed Special Adjudicator to the Court, reviewed municipal plans much in the same manner as COAH previously did.

While the NJ Supreme Court's decision set a process in motion for Boroughs to address their third round obligations, it did not assign those obligations. Instead, the task was completed by the trial courts. However, the NJ Supreme Court did direct that the method of determining municipal affordable housing obligations were to be "similar to" the methodologies used in the first and second round rules and municipalities should rely on COAH's 1993 second round rules (*N.J.A.C. 5:93*) and certain components of COAH's 2008 regulations that were specifically, as well as the Fair Housing Act (*N.J.S.A. 52:27D – 301 et seq.*), in their preparation of third round housing elements and fair share plans.

FSHC, the only public interest advocacy organization in New Jersey devoted exclusively to promoting the production of housing affordable to low and moderate income households, was permitted to serve as an interested party in every municipal Declaratory Judgment Action. In this role the organization calculated

municipal affordable housing obligations and offered to settle with municipalities. Such settlements addressed the municipal affordable housing obligation, compliance strategies and other terms intended to promote affordable housing production. Most municipalities that filed a Declaratory Judgment Action settled with FSHC, finding it to be in their best interest. The typical alternative to settlement with FSHC was conducting a trial in Superior Court to determine the municipal affordable housing obligation.

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 (hereinafter “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 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 20, 2024, an amendment to the Fair Housing Act was adopted (P.L. 2024, c.2.). This amendment creates significant changes to the fourth round of affordable housing, and all 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. See the sections that follow for additional information regarding this amendment to the Fair Housing Act.

The Affordable Housing Dispute Resolution Program (hereinafter the “Program”) is a program within the judiciary made up of an odd number of Judges with a minimum of 3 and not more than 7. The Program, in its discretion and in accordance with Rules of Court, may consult or employ services of one or more special adjudicators or staff to assist it in rendering determinations, resolving disputes, and facilitating communication among municipalities and interested parties. The Program is responsible for reviewing municipal affordable housing obligations, housing plans, and conducting mediation. However, final determinations of compliance, disputes, and other issues, as well as Court orders may only be issued by a County-level housing judge.

In addition to changes addressing the compliance process and elimination of COAH, the amendment also revised minimum affordability controls for rental units from 30 years to 40 years and those for extension of affordability controls from 30 years to as little as 20 years, provided the total control period is not less than 60 years. It also created new roles for the Department of Community Affairs (hereinafter “DCA”), including calculation of non-binding rehabilitation and prospective need affordable housing obligations, oversight and adoption of rules regulating municipal affordable housing trust funds, municipal housing liaisons and affordable housing administrative agents, as well as oversight of affordable unit

administration. The amendment also directed the New Jersey Housing and Mortgage agency to revise the Uniform Housing Affordability Control Rules (*N.J.A.C. 5:80-26.1 et seq.*).

## **The 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, the fourth round obligation, are subject to the 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 deadlines associated with 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 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.
- Obtaining a 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. If a municipality does not adopt a Housing Plan by June 30, 2025 and does not secure a grace period, the municipality will have its immunity revoked.
  - August 31, 2025: Deadline for an interested party to file a challenge to the Housing Plan with the Program. If there is no challenge by this date the Program will begin review of the Housing Plan for consistency with the FHA.

- 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.
- 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.

## **Affordability Requirements**

Affordable housing is defined under New Jersey's Fair Housing Act as a dwelling, either for sale or rent, that is within the financial means of households of low- or moderate-income, as is measured within each housing region. Alpha is in Region 2, which includes Essex, Morris, Union and Warren counties. Moderate-income households are those with annual incomes greater than 50%, but less than 80% of the regional median income. Low-income households are those with annual incomes that are 50% or less than the regional median income. Very low-income households are a subset of "low-income" households and are defined as those with incomes 30% or less than the regional median income.

The Uniform Housing Affordability Controls (hereinafter "UHAC") at N.J.A.C. 5:80-26.3(d) and (e) requires that the maximum rent for a qualified unit be affordable to households with incomes 70% or less than the median income for the region, provided the development includes 13% or more very low income units. The number of units priced at 70% of regional median income cannot exceed the number of very low income units plus one additional unit. The average rent must be affordable to 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 70% or less than the median income. The average sale price must be affordable to a household with an income of 55% or less than the median income.

The regional median income is defined using the federal income limits established by Department of Housing and Urban Development (hereinafter "HUD") on an annual basis. In the spring of each year, HUD releases updated regional income limits, and it is from these income limits that the rents and sale prices for affordable units are derived. The table on the following page reflects the 2025 affordable housing regional income limits for Region 2, prepared by the New Jersey Housing and Mortgage Finance Agency (NJHMFA).

2025 Income Limits for Region 2					
Household Income Levels	1-Person Household	2-Person Household	3-Person Household	4-Person Household	5-Person Household
Median	\$94,800	\$108,300	\$121,800	\$135,300	\$146,200
Moderate	\$75,840	\$86,640	\$97,440	\$108,240	\$116,960
Low	\$47,400	\$54,150	\$60,900	\$67,650	\$73,100
Very Low	\$28,440	\$32,490	\$36,540	\$40,590	\$43,860
Source: 2025 Income Limits prepared by NJHMFA, effective May 16, 2025.					

## **Overview of Compliance Requirements**

There are extensive requirements that municipalities must meet to ensure their affordable housing strategies result in a Compliance Certification. Furthermore, those requirements vary by round. The following provides a *brief and summarized* overview of the requirements.

- Rental Obligation. Not less than 25% of affordable units addressing the obligation of a round must be rental housing units.
- Family Obligation. Not less than 50% of affordable units addressing the obligation of a round must be available to families, meaning they are not restricted to a particular population. This obligation does not apply to the first and second rounds.
- Family Rental Obligation. Not less than 50% of the units meeting the rental obligation of a round must be available to families, meaning they are not restricted to a particular population. This obligation does not apply to the first and second rounds.
- Senior Maximum. Up to 30% of affordable units addressing the obligation of a round may be reserved for seniors. The maximum was 25% for the first, second and third rounds.
- Income Distribution of Affordable Units
  - Very Low Income Obligation. Not less than 13% of affordable units created or approved on or after July 1, 2008 must be reserved for very low income units (30% or less than the regional median income). Very low income units are a subset of low income units.
  - Family Very Low Income Obligation. Not less than 50% of the units meeting the very low income obligation must be available to families, meaning they are not restricted to a particular population.
  - Low Income Obligation. Not less than 50% of affordable units in any development must be reserved for low income households (50% or less than the regional median income, which includes very low income units). The remaining may be available to moderate income households (51-80% of regional median income).
- Bedroom Distribution of Affordable Units



- The total bedrooms within the affordable units in any development must be not less than twice the number of affordable units. This requirement does not apply to the first, second or third round.
- Studio and 1-bedroom Units. Not more than 20% of units in any development.
- 2-bedroom Units. Not less than 30% of units in any development.
- 3-bedroom Units. Not less than 20% of units in any development.
- The above requirements do not apply to special needs housing or senior housing.
- Senior developments are subject to a modified bedroom distribution such that the total bedrooms within the affordable units must be not less than the number of affordable units.
- Senior and supportive housing developments with 20 or more affordable units shall have not less than 5% 2-bedroom and 3-bedroom affordable units. This requirement does not apply to the first, second or third round.
- Bonus Credits
  - No more than 25% of the obligation for each round.
  - Only one type of bonus credit may be applied to a unit.
  - Rental bonus credits (1.0) are only applicable to the first, second and third rounds.
  - The following unit types are eligible for 1.0 bonus credit in the fourth round.
    - Supportive and special needs bedrooms.
    - Market to affordable (conversion of a market rate unit to an affordable unit).
    - 100% affordable developments: Units within 100% development provided the municipality supplies the land or a minimum of 3% of the development costs.
  - The following unit types are eligible for 0.5 bonus credit in the fourth round.
    - Partnership with non-profit.
    - Proximity to transit: units within ½ mile of transit (rail, bus, ferry).
    - Senior: limited to 10% of the affordable age-restricted units proposed byt capped at 30% of the obligation.
    - Units with at least three bedrooms above the minimum number required by the bedroom distribution.
    - Redevelopment for units on land previously utilized for retail, office or commercial use.
    - Extension of affordability controls on rental housing only, provided the municipality funds the cost for extension.
    - Very Low-Income units above the 13% required.



## **AFFORDABLE HOUSING IN ALPHA**

The Borough of Alpha was involved in builder's remedy litigation relative to its prior round obligation that resulted in settlement and creation of an inclusionary zoning ordinance for the AH Affordable Housing District. DR Horton subsequently received subdivision approval from the Planning Board for 92 single-family lots and 16 affordable housing units for a total of 108 units. After filing the subdivision map, the project languished due to infrastructure extension costs and DR Horton ultimately sold the property to the Borough after being unable to develop as intended.

In response to COAH's adoption of the third round rules, the Borough adopted a third round housing element and fair share plan on June 7, 2010 and petitioned COAH for substantive certification. Due to circumstances that no one could have foreseen, Alpha's petition was deemed complete by COAH but never acted upon.

Alpha prepared a third round plan pursuant to a July 10, 2018 Settlement Agreement between the Borough of Alpha and Fair Share Housing Center (hereinafter "FSHC") that set forth the Borough's affordable housing obligation and a preliminary summary of how it would be satisfied. FSHC was an interested party in the Borough's Declaratory Judgment action as permitted by the March 10, 2015 NJ Supreme Court decision known as "Mount Laurel IV." That Supreme Court decision rendered COAH "moribund" and created a transitional process for municipalities to seek compliance through the State's trial courts as opposed to the Council on Affordable Housing ("COAH") to determine their affordable housing obligation and to seek approval of its Plan to satisfy that obligation. As noted in the settlement agreement, the Borough's third round obligation was 0 units, although the Borough did agree to try to create additional family rental options as all of its credits were associated with supportive housing bedrooms.

In October of 2024, the New Jersey Department of Community Affairs (DCA) released its calculation of fourth round obligations in compliance with A4, and determined the Borough had a present need of four (4) units and a prospective need of fifty-eight (58) units. The Borough adopted a binding resolution accepting these obligations, and on March 25, 2025 Judge William G. Mennen, J.S.C., entered an order fixing Alpha's obligation.

## **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. While the Borough is located in the Highlands region and has conformed to the Regional Master Plan, the entirety of Alpha is located in the Planning Area and is designated a Highlands Center, which encompasses most of the Borough. With water and sewer readily available throughout its borders, the Borough's focus turned to lands located within the center boundary, which excludes portions of Alpha within the Conservation Environmentally Constrained land use capability zone. As discussed later in this plan, the Borough has focused on property they own, the former DR Horton tract, as the area most appropriate for affordable housing, as it lies within the Borough's Highlands Center and is within the Existing Community Zone land use capability zone.

## **Highlands Buildout and RMP Requirements**

As a municipality fully conforming to the Highlands Regional Master Plan (RMP), Alpha utilized the Highlands Buildout tool to assess lands potentially developable consistent with the requirements of the RMP. After updating base data at the request of the Highlands Council, Council staff forwarded an updated analysis showing developable properties. The results of the buildout analysis depicting developable land is included in Appendix 1. The Highlands Council analysis identified a total of 149 acres of developable land in Alpha, consisting of farmland on the north side of Interstate Route 78 in the southwest corner of the Borough, vacant land in the industrial zone, two vacant parcels and a portion of the Borough-owned former landfill and quarry at the end of Industrial Drive. It should be noted that the two vacant parcels identified based on tax data are in fact not vacant, and the industrial zone property was approved for construction of a warehouse, which has commenced construction.

In July of 2024, the Highlands RMP was amended by the Highlands Council to specifically address affordable housing-related policies “to inform the appropriate location for affordable housing in the Highlands region.” While amendments to the Fair Housing Act required the Regional Master Plan be taken into account in determining municipal obligations, conforming municipalities bear an obligation to ensure that housing plans meet the resource protection requirements of the RMP.

The July 2024 RMP amendment also discusses how the provision of affordable housing in conforming municipalities must address policies related to land use capability zones and resource protection standards requiring open water buffers, protection of prime groundwater recharge areas, development in severe steep slope areas and protection of critical habitat. Alpha will maintain consistency with the RMP policies through its land use ordinance covering the Planning Area portion of Borough. The requirements of the RMP are part of the land use ordinance, which is reviewed by Land Use Board professionals as part of development applications, and projects must meet the standards required for protection of Highlands resources.

## **OPPORTUNITY FOR MULTIGENERATIONAL HOUSING**

The Fair Housing Act requires “an analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission”. As of the date of this Housing Plan, there have been no recommendations by the Multigenerational Family Housing Continuity Commission on which to provide the required analysis. However, the Commission has the primary goal of enabling senior citizens to reside at the homes of their extended families, thereby preserving and enhancing multigenerational family continuity. Borough land use policies are not in conflict with this goal and much of the Borough’s housing stock is large enough to accommodate multigenerational living. Nothing in the Land Use Ordinance prohibits creation of additional living space consisting of a bedroom and bathroom, but inclusion of separate kitchen facilities would constitute a second dwelling unit, which is not permitted but is also not necessary to permit multigenerational living.

## **DEMOGRAPHIC, HOUSING & EMPLOYMENT ANALYSIS**

See Appendix 2 to the Housing Plan for this analysis.

## **AFFORDABLE HOUSING OBLIGATION & SATISFACTION**

Fourth round housing plans must address four components of a municipality's affordable housing obligation. These include the rehabilitation obligation to improve substandard housing occupied by low- and moderate-income households, the first and second round obligation of new construction from 1987 to 1999, third round obligation of new construction from 1999 to 2025, and the fourth round obligation of new construction from 2025 to 2035.

### **Rehabilitation Obligation: 4 units**

The rehabilitation obligation can be defined as an estimate of the number of deteriorated housing units existing in Alpha that are occupied by low- and moderate-income households. The Fair Housing Act, N.J.S.A. 52:27D-304.3.b., describes present need as being determined by "estimating the existing deficient housing units currently occupied by low- and moderate-income households within the municipality, following a methodology comparable to the methodology used to determine third round present need, through the use of datasets made available through the federal decennial census and the American Community Survey, including the Comprehensive Housing Affordability Strategy dataset thereof." 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 4-units for the Borough. This obligation was accepted in the Borough's binding resolution and was assigned to the Borough in the March 25, 2025 Order issued by the Hon. William G. Mennen, J. S. C.

The Borough will address this obligation through continued participation in the Warren County Housing Rehabilitation Program. The County's program manual is provided in Appendix 3.

### **First & Second Rounds Obligation: 13 units, Fully Satisfied**

Alpha Borough's first and second round obligation, also referred to as the prior round obligation, was 13 units. This obligation is defined as the cumulative new construction obligation from 1987 through 1999 (1987-1993 is the first round; 1993-1999 is the second round). The Borough's obligation was published by COAH in 2008 and originally calculated in 1993-1994 pursuant to N.J.A.C 5:93. This 13-unit obligation was satisfied with the projects identified in the table on the following page, and a description of each mechanism is included below the table. Documentation on the creditworthiness of these units was previously provided with the Borough's third round plan.

Satisfaction of the 13-unit Prior Round Obligation			
Program	Units	Bonus Credits	Total Credits
Alpha Group Home	7	0	7
Arc of Warren County	4	4	8
Total			15
Surplus			2

### ***Alpha Group Home***

Located at 429 Pohatcong Street, the Alpha Group Home contains 7 bedrooms that are occupied by permanent residents with special needs. The facility is licensed by the New Jersey Department of Human Services Division of Developmental Disabilities and is deed restricted until February of 2026.

### ***ARC of Warren County***

Located at 909 West Boulevard, this ARC of Warren County facility contains 4 bedrooms that are occupied by residents with special needs.

## **Third Round Obligation: 0 Units**

As noted previously, the Borough's third round obligation was 0 units, as agreed to in the July 10, 2018 settlement agreement reached as part of Alpha's declaratory judgment filing. Although the Borough agreed to attempt to provide additional family rental units, as all of its compliance mechanisms consisted of supportive housing bedrooms, those units never materialized.

## **Fourth Round Obligation**

### ***Present Need (Rehabilitation Share)***

As calculated by DCA, Alpha's present need for the fourth round is four (4) units. The Borough will continue participation in the County's rehabilitation program and Borough residents have participated in the past. Rehabilitation will be available for both owned and rented units provided income qualification requirements can be met and appropriate deed restrictions can be implemented. The County's rehabilitation manual is provided in Appendix 3.

### ***Prospective Need***

Alpha's fourth round obligation (also referred to as the prospective need) is 58 units. This obligation is defined as the new construction obligation for 2025-2035. The Fair Housing Act, N.J.S.A. 52:27D-304.3.b., describes the obligation as 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”.

The methodology to calculate the obligation begins with determining the need for affordable housing in which the municipality is located. That regional need is then allocated to each municipality in the region, excluding qualified urban aid municipalities, based on an average of three factors: 1) equalized nonresidential valuation factor, which serves as a proxy for the municipal share of the region’s change in employment during the previous affordable housing round, 2) income capacity factor, which is the municipal share of the region’s median household income, and 3) land capacity factor, which is the municipal share of the region’s developable land.

The DCA calculated municipal fourth round 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 fourth round obligation of 58 units for the Borough. The Borough reviewed the land capacity factor data provided by DCA and in accordance with the requirements of the law and determined the calculation was appropriate. The Borough’s obligation was fixed in an order signed by Judge William G. Mennen, J.S.C. on March 25, 2025.

To address the fourth round obligation, the Borough proposes to partner with Ingerman to construct a 100% affordable housing development on the DR Horton tract, which the Borough owns. Ingerman is a seasoned affordable housing developer that has 100% affordable housing projects in the neighboring municipalities of Pohatcong and Greenwich, with Greenwich completed and currently in the leasing phase. The project will consist of 48 affordable housing units in two buildings, with access from a single driveway/access road from Springtown Road (CR 519), as shown on the conceptual plan in Appendix 4. The proposed distribution of units is detailed in the table below and meets the requirements of UHAC. Of note is that two additional three bedroom units are provided. Half the units proposed will be available to low income households, including 13% being available to very low income households, with the other half available to moderate income households.

<b>Ingerman 100% Affordable Project – Bedroom Distribution</b>		
<b># Bedrooms</b>	<b># Units</b>	<b>% of Total Units</b>
1 Bedroom	9	18.75%
2 Bedroom	27	56.25%
3 Bedroom	12	25%

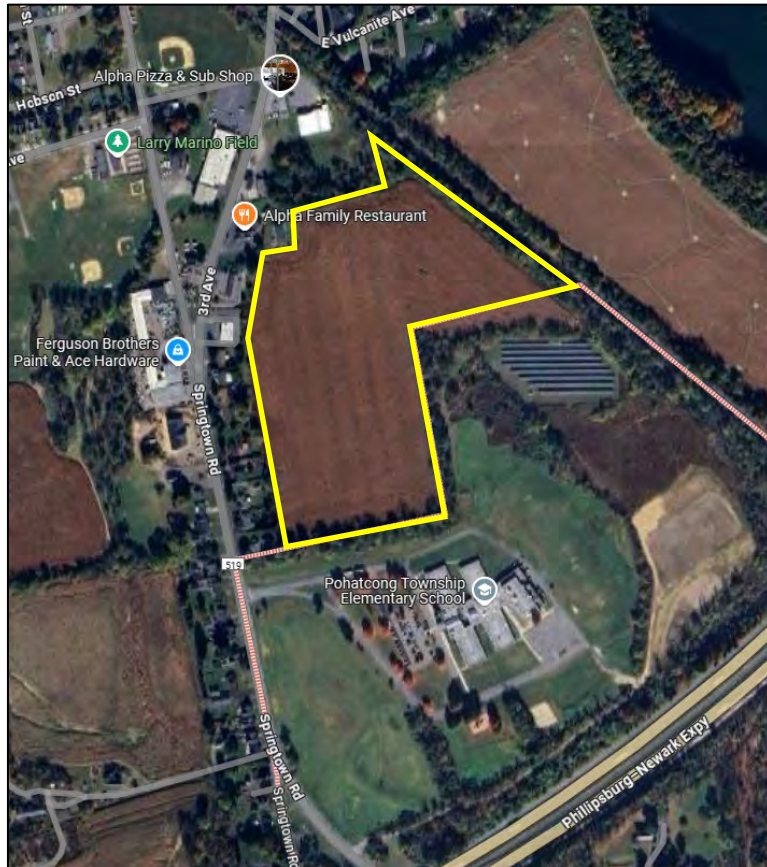
In addition to contributing approximately 5 acres of the DR Horton tract to the project, the Borough will provide \$3 million from the affordable housing trust fund, as noted in the spending plan (see Appendix 5). Alpha Borough is eligible for tax credits under the New Jersey Economic Development Authority’s Aspire program, which will be utilized to assist project financing and will be applied for by Ingerman. It is also anticipated that 4% tax credits will be sought from the New Jersey Housing and Mortgage Finance Agency. Both Aspire credits and 4% tax credits are non-competitive programs and are awarded upon successful



demonstration that a project is financially feasible. The Borough will provide a PILOT for the project, which will aid in demonstration of project feasibility relative to tax credits sought. As of the writing of this plan, Ingerman has provided a draft affordable housing agreement and draft PILOT agreement that will be considered and acted upon by Borough Council within the next month along with a resolution of need to be adopted by Borough Council. As the governing body has not yet reviewed these agreements, the drafts are not provided with this plan.

### ***DR Horton Tract – 100% Affordable***

This 25 acre property is located on the east side of Springtown Road, in the southeast part of the Borough and immediately adjacent to the Pohatcong Township School. While the property had been subdivided by DR Horton, the Borough has owned the property for a number of years after purchasing it from DR Horton. As part of this process, the existing lots will be consolidated and the rights-of-way will be vacated and a minor subdivision will be sought to create the roughly 5 acre tract needed for the project. The property is outlined in yellow on the aerial photo to the right.



Alpha Borough is fully conforming to the Highlands Regional Master Plan, and the property is located in the Planning Area, which covers the entirety of the Borough. The property is located within the Borough's Highlands Center, which was recently expanded to include this property after study by the Borough and approval by the Highlands Council. The Borough is obligated to ensure that the resource protection requirements of the RMP are met and has analyzed all relevant data for the site, which does not contain any critical Highlands resources that would potentially be impacted by the proposed development. As shown on the Highlands Resources Explorer, the property is absent critical wildlife habitat, forest resources, critical slopes, open water protection areas or prime groundwater recharge areas. While not located within a sewer service area at present, the property's location in a Highlands Center means a sewer service area revision can be pursued with NJDEP, which is far less onerous than the typical Water Quality Management Plan amendment process. The sections below address the typical site suitability criteria from COAH's rules.

**The site is suitable.** The property contains no buildings and is currently farmed. There are no wetlands or streams and the site is relatively flat, with no areas of steep slopes.

**The site is approvable.** The Borough has proposed rezoning the 5 acres of the 25 acre property where the project will be situated to permit the 100% affordable housing project contemplated. A draft amendment to the AH Affordable Housing Zone is provided in Appendix 6, which eliminates the prior inclusionary zoning. Potentially cost generative features of the prior inclusionary zone have been removed.

**The site is available.** The site has no known legal encumbrances or deed restrictions that would preclude the development of affordable housing, and there are no known historic or architecturally important sites or buildings on the property or in the immediate vicinity that will affect the development of the affordable housing. The site is owned by the Borough and through the affordable housing agreement with Ingerman, the 5 acres will be contributed by the Borough. The existing lots will be consolidated and rights-of-way will be vacated as needed.

**The site is developable.** There are no streams, wetlands or flood hazard areas on the property. While the site is not in a sewer service area, since it is located in a Highlands Center, the revision process can be utilized and a Water Quality Management Plan amendment is not required. There are sanitary sewer mains and water mains in Springtown Road that will provide connections to public utilities. All other utilities are available to the site. The southern portion of the site adjacent to the Pohatcong Township School was chosen as it is flatter than the rest of the site, which will avoid significant earthwork and the need for retaining walls and reduce overall development costs.

The site will be developed consistent with the Residential Site Improvement Standards, N.J.A.C. 5:21-1 et seq. The Borough will require a minimum 40-year affordability control deed restrictions on the units in accordance with N.J.A.C. 5:93 et seq. and N.J.A.C. 5:80-26.1.

In coordination with the Borough's administrative agent and municipal housing liaison, Ingerman will administer their own affordable housing units as they do with all projects they own. The units will be affirmatively marketed in accordance with UHAC per N.J.A.C. 5:80-26.1.

### ***Distribution of Fourth Round Units***

In addition to meeting the total 58 unit fourth round obligation, the Borough must also meet a rental obligation, maximum senior units, family obligation, very low income obligation, and maximum bonus credits, as set forth in the Fair Housing Act.

#### **Maximum Bonus = 15 credits**

- Maximum bonus credits = 25% (obligation) | 25% (58) = 14.5, rounded up to 15 units.

As the Borough will be contributing at least 3% of the cost of the Ingerman project, as a 100% affordable project, it is eligible for 2 for 1 credits up to a maximum of 15 credits, which are applied to the fourth round obligation.

#### **Minimum Rental = 15 units**

- Minimum rental units = 25% (of units meeting the obligation) | 25% (58) = 14.5, rounded up to 15 units

All of the units in the Ingerman project are rentals, so this requirement is met.

**Maximum Senior = 17 units**

- Maximum age-restricted units = 30% (units meeting the obligation) | 30% (58) = 17.4, rounded down to 17 units

There are no age-restricted units proposed for the fourth round.

**Minimum Family = 15 units**

- Minimum family units = 50% (units meeting the obligation) | 50% (58) = 14.5 units, rounded up to 15 units

All of the units in the Ingerman project are family units, therefore this requirement is met.

**Minimum Family Rental = 8 units**

- Minimum family rental = 50% (rental obligation) | 50% (15) = 7.5 units round up to 8 units

All of the units in the Ingerman project are family rental units, so this requirement is met.

**Minimum Very Low Income = 7 units**

- Minimum very low income units = 13% (fourth round units created or approved on or after July 1, 2008) | 13% (48) = 6.24, rounded up to 7 units

The Ingerman project will be required to provide 7 very low income units, meeting this requirement.

**Minimum Family Very Low Income = 1 unit**

- Minimum family very low income units = 50% (very low income obligation) | 13% (7) = 0.91 units, rounded up to 1 unit

As the units in the Ingerman project are all family units, this requirement is met.

***Affordability Assistance***

As required, the Borough will undertake a variety of affordability assistance activities to render units more affordable. These strategies are outlined in the spending plan (Appendix 5) and the affordability assistance program manual is provided in Appendix 7.

**CONSISTENCY WITH THE STATE DEVELOPMENT AND REDEVELOPMENT PLAN**

As noted in the State Plan policy maps, areas within the Highlands Region utilize land use capability designations of the Highlands Regional Master Plan rather than traditional planning areas. Although planning area-specific policies cannot be assessed, the Borough's approach to affordable housing is generally consistent with the statewide goals of the State Development and Redevelopment Plan. Most notable are:

- Revitalize the State's cities and Boroughs



- Conserve the State's natural resources and systems
- Provide adequate housing at a reasonable cost

The Ingerman 100% affordable project, the Borough's sole mechanism for the fourth round, is proposed within the Existing Community Zone and is within the Borough's Highlands Center. There are no significant Highlands resources present on the site as confirmed through review of the Highland Resources Explorer.

## **AFFORDABLE HOUSING ADMINISTRATION & AFFIRMATIVE MARKETING**

Alpha Borough's Affordable Housing Ordinance is consistent with the Fair Housing Act, the Uniform Housing Affordability Control Rules, *N.J.A.C. 5:80-26.1 et seq.*, and the Division of Local Planning Services Fair Housing Act Rules, *N.J.A.C. 5:99*. As of the adoption of this Housing Plan, the latter is in the process of being amended, therefore the existing ordinance will be relied upon until such time as those regulations are finalized. Ordinances adopted by March of 2026 will reflect appropriate requirements. The current affordable housing ordinance is provided in Appendix 8.

The Borough's Affordable Housing Ordinance, Chapter 410, Article XI, governs the establishment of affordable units in the Borough as well as regulating the occupancy of such units. The Borough's Affordable Housing Ordinance addresses the phasing of affordable units, 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 has established the position of the Municipal Housing Liaison and appointed Donna Messina, Borough Clerk, to the position. However, the Borough will likely rely on its affordable housing administrator to conduct the administration and affirmative marketing of its affordable housing sites that will not be administered by the developers.

The Borough's affirmative marketing plan is 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 the affordable units located in the Borough. Additionally, the affirmative marketing plan is intended to target those potentially eligible persons who are least likely to apply for affordable units and who reside in the Borough's housing region (Region 2), consisting of Essex, Morris, Union and Warren counties.

The affirmative marketing plans include regulations for qualification of income eligibility, price and rent restrictions, bedroom distribution, affordability control periods, and unit marketing in accordance with *N.J.A.C. 5:80-26.1 et seq.* This plan must be adhered to by all private, non-profit, and municipal developers of affordable housing units and must cover the period of deed restriction or affordability controls on each affordable unit. A copy of the affirmative market plan is provided in Appendix 9.

## **AFFORDABLE HOUSING TRUST FUND**

Alpha's existing development fee ordinance included in Appendix 10. The Borough has prepared a new Spending Plan, provided in Appendix 5, which discusses anticipated revenues, collection of revenues, and the use of revenues, and it has been prepared in accordance with currently applicable rules. It should be noted, however, that 5:99, the Fair Housing Act Rules, which set forth requirements related to spending plans, are not yet finalized. All collected revenues will be placed in the Borough's Affordable Housing Trust fund and will be dispensed for the use of eligible affordable housing activities including, but not limited to:

- Affordability assistance program; and
- Contribution to a 100% affordable housing project; and
- Any other activity as specified in the approved spending plan.

The Borough is required to fund eligible programs in a Court-approved Housing Element and Fair Share Plan, as well as provide affordability assistance. At least 30% of collected development fees, excluding expenditures made since July 17, 2008, when affordability assistance became a statutory requirement in the Fair Housing Act, shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in a municipal Fair Share Plan. At least one-third (1/3) of the affordability assistance must be expended on very-low income units. Additionally, no more than 20% of the revenues collected from development fees each year shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to prepare or implement a rehabilitation program, a new construction program, a housing element and fair share plan, and/or an affirmative marketing program. The spending plan prepared reflects these requirements, but once amendments to 5:99 are finalized, the Borough reserves the right to amend its spending plan related to affordability assistance requirements, which are proposed to change.

## **Appendix 1**

# Developable Land Highlands Buildout Borough of Alpha Warren County, New Jersey



## Legend

Developable Lands



Map Scale - 1:18,000

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POLICY  
PLANNING  
DESIGN

Data Sources: NJOIT and NJHC

## **Appendix 2**

# **2025 FOURTH ROUND HOUSING PLAN**

HOUSING, DEMOGRAPHIC AND EMPLOYMENT ANALYSIS  
BOROUGH OF ALPHA  
WARREN COUNTY  
NEW JERSEY

JUNE 6<sup>TH</sup>, 2025

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## DEMOGRAPHIC ANALYSIS

The population of the Borough of Alpha (“Alpha” or the “Borough”) experienced significant growth during the latter half of the twentieth century, before suffering steady declines after 1970 (Table 1). From 1950 to 1970, the number of Alpha residents rose from 2,177 to a peak of 2,829 persons, which was comparable to the pace experienced throughout Warren County, but well under the comparable figure for New Jersey. After 1970, the borough suffered continual population declines. In total, Alpha has lost nearly 17.7% of its population since 1970. Meanwhile, Warren County experienced a 48.4% rate of growth for the same period. It should be noted here that although the total population data in Table 1 is drawn from various U.S. Census Bureau (“Census Bureau”) decennial censuses, all subsequent Census Bureau data contained herein comes from the 2019-2023 American Community Survey (“ACS”), which is calculated as a 5-year estimate, unless otherwise noted.

**Table 1: Population Trends (1940-2020)**

Year	Alpha		Warren County		New Jersey	
	Total Population	% Change, Decade-on-Decade	Total Population	% Change, Decade-on-Decade	Total Population	% Change, Decade-on-Decade
1940	2,301	--	50,181	--	4,160,165	--
1950	2,117	-8.0%	54,374	8.4%	4,835,329	16.2%
1960	2,406	13.7%	63,220	16.3%	6,066,782	25.5%
1970	2,829	17.6%	73,879	16.9%	7,171,112	18.2%
1980	2,644	-6.5%	84,429	14.3%	7,364,823	2.7%
1990	2,530	-4.3%	91,607	8.5%	7,730,188	5.0%
2000	2,482	-1.9%	102,437	11.8%	8,414,350	8.9%
2010	2,369	-4.6%	108,692	6.1%	8,791,894	4.5%
2020	2,328	-1.7%	109,632	0.9%	9,288,944	5.7%

*Source: U.S. Census Bureau, Various Decennial Censuses; N.J. Department of Labor and Workforce Development*

Table 2 shows the population cohorts in Alpha as of 2023. The distribution is relatively balanced, with a split between males and females of 49.3% to 50.7%, respectively, within the community. The largest age group overall is the 35 to 54 years age group, which makes up 28.8% of the population. The 65 years and over age group has the second-highest share of the population at 20.3%. Only 5.9% of the population is under the age of five, suggesting a birth rate that is unsubstantial. The youngest age group also has the greatest disparity between genders as a proportion of the respective population. The community has a median age of 43.8, which is almost identical to the median age of 43.9 for Warren County and higher than the median age of 40.1 for New Jersey.

**Table 2: Population by Age and Sex**

Age Group	Total Population		Male		Female	
	Number	% of Population	Number	% of Population	Number	% of Population
Under 5 years	132	5.9%	41	3.7%	91	8.0%
5 to 19 years	319	14.2%	174	15.7%	145	12.7%
20 to 34 years	368	16.4%	203	18.3%	165	14.5%
35 to 54 years	647	28.8%	325	29.3%	322	28.2%
55 to 64 years	326	14.5%	150	13.5%	176	15.4%
65 years and over	457	20.3%	215	19.4%	242	21.2%
Total	2,249	--	1,108		1,141	--
<b>Median Age (years)</b>	<b>43.8</b>		<b>43.7</b>		<b>44</b>	

*Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates*

The population of Alpha is growing older but is declining overall. Table 3 illustrates the changes among the various cohorts between 2013 and 2023. During that time, the two oldest cohorts increased by 125 persons and the “20 to 34 years” cohort gained 38 persons. At the same time, the rest of the population decreased by 330 people, resulting in a net decrease of 163 people, or a decline of 6.8%.

**Table 3: Population Change by Age (2013-2023)**

Age Group	2013		2023		Change, 2013 to 2023	
	Number	%, Total Population	Number	%, Total Population	Total Change	% Change
Under 5 years	128	5.3%	132	5.9%	<b>4</b>	<b>3.1%</b>
5 to 19 years	518	21.5%	319	14.2%	<b>-199</b>	<b>-38.4%</b>
20 to 34 years	330	13.7%	368	16.4%	<b>38</b>	<b>11.5%</b>
35 to 54 years	778	32.3%	647	28.8%	<b>-131</b>	<b>-16.8%</b>
55 to 64 years	266	11.0%	326	14.5%	<b>60</b>	<b>22.6%</b>
65 years and over	392	16.3%	457	20.3%	<b>65</b>	<b>16.6%</b>

*Source: U.S. Census Bureau, 2009-2013 and 2019-2023 American Community Survey 5-Year Estimates*

A household is defined by the Census Bureau as those persons who occupy a single room or group of rooms that constitute a unit of housing, and that these persons may or may not be related. A family is identified as a group of persons including a householder and one or more persons related by blood, marriage or adoption, who live in the same household.

Table 4 shows the frequency of household size types for both family and nonfamily households. Alpha has a substantial population of persons living alone. One-person households account for three in ten households in the municipality. This rate exceeds the rest of the county where 28.6% of households consist of only one person. Despite the drop in the school-age population shown above in Table 3, Alpha

still has several larger households. Of all households in the community, 9.1% consist of five or more persons. Two-person households are the most common household size in Alpha, representing 35% of households in all. After one- and two-person households, the third most common is the three-person household at 17.8% of households.

**Table 4: Household Size**

Household Size	Alpha		Warren County		New Jersey	
	Total	%	Total	%	Total	%
1-person	306	31.1%	12,836	28.6%	918,897	26.4%
2-person	344	35.0%	15,218	33.9%	1,081,842	31.1%
3-person	175	17.8%	7,211	16.0%	594,946	17.1%
4-person	69	7.0%	6,089	13.5%	530,520	15.3%
5-person	52	5.3%	2,258	5.0%	218,492	6.3%
6-person	26	2.6%	927	2.1%	79,678	2.3%
7-or-more person	11	1.1%	404	0.9%	53,980	1.6%
Households, Total	983	--	44,943	--	3,478,355	--
Average Household Size	2.27		2.41		2.61	
Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates						

Census Bureau data on families and household types contain insights into the community's household trends. As shown in Table 5, married couples live in 53.7% of households, a number slightly above Warren County (51.1%) and the rest of the state, where one in two households includes a married couple. Alpha maintains its status as a locale for families, with over a quarter of households having at least one member under the age of 18. At the opposite end of the age spectrum, 36.2% of households have at least one person over the age of 65 years old. This figure exceeds the county and state figures of 34.2% and 32.5%, respectively.

**Table 5: Household and Family Types**

Household Type	Alpha	Warren County	New Jersey
Married couple	53.7%	51.1%	50.0%
Cohabiting couple	4.6%	7.0%	6.6%
Male householder, no spouse/partner present	17.8%	16.4%	16.1%
Female householder, no spouse/partner present	23.9%	25.6%	27.3%
Household with at least one person under 18	27.6%	28.0%	31.4%
Household with at least one person over 65	36.2%	34.2%	32.5%
Average Household Size	2.27	2.41	2.61
Average Family Size	2.82	2.96	3.19

Household Type	Alpha	Warren County	New Jersey
<i>Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates</i>			

Regarding race and ethnicity, persons considered by the Census Bureau as “Not Hispanic or Latino, White alone” make up an overwhelming share of Alpha residents, or 82.4% (Table 7). This racial and ethnic group represents 76.4% of the Warren County population and just over one-half of all New Jerseyans. About 8.6% of the community is Hispanic or Latino, a relatively small amount considering figure for Warren County is 12.1% and the statewide figure is 21.9%. Of other minorities, Asian is 1.5%, which is half the county figure and well below the state figure of 9.8%, while the “Black or African American alone” population in the “Not Hispanic or Latino” ethnic grouping is recorded as less than two percent.

**Table 6: Race and Ethnicity**

Race and Ethnicity	Alpha	Warren County	New Jersey
<i>Not Hispanic or Latino</i>	91.4%	87.9%	78.1%
White alone	82.4%	76.4%	51.9%
Black or African American alone	1.4%	5.3%	12.3%
Asian alone	1.5%	3.0%	9.8%
Other races alone	0.9%	0.4%	0.8%
Two or more races	5.2%	2.9%	3.2%
<i>Hispanic or Latino:</i>	8.6%	12.1%	21.9%
White alone	1.9%	3.7%	5.0%
Black or African American alone	0.0%	0.2%	0.7%
Other races alone	2.3%	3.4%	8.9%
Two or more races	4.4%	4.8%	7.4%

*Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates*

## **ANALYSIS OF SOCIOECONOMIC CHARACTERISTICS**

According to the most recent ACS data reproduced in Table 7, 9.3% of Alpha households have an income of at least \$200,000. The median household income is well below that demarcation at \$83,125. Looking at a different metric, the mean income for Alpha households is \$99,499. Given the upward skew of the mean, it is reasonable to conclude that Alpha is home to a small number of high-earning households. In all, 43.7% of Alpha households have an income of \$100,000 or higher. As for those with fewer means, 27.1% of households have an income of less than \$50,000. This is in line with Warren County’s rate of 23.4%, and New Jersey’s rate of 25.2%.

**Table 7: Household Income**

Household Income	Alpha	Warren County	New Jersey
Less than \$25,000	14.3%	11.1%	11.9%
\$25,000-\$50,000	12.8%	12.3%	13.3%
\$50,000-\$100,000	29.2%	26.8%	24.3%
\$100,000-\$200,000	34.4%	36.1%	29.7%
More than \$200,000	9.3%	13.7%	20.7%
<b>Median Household Income</b>	<b>\$83,125</b>	<b>\$99,596</b>	<b>\$101,050</b>
<b>Mean Household Income</b>	<b>\$99,499</b>	<b>\$117,781</b>	<b>\$140,299</b>
<i>Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates</i>			

Even though the community has wealthy households, it is necessary to note the presence of people with limited resources. To that end, the overall poverty rate in Alpha is 7%, as shown in Table 8. That is slightly less than the rate of 8.1% for Warren County and the rate of 9.8% for New Jersey. The poverty rate for seniors is 1.8%, which is less than the rate for the rest of the county (6.5%). This rate stands in stark contrast to the poverty rate for seniors in New Jersey overall, which is 9.5%. The poverty rate for children is 5.9%, which is less than Warren County's rate of 10%, and substantially less than New Jersey's rate of 13.3%.

**Table 8: Poverty Rate**

Poverty Status	Alpha	Warren County	New Jersey
Percent below poverty level, overall	7.0%	8.1%	9.8%
Percent below poverty level, under 18 years old	5.9%	10.0%	13.3%
Percent below poverty level, 65 years old and over	1.8%	6.5%	9.5%
<i>Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates</i>			

Over the past decade, Alpha workers have fared about the same as those in the county and negligibly better than those in the state when analyzing the unemployment data shown in Table 9. Annualized, the borough's unemployment rate during that period stayed almost entirely below 5%, reaching a low of 3.7% in 2019. The exception was the COVID pandemic year of 2020, when the unemployment rate shot up to 8.2% before tapering back down to 5.8% in 2021. Even then, the borough absorbed COVID's economic shock better than the rest of Warren County and New Jersey, where the unemployment rate increased to 8.3% and 9.5%, respectively.

**Table 9: Unemployment Rate**

Year	Alpha	Warren County	New Jersey
2013	6.8%	7.8%	8.4%
2014	5.9%	6.3%	6.7%
2015	5.7%	5.3%	5.7%
2016	4.5%	4.6%	4.9%
2017	4.4%	4.2%	4.5%
2018	4.0%	3.8%	4.0%
2019	3.7%	3.3%	3.5%
2020	8.2%	8.3%	9.5%
2021	5.8%	5.9%	6.7%
2022	3.8%	3.6%	3.9%
2023	4.3%	4.0%	4.3%

*Source: N.J. Department of Labor and Workforce Development*

Alpha's labor force tends to mirror Warren County and New Jersey, particularly those employed by for-profit businesses. Approximately 71.1% of the borough's workforce is in this category per Table 10, which is just above the shares for the county and state respectively. The portion of the local labor force for not-for-profit employees also mirrors its peers at a rate of 7.5%, which compares to 8% and 7.6% for the county and state, respectively. Government workers make up the second highest share of workers in Alpha, which is just like the county and state.

**Table 10: Class of Worker**

Class of Worker	Alpha	Warren County	New Jersey
For-profit company employee	71.1%	67.2%	69.2%
Not-for-profit employee	7.5%	8.0%	7.6%
Government worker	14.9%	16.2%	14.2%
Self-employed, business owner	2.2%	3.8%	3.9%
Self-employed, contractor	4.2%	4.9%	5.1%

*Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates*

Alpha has a skilled workforce. This is supported in the occupation data listed in Table 11. About one-third of the employed population works in management, business, science, and arts. These are individuals who work in occupations that demand a singular set of skills and knowledge. About 20.9% of Alpha residents earn their pay in service occupations. This rate is moderately higher than the county and state figures of 16.4% and 14.8%, respectively. Sales and office occupations also employ many borough residents at 20.8%, which mirrors the data for the county and state. The production, transportation, and material moving occupation category employs 14.7% of the local workforce, which is close to the rate of 12.1% for

the county and 11.3% for the state. About 10.7% of employed residents work in natural resources, construction, and maintenance, which is on par with Warren County (9%), but much higher than New Jersey (6.9%).

**Table 11: Occupation**

Occupation	Alpha	Warren County	New Jersey
Management, business, science, and arts	32.9%	42.2%	46.9%
Service occupations	20.9%	16.4%	14.8%
Sales and office occupations	20.8%	20.4%	20.0%
Natural resources, construction, and maintenance occupations	10.7%	9.0%	6.9%
Production, transportation, and material moving	14.7%	12.1%	11.3%

*Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates*

Borough residents are employed in nearly every major industrial sector listed in Table 12 and are especially well represented in the health care and social assistance sector. The retail trade sector is the next largest category. The manufacturing sector is third highest, and its rate is above both the county and state rates. The finance, insurance, and real estate sector is fourth highest. The educational services sector, the arts and entertainment sector, the transportation sector, and the construction sector employ an ample and nearly equal share of workers. Many residents also work in public administration and the sector encompassing professional, scientific, and management, and administrative and waste management services.

**Table 12: Industry**

Industry	Alpha	Warren County	New Jersey
Agriculture, forestry, fishing and hunting, and mining	0.0%	1.1%	0.3%
Construction	7.6%	7.2%	6.1%
Manufacturing	12.1%	11.0%	8.2%
Wholesale trade	1.7%	3.0%	2.9%
Retail trade	13.0%	9.9%	10.5%
Transportation and warehousing, and utilities	7.8%	5.9%	6.6%
Information	0.5%	2.1%	2.6%
Finance and insurance, and real estate and rental and leasing	9.2%	6.1%	8.6%
Professional, scientific, and management, and administrative and waste management services	5.8%	12.5%	14.3%
Educational services	7.9%	9.4%	10.5%
Health care and social assistance	14.9%	15.0%	13.7%
Arts, entertainment, and recreation, and accommodation and food services	7.8%	6.5%	7.2%

Industry	Alpha	Warren County	New Jersey
Other services, except public administration	5.2%	5.4%	4.2%
Public administration	6.4%	5.0%	4.4%

*Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates*

The industry data included in the ACS is sometimes mirrored by the data tabulated in the Quarterly Census of Employment and Wages (QCEW) found in Table 13, but the latter is based on data from surveys administered by the U.S. Department of Labor’s Bureau of Labor Statistics that is analyzed by the N.J. Department of Labor and Workforce Development. In addition, the surveys used to obtain the data in each table have different methodologies. This accounts for the variation in the measurement of the employed population percentage by industry sector. The wage data sheds light on Alpha workers by showing, for example, that while the “Construction” sector has the highest average annual income for private employment, aggregate wages comprise just 20.7% of total wages in borough and it only employs 13.4% of the workers. Meanwhile, the “Manufacturing” sector accounts for 38% of wages and 27.9% of the workers, but the average annual income is lower at \$80,670.

**Table 13: Quarterly Census of Employment and Wages, 2023**

Sector	%, Employed Population	%, Aggregate Wages	Average Annual Income
LOCAL GOVT TOTALS	13.5%	9.4%	\$41,405
LOCAL GOVT EDUCATION	7.8%	7.6%	\$57,878
Construction	13.4%	20.7%	\$91,487
Manufacturing	27.9%	38.0%	\$80,670
Retail Trade	7.7%	6.7%	\$51,404
Professional/Technical	6.6%	4.1%	\$36,881
Health/Social	8.9%	5.6%	\$36,970
Accommodations/Food	8.4%	3.8%	\$26,563
Other Services	5.9%	4.1%	\$41,633

*Source: N.J. Department of Labor and Workforce Development, QCEW*

## **ANALYSIS OF HOUSING STOCK**

Alpha is mainly a community of homeowners, with 72.8% of housing units owner-occupied, and rental units accounting for the remaining 27.2% of units (Table 14). This breakdown is nearly the same as the tenure data for Warren County, but it departs from the tenure data for New Jersey, which indicate that 63.7% of housing units are owner-occupied, while 36.3% are renter-occupied.



**Table 14: Tenure**

Tenure	Alpha	Warren County	New Jersey
Owner-Occupied	72.8%	74.3%	63.7%
Renter-Occupied	27.2%	25.7%	36.3%
<i>Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates</i>			

The housing stock reports a 3.8% vacancy rate in the most recent ACS as shown in Table 15. This places Alpha on par with its peers in Warren County, where the rate is 3.7%. Alpha's rate is about half that of New Jersey.

**Table 15: Occupancy Status**

Occupancy Status	Alpha	Warren County	New Jersey
Occupied	96.2%	96.3%	92.1%
Vacant	3.8%	3.7%	7.9%
<i>Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates</i>			

The strength of the housing market is evident when considering the housing unit count for a town the size of Alpha. While 30.8% of the vacant units in Alpha are for rent, compared to just 12.5% for Warren County and 16% for New Jersey, as shown in Table 20, the breakdown of units tells a different story. Alpha only has 39 unoccupied units out of 1,022, or 3.8% as shown in Table 19 above. Of them, just twelve are for rent. Likewise, the breakdown of units explains the seemingly large percentage of units vacant for other reasons (56.4%), which is nearly identical to the county (55.4%) and greatly higher than the state (27.1%). Just 22 unoccupied units are vacant for other reasons. Housing units vacant for other reasons, can reflect economic distress. Since the vacancy rate is low to begin with, this is not a sign of widespread economic anguish. ACS data are estimates, so fluctuations occur, and this can be especially true when the sample is small, as illustrated above.

**Table 16: Vacancy Status**

Vacancy Status	Alpha	Warren County	New Jersey
For rent	30.8%	12.5%	16.0%
Rented, not occupied	0.0%	4.2%	2.7%
For sale only	12.8%	12.2%	6.4%
Sold, not occupied	0.0%	6.9%	4.1%
For seasonal, recreational, or occasional use	0.0%	8.0%	43.7%
Other vacant	56.4%	55.4%	27.1%
<i>Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates</i>			

Housing in Alpha Borough is comprised almost entirely of single-family residences according to Table 17. To be precise, 64.6% of homes are detached one-family residences, with an additional 12.7% attached. The combined figure of 77.3% for single-family houses is nearly the same as the 79.6% figure for Warren County and much higher than the 62.7% figure for the Garden State. Those looking for homes that are not one-family have options. Two-family residences account for 9% of homes, while 4.2% are in buildings with 3 or 4 dwelling units. Approximately 8.8% of housing is in buildings with higher unit per structure densities. To put these numbers in context, 21.7% of the housing stock statewide is in multifamily buildings, which are typically defined as containing five units or more. While the rate for Warren is lower at 12.1%, that statistic is also well above the rate for the Borough. Mobile homes and boats, RVs, vans, etc., are negligible in the borough according to the ACS.

**Table 17: Units in Structure**

Housing Type	Alpha	Warren County	New Jersey
1-unit, detached	64.6%	68.5%	52.7%
1-unit, attached	12.7%	11.1%	10.0%
2 units	9.0%	4.4%	8.6%
3 or 4 units	4.2%	2.8%	6.1%
5 to 9 units	1.5%	3.9%	4.7%
10 to 19 units	2.5%	3.6%	4.9%
20 to 49 units	1.4%	1.8%	4.2%
50 or more units	3.4%	2.8%	7.9%
Mobile home	0.0%	1.0%	0.9%
Boat, RV, van, etc.	0.7%	0.0%	0.0%
<i>Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates</i>			

At a rate of 79.6%, nearly all owners occupy single-family detached homes, compared to 83.7% for the county and 77.1% for the state. The other 21.4% of owners occupy single-family attached or two-unit structures. These three categories at the top of Table 18 are also where the majority of owners live in the county and state, but the wider areas also report owners living in structures with higher densities.

Renting occurs in many structure types. About 21% of renting occurs in single-family detached homes, which is less than the county (24.2%) and significantly more than the state (11.7%). The next most popular rental structures are those with 3 or 4 units, those with 2 units, single-family attached homes, and those with more than 50 units.

**Table 18: Tenure by Units in Structure**

Housing Type	Alpha		Warren County		New Jersey	
	Owner-Occupied	Renter-Occupied	Owner-Occupied	Renter-Occupied	Owner-Occupied	Renter-Occupied
1-unit, detached	79.6%	21.0%	83.7%	24.2%	77.1%	11.7%
1-unit, attached	13.0%	13.9%	11.6%	9.9%	10.2%	8.4%
2 units	6.4%	15.4%	0.8%	14.6%	4.6%	15.5%
3 or 4 units	0.0%	16.1%	0.7%	9.0%	1.7%	13.8%
5 to 9 units	0.0%	5.6%	1.3%	12.1%	1.4%	10.6%
10 to 19 units	0.0%	9.7%	0.6%	12.2%	1.2%	11.4%
20 to 49 units	0.0%	5.2%	0.2%	6.9%	1.0%	9.7%
50 or more units	0.0%	13.1%	0.1%	10.5%	1.8%	18.4%
Mobile home	0.0%	0.0%	0.9%	0.6%	1.1%	0.4%
Boat, RV, van, etc.	1.0%	0.0%	0.0%	0.0%	0.0%	0.1%
Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates						

As mentioned above, most of Alpha's population growth occurred between 1950 and 1970 and declined thereafter. This history is reflected in Census Bureau data reproduced in Table 19, which indicates that 37.9% of Alpha's housing stock was built over the same period. Housing construction experienced a sharp decline in the following decade and cooled off for the rest of the century and into the early 2000s. After 2010, ACS data indicate that no residential structure was built in Alpha. The decline in housing growth after the 1960s is not surprising when considering that the land area of the municipality is less than two square miles.

**Table 19: Year Structure Built**

Year Structure Built	Alpha	Warren County	New Jersey
Built 2020 or later	0.0%	0.3%	0.6%
Built 2010 to 2019	0.0%	3.1%	5.8%
Built 2000 to 2009	6.3%	11.1%	9.1%
Built 1990 to 1999	3.1%	12.8%	9.1%
Built 1980 to 1989	7.3%	12.2%	11.9%
Built 1970 to 1979	10.8%	13.5%	12.4%
Built 1960 to 1969	19.2%	9.6%	13.0%
Built 1950 to 1959	18.7%	9.4%	14.1%
Built 1940 to 1949	5.3%	5.4%	6.7%
Built 1939 or earlier	29.4%	22.6%	17.5%
Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates			

The housing stock is suited for a variety of households according to the data in Table 20. Homes with three or more bedrooms account for most of Alpha's housing. Units with three bedrooms are the most numerous in Alpha and make up 42.5% of the housing stock. These unit types are more plentiful than the county (36.6%) and the state (31.8%). Units with two bedrooms are also plentiful in the borough at 21.6% of the stock, which nearly matches the figures for the county (22%) and state (25.5%). Approximately 3.6% of housing units in the borough have at least five bedrooms, which is below the county and state rates of 4% and 5.9%, respectively. At the other end, one-bedroom homes account for 13.4% of inventory, which is level with the county and state.

**Table 20: Number of Bedrooms, Housing Stock**

Total Bedrooms	Alpha	Warren County	New Jersey
No bedroom	0.6%	1.6%	3.0%
1 bedroom	13.4%	11.9%	14.2%
2 bedrooms	21.6%	22.0%	25.5%
3 bedrooms	42.5%	36.6%	31.8%
4 bedrooms	18.3%	23.9%	19.7%
5 or more bedrooms	3.6%	4.0%	5.9%

*Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates*

When accounting for the total number of rooms per unit, Table 21 illustrates that homes in Alpha have a variety of offerings above the threshold of three or more rooms, which accounts for 99.5% of Alpha's housing stock. This is about the same value for Warren County (97%) and New Jersey (94.5%). Taking a closer look, around half of the stock is comprised of 5-, 6-, and 7-bedroom thresholds, with each level having nearly the same share of units. Examining the largest category reveals a contrast with the rest of the county as 19.3% of homes in Alpha have 9 rooms or more, compared to 16.8% for the county and 15.2% for the state. The data also reveal that the median number of rooms per unit aligns more closely when comparing the borough to the larger regions. The median number of rooms per unit is 6.3 for both Alpha Borough and Warren County, and 5.7 for New Jersey.

**Table 21: Total Rooms**

Total Number of Rooms per Housing Unit	Alpha	Warren County	New Jersey
1 room	0.6%	1.4%	2.7%
2 rooms	0.0%	1.6%	3.0%
3 rooms	8.0%	6.9%	10.5%
4 rooms	10.4%	11.7%	15.2%
5 rooms	19.1%	14.2%	15.8%
6 rooms	15.9%	17.4%	15.4%
7 rooms	18.3%	15.5%	12.0%

8 rooms	8.5%	14.5%	10.4%
9 rooms or more	19.3%	16.8%	15.2%
<b>Median Number of Rooms</b>	<b>6.3</b>	<b>6.3</b>	<b>5.7</b>
<i>Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates</i>			

Alpha's prosperity can also be discerned in the housing quality data from the ACS (Table 22). This is most apparent in the metric for overcrowding. The survey found that 98.9% of housing units had an occupants per room ratio of one or less. Given the bedroom and total rooms data, this is not surprising. Relatively few homes in Alpha lack essential facilities. Most homes use natural gas or fuel oil or kerosene for heating, while just 7% use electricity. A small number of homes, 1.6%, are heated by bottled, tank, or liquid petroleum gas, while 0.4% are heated by the sun.

**Table 22: Housing Quality Indicators**

Home Heating Fuel	Alpha	Warren County	New Jersey
Utility gas	64.8%	49.9%	73.3%
Bottled, tank, or LP gas	1.6%	4.2%	2.5%
Electricity	7.0%	11.9%	15.6%
Fuel oil, kerosene, etc.	25.4%	29.9%	6.8%
Coal or coke	0.0%	0.2%	0.0%
Wood	0.0%	2.2%	0.3%
Solar energy	0.4%	0.0%	0.2%
Other fuel	0.0%	1.1%	0.5%
No fuel used	0.7%	0.5%	0.8%
<b>Lacking Facilities</b>			
Lacking complete plumbing facilities	0.7%	0.1%	0.3%
Lacking complete kitchen facilities	0.7%	0.5%	0.8%
No telephone service available	1.8%	0.7%	0.9%
<b>Occupants Per Room</b>			
1.00 or less	98.9%	98.8%	96.3%
1.01 to 1.50	1.1%	0.8%	2.4%
1.51 or more	0.0%	0.4%	1.3%
<i>Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates</i>			

## **ANALYSIS OF HOUSING AFFORDABILITY**

As shown in Table 23, 74.9% of Alpha homeowners have a mortgage while 25.1% do not. The data differ from county and statewide data, which are nearly identical. Around 65% of homeowners in the county and state have a mortgage.

**Table 23: Mortgage Status**

Mortgage Status	Alpha	Warren County	New Jersey
With a mortgage	74.9%	65.9%	64.4%
Without a mortgage	25.1%	34.1%	35.6%
<i>Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates</i>			

Alpha homes tend to carry lower values than their peers in Warren County and New Jersey (Table 24). Approximately 93.4% of the homes in Alpha are worth less than \$499,999, which is higher than the rate of the rest of the county (86%) and state (61.8%). Only 6.6% of homes in Alpha have a value over \$500,000, and none are in the range that is greater than \$750,000. Warren County doubles the number of homes over \$500,000, at a rate of 14%. New Jersey trounces both locales at a rate of 38.2%. Looking at median home values, Alpha measures \$250,400 compared to \$323,100 for the county and \$427,600 for the state.

**Table 24: Home Values**

Home Value	Alpha	Warren County	New Jersey
Less than \$100,000	11.6%	4.9%	4.4%
\$100,000 to \$299,999	56.4%	39.6%	23.6%
\$300,000 to \$499,999	25.4%	41.5%	33.8%
\$500,000 to \$749,999	6.6%	12.1%	23.0%
\$750,000 to \$999,999	0.0%	1.4%	8.6%
\$1,000,000 or more	0.0%	0.5%	6.6%
<b>Median Home Value</b>	<b>\$250,400</b>	<b>\$323,100</b>	<b>\$427,600</b>
<i>Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates</i>			

Data from the Division of Taxation of the New Jersey Department of Treasury in Table 25 generally supports the home values reported to the Census. In the last three years, the sales price has outstripped the median value of \$250,400, as reported in Table 24 above. If anything, the price of homes sold has maintained a marked increase over the years before 2021, fueled in part by pandemic-related changes to the housing market.

**Table 25: Home Sales**

Year	Alpha		Warren County	
	Total Sales	Average Sales Price	Total Sales	Average Sales Price
2015	7	\$218,357	697	\$244,676
2016	15	\$167,573	799	\$248,850
2017	11	\$157,809	912	\$249,749
2018	20	\$178,428	964	\$250,486
2019	28	\$189,612	961	\$256,286
2020	29	\$172,931	1,093	\$256,119
2021	40	\$211,891	1,498	\$283,831
2022	43	\$257,927	1,377	\$317,263
2023	22	\$253,175	960	\$350,213
2024	23	\$276,369	879	\$387,028
Source: N.J. Department of Treasury, Division of Taxation				

The spike in home values has not caused residential tax assessments to change significantly as shown in Table 26. Since 2016, the average assessment has increased by just \$1,666, from \$182,084 to \$183,750. Warren County also did not experience significant changes over the same period. In fact, the average assessment declined by \$103.

**Table 26: Residential Tax Assessments**

Year	Alpha		Warren County	
	Total Lots	Average Assessment	Total Lots	Average Assessment
2016	804	\$182,084	36,508	\$220,319
2020	804	\$183,278	36,676	\$219,729
2024	804	\$183,750	34,865	\$220,216
N.J. Department of Treasury, Division of Taxation				

Given the rise in home values, the cost of housing may become of increasing concern in the years to come. Housing is generally considered to be affordable if the amount of rent, mortgage, and other essential costs consume less than 30% of a household's income. If a household spends more than 30% of its income on housing, it is considered cost burdened. ACS data in Table 27 show that 29.4% of all Alpha households spend 30% or more of their income on housing. This is nearly the same as the figure of 30.2% for the county, but slightly under the figure of 35.8% for the state. Only a few households report zero or negative income or no cash rent, which is similar to data from the county and state.

**Table 27: Burden of Housing Costs, All Households**

Housing Costs as % of Household Income	Alpha	Warren County	New Jersey
Less than 20% of Household Income	45.2%	43.4%	39.4%
20 to 29% of Household Income	22.6%	24.3%	22.9%
30% or more of Household Income	29.4%	30.2%	35.8%
Zero or negative income	1.3%	0.8%	1.1%
No cash rent	1.2%	1.3%	1.1%

Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates

The high income earned by Alpha's owner-occupied households likely provides a buffer when bearing the cost of housing, as 22.7% must set aside at least 30% of their income to pay for housing, which is in line with the respective percentages for the county and state, 25.3% and 28.6%. Table 28 also shows that 57.5% of homeowners spend less than 20% of their household income on housing, which is also in line with the respective percentages for the county and state, 49% and 48.1%. As to be expected, the rate for the category of homeowners that expend between 20% and 29% of their household income on housing is also consistent with data for the county and state.

**Table 28: Burden of Housing Costs, Owner-Occupied Housing**

Housing Costs as % of Household Income	Alpha	Warren County	New Jersey
Less than 20% of Household Income	57.5%	49.0%	48.1%
20 to 29% of Household Income	19.0%	25.2%	22.7%
30% or more of Household Income	22.7%	25.3%	28.6%
Zero or negative income	0.8%	0.4%	0.6%

Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates

In terms of monthly costs, 6.2% of households with a mortgage pay \$3,000 or more on housing according to Table 29. This is well below the comparable rates for Warren County, 25.2%, and for New Jersey, 42.7%. In Alpha, the median monthly housing cost is \$1,853. Steep housing costs are a deeply concerning issue for the entire state of New Jersey, where the median monthly cost for homeowners with a mortgage is \$2,787. More locally, the median monthly cost in Warren County is negligibly higher at \$2,306.

**Table 29: Monthly Costs, Homeowners with a Mortgage**

Monthly Owner Costs	Alpha	Warren County	New Jersey
Less than \$500	2.2%	0.6%	0.4%
\$500 to \$999	4.5%	2.6%	1.8%
\$1,000 to \$1,499	14.4%	13.3%	6.6%
\$1,500 to \$1,999	42.2%	20.5%	13.7%



Monthly Owner Costs	Alpha	Warren County	New Jersey
\$2,000 to \$2,499	17.5%	21.2%	17.7%
\$2,500 to \$2,999	13.1%	16.6%	17.0%
\$3,000 or more	6.2%	25.2%	42.7%
<b>Median Monthly Housing Cost</b>	<b>\$1,853</b>	<b>\$2,306</b>	<b>\$2,787</b>
<i>Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates</i>			

Table 30 supports the premise that monthly housing costs are necessarily lower for those households without a mortgage. In total, 22.2% of households without a mortgage spend \$1,000 or more on housing. These expenditures go towards taxes, insurance payments, utilities, and other fees. In comparison, 54.2% of households without a mortgage in Warren County spend more than \$1,000. Approximately 23.9% of said Alpha households spend between \$800 and \$999 on housing while 53.9% spend under \$800. The latter figure is more than double the regional figures.

**Table 30: Monthly Costs, Homeowners without a Mortgage**

Monthly Housing Costs	Alpha	Warren County	New Jersey
Less than \$250	7.2%	1.5%	1.9%
\$250 to \$399	8.9%	1.8%	2.6%
\$400 to \$599	15.6%	8.6%	5.0%
\$600 to \$799	22.2%	13.4%	8.8%
\$800 to \$999	23.9%	20.5%	14.6%
\$1,000 or more	22.2%	54.2%	67.1%
<b>Median Monthly Housing Costs</b>	<b>746</b>	<b>\$1,038</b>	<b>\$1,205</b>
<i>Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates</i>			

Housing costs put an even greater strain on renters in New Jersey, where 48.3% of renting households are cost-burdened according to Table 31. Of the renting households in Alpha Borough, 47.6% spend more than 30% of their income on housing, which is higher than Warren County's rate of 44.3%. Approximately 12.7% of renters spend less than 20% of their household income on housing costs, which is well below both the county and state, as each has a share around 25%. The number of renters spending between 20 and 29% of household income on housing costs is just 32.6%, which is much greater than the county and state.

**Table 31: Burden of Housing Costs, Renter-Occupied Housing**

Housing Costs as % of Household Income	Alpha	Warren County	New Jersey
Less than 20% of Household Income	12.7%	27.0%	23.8%
20 to 29% of Household Income	32.6%	21.8%	23.1%
30% or more of Household Income	47.6%	44.3%	48.3%
Zero or negative income	2.6%	2.0%	1.9%
No cash rent	4.5%	4.9%	2.9%
Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates			

As shown in Table 32, Alpha's median rent of \$1,234 is lower than both Warren County's and New Jersey's median rent of \$1,368 and \$1,653, respectively. Only 3.5% of households gross rent exceeds \$2,500. This consistent with the county but far lower than the rest of the state, where 3.5% and 14.3% of rental units exceed \$2,500 in gross rent, respectively. A small number of renting households, 5.1%, spend between \$2,000 to \$2,499 a month on housing, compared to 11.5% for the county, and 15.9% statewide. At the lower end of the scale, 91.3% of households have a gross rent of less than \$2,000. In contrast, 85.1% of renting households in Warren County and 69.8% in New Jersey have a gross rent under \$2,000.

**Table 32: Gross Rent**

Gross Rent	Alpha	Warren County	New Jersey
Less than \$500	0.0%	8.3%	6.3%
\$500 to \$999	13.7%	14.8%	8.7%
\$1,000 to \$1,499	59.6%	37.8%	26.3%
\$1,500 to \$1,999	18.0%	24.2%	28.5%
\$2,000 to \$2,499	5.1%	11.5%	15.9%
\$2,500 to \$2,999	3.5%	2.0%	6.7%
\$3,000 or more	0.0%	1.5%	7.6%
<b>Median Rent</b>	<b>\$1,234</b>	<b>\$1,368</b>	<b>\$1,653</b>
Source: U.S. Census Bureau, 2019-2023 American Community Survey 5-Year Estimates			

## **ANALYSIS OF CONSTRUCTION ACTIVITY & TRENDS**

Alpha officials have issued only 3 permits for new housing over the last decade. This lack of residential development means that less than one home is permitted for construction per year on average. Meanwhile, County-wide an average of 159 permits were issued over the same period. Housing production statewide, however, appears to be accelerating. Since 2018, the number of new homes permitted annually in New Jersey has exceeded the 2013-2023 yearly average in five of six years, reaching a peak in 2022, when 31,792 homes were permitted. It is important to note, though, that permits slowed in 2023, when only 21,682 permits were issued.

**Table 33: Housing Permits Issued Annually, 2013-2023**

Year	Alpha	Warren County	New Jersey
2013	0	119	18,795
2014	0	70	22,896
2015	0	85	19,503
2016	0	160	24,170
2017	0	98	25,961
2018	0	151	26,048
2019	1	210	30,770
2020	0	157	26,680
2021	2	108	30,044
2022	0	298	31,792
2023	0	296	21,682
<b>Annual Average</b>	<b>0.3</b>	<b>159</b>	<b>25,304</b>

*Source: N.J. Department of Community Affairs, Division of Codes and Standards*

The only permits issued from 2013-2023 were for 1-family and 2-family residences in 2019 and 2021. This means that the borough has not issued permits for multifamily dwellings or mixed-use development during that time. This deviates sharply from regional and state-level building patterns, where development of all kinds occurs nearly every year, as demonstrated in Table 34.

**Table 34: Share of Housing Permits Issued by Type, 2013-2023**

Year	Alpha			Warren County			New Jersey		
	1-2 Units	Multi-family	Mixed-Use	1-2 Units	Multi-family	Mixed-Use	1-2 Units	Multi-family	Mixed-Use
2013	0.0%	0.0%	0.0%	97.5%	1.7%	0.8%	51.4%	47.9%	0.7%
2014	0.0%	0.0%	0.0%	98.6%	0.0%	1.4%	46.6%	52.0%	1.3%
2015	0.0%	0.0%	0.0%	70.6%	28.2%	1.2%	48.6%	51.2%	0.2%
2016	0.0%	0.0%	0.0%	31.9%	67.5%	0.6%	36.8%	63.0%	0.3%
2017	0.0%	0.0%	0.0%	51.0%	49.0%	0.0%	35.4%	62.2%	2.4%
2018	0.0%	0.0%	0.0%	66.2%	33.8%	0.0%	34.7%	64.5%	0.8%
2019	100.0%	0.0%	0.0%	39.0%	59.5%	1.4%	29.1%	70.7%	0.2%
2020	0.0%	0.0%	0.0%	45.2%	53.5%	1.3%	32.5%	67.3%	0.2%
2021	100.0%	0.0%	0.0%	99.1%	0.0%	0.9%	34.9%	64.8%	0.3%
2022	0.0%	0.0%	0.0%	35.2%	64.1%	0.7%	28.8%	68.9%	2.3%
2023	0.0%	0.0%	0.0%	59.5%	40.5%	0.0%	44.1%	53.2%	2.7%
<b>Annual Avg.</b>	<b>100.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>56.3%</b>	<b>43.0%</b>	<b>0.7%</b>	<b>37.3%</b>	<b>61.7%</b>	<b>1.0%</b>

*Source: N.J. Department of Community Affairs, Division of Codes and Standards*

Oddly the data in Table 35 indicates that despite 3 building permits being issued in the same period, no certificates of occupancy were issued. No new multifamily dwellings were occupied in that span although as noted previously, no building permits were issued for this dwelling type. Countywide, 61.8% of certificates of occupancy for homes were for 1- and 2-family homes while 42.5% were issued for 1- and 2-family at the state level. Multifamily housing accounted for 37.7% and 56.8% of the residential certificates of occupancy for the county and state, respectively. Mixed-use development accounts for less than one percent of residential units for both the county and state.

**Table 35: Certificates of Occupancy, Residential, 2013-2023**

Year	Alpha			Warren County			New Jersey		
	1-2 Units	Multi-family	Mixed-Use	1-2 Units	Multi-family	Mixed-Use	1-2 Units	Multi-family	Mixed-Use
2013	0.0%	0.0%	0.0%	99.0%	1.0%	0.0%	57.4%	42.3%	0.3%
2014	0.0%	0.0%	0.0%	75.7%	24.3%	0.0%	61.5%	38.0%	0.4%
2015	0.0%	0.0%	0.0%	93.2%	3.4%	3.4%	54.0%	45.5%	0.5%
2016	0.0%	0.0%	0.0%	90.3%	8.1%	1.6%	52.7%	47.1%	0.3%
2017	0.0%	0.0%	0.0%	37.3%	62.7%	0.0%	44.9%	53.5%	1.5%
2018	0.0%	0.0%	0.0%	74.5%	25.5%	0.0%	41.4%	56.9%	1.7%
2019	0.0%	0.0%	0.0%	63.2%	35.9%	0.9%	31.6%	66.1%	2.3%
2020	0.0%	0.0%	0.0%	37.7%	61.8%	0.5%	36.8%	62.8%	0.3%
2021	0.0%	0.0%	0.0%	20.8%	78.8%	0.5%	27.3%	72.6%	0.1%
2022	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	32.7%	66.8%	0.4%
2023	0.0%	0.0%	0.0%	68.1%	31.9%	0.0%	37.6%	62.3%	0.1%
<b>Annual Average</b>	0.0%	0.0%	0.0%	<b>61.8%</b>	<b>37.7%</b>	<b>0.5%</b>	<b>42.5%</b>	<b>56.8%</b>	<b>0.7%</b>

*Source: N.J. Department of Community Affairs, Division of Codes and Standards*

Table 36 contains the data for demolition permits issued since 2013. Alpha has approved only 1 demolition permits for houses in the period of 2013-2023. Countywide, an average of 22 homes are demolished every year while 4,679 homes are demolished on average across the entire state.

**Table 36: Demolition Permits, 2013-2023**

Year	Alpha	Warren County	New Jersey
2013	0	32	7,295
2014	0	19	5,232
2015	0	22	5,651
2016	0	27	5,457
2017	0	23	4,715
2018	1	11	4,252

Year	Alpha	Warren County	New Jersey
2019	0	25	4,090
2020	0	15	3,599
2021	0	20	4,002
2022	0	21	3,837
2023	0	29	3,335
<b>Annual Average</b>	<b>0.1</b>	<b>22</b>	<b>4,679</b>
<i>Source: N.J. Department of Community Affairs, Division of Codes and Standards</i>			

Compared to Warren County and the rest of the state, a paltry amount of office space, which is classified as either “new” or “addition,” has been constructed in Alpha since 2004. As shown in Table 37, 2017 is the only year to have office growth, when the borough issued construction permits for 1,580 square feet of additional space. No new office space retail space of any kind has been constructed during the period of 2004 through 2023. This is unlike Warren County, which has experienced office and retail growth over the same period.

**Table 37: Nonresidential Construction, Office and Retail, 2004-2023**

Year	Alpha		Warren County		New Jersey	
	Office	Retail	Office	Retail	Office	Retail
2004	0	0	234,943	161,345	12,219,068	4,911,257
2005	0	0	66,570	190,572	11,038,132	5,965,258
2006	0	0	107,775	42,577	11,113,555	5,186,662
2007	0	0	129,264	116,543	9,569,501	5,423,889
2008	0	5,992	71,339	6,419	7,962,998	5,557,101
2009	0	0	9,683	61	4,253,888	2,248,935
2010	0	0	25,394	224,381	5,496,579	2,192,231
2011	0	0	31,870	21,890	4,915,544	1,680,445
2012	0	0	21,050	25,750	7,395,704	2,088,658
2013	0	0	12,141	1,930	5,830,508	2,240,758
2014	0	0	16,249	7,205	5,426,729	3,536,522
2015	0	0	162,906	17,119	5,751,737	3,544,141
2016	0	0	84,378	9,778	7,183,084	2,913,461
2017	1,580	0	55,060	28,534	6,826,372	2,153,638
2018	0	0	10,178	22,442	5,316,607	3,122,448
2019	0	0	8,471	6,847	5,724,671	1,286,733
2020	0	0	10,300	23,044	5,525,377	2,023,918
2021	0	0	74,578	3,163	5,074,155	786,303
2022	0	0	19	655	7,716,195	622,440

2023	0	0	10,267	165	6,406,348	1,257,019
<b>20-Year Avg.</b>	<b>79</b>	<b>300</b>	<b>57,122</b>	<b>45,521</b>	<b>7,037,338</b>	<b>2,937,091</b>

*Source: N.J. Department of Community Affairs, Division of Codes and Standards*

## **PLANNING PROJECTIONS**

Warren County is served by the North Jersey Transportation Planning Authority (NJTPA), one of New Jersey's three metropolitan planning organizations. NJTPA forecasts population and employment projections to help anticipate the long-range planning needs of the North Jersey portion of the New York metropolitan area.

The organization forecasts that Alpha will have equal population growth and slightly less household growth than Warren County for the period of 2015 through 2050. Specifically, Alpha is projected to have an annualized growth of 0.1% for population and 0.1% for households, compared to 0.2% for the county. As projected by NJTPA, Alpha would have 2,432 residents and 1,036 households in 2050. The forecast growth for population and households is well below what is projected for the state as a whole.

**Table 38: Long-term Population, Household and Employment Forecasts**

	<b>Alpha</b>	<b>Warren County</b>	<b>New Jersey</b>
Population, 2015	2,334	107,226	6,688,013
Population, 2050	2,432	115,320	7,743,120
<i>Annualized % Population Change 2015-2050</i>	<i>0.1%</i>	<i>0.2%</i>	<i>0.4%</i>
Households, 2015	964	41,549	2,444,799
Households, 2050	1,036	47,254	2,868,943
<i>Annualized % Household Change 2015-2050</i>	<i>0.2%</i>	<i>0.4%</i>	<i>0.5%</i>
Employment, 2015	900	35,247	2,910,458
Employment, 2050	935	39,410	3,375,651
<i>Annualized % Employment Change 2015-2050</i>	<i>0.1%</i>	<i>0.3%</i>	<i>0.4%</i>

*Source: NJTPA Current Board Approved Forecasts 9/13/2021*

## **Appendix 3**

**OPERATING MANUAL**

**THE ADMINISTRATION OF**

**HOUSING REHABILITATION PROGRAM**

**WARREN TOWNSHIP/ SOMERSET COUNTY /NJ**



*Prepared by:*

*Rehabco, Inc.  
470 Mantoloking Road  
Brick NJ 08723*

*April 16, 2019  
Amended: July 9, 2019*



**WARREN TOWNSHIP  
REHABILITATION PROGRAM OPERATING MANUAL CHECKLIST  
Standards**

	<b>Eligible Participants</b>
<input type="checkbox"/>	Categories of Participants –Owners/Renters
<input type="checkbox"/>	Income Limits – The carrying costs of the unit should meet COAH criteria.
<input type="checkbox"/>	Certification of Substandard – List Major Systems
	<b>Available Benefits</b>
<input type="checkbox"/>	Program Financing – Owners/Renters
<input type="checkbox"/>	Program Affordability Controls
<input type="checkbox"/>	Program Affordability Controls – Owner-occupied – Lien
<input type="checkbox"/>	Program Affordability Controls – Renter-occupied – Deed and may include a lien
	<b>Eligible Property Improvements</b>
<input type="checkbox"/>	Eligible property improvements - Sample related work
<input type="checkbox"/>	Ineligible property improvements
<input type="checkbox"/>	Rehabilitation Standard
<input type="checkbox"/>	Certification of Standards required
	<b>Overview of Administrative Procedures</b>
<input type="checkbox"/>	Preliminary Application/Interview – Owners/Renters
<input type="checkbox"/>	Income Eligibility and Program Certification – Documents to be submitted Owners/Renters – period of eligibility
<input type="checkbox"/>	Housing Inspection/Substandard Certification
<input type="checkbox"/>	Ineligible Properties – The total debt must be less than the appraised price.
<input type="checkbox"/>	Work Write-up and Cost Estimate
<input type="checkbox"/>	Contractor Bidding Negotiations – Minimum- 3 Bids
<input type="checkbox"/>	Contractor Signing/Pre-Construction Conference – 15 days to begin work and 90 days complete work
<input type="checkbox"/>	Progress Inspections
<input type="checkbox"/>	Change Orders
<input type="checkbox"/>	Payment Schedule
<input type="checkbox"/>	Appeal Process – Property Improvements
<input type="checkbox"/>	Final Inspection
<input type="checkbox"/>	Recorded Mortgage, Mortgage Note/Lien
	<b>Income Eligibility Certification</b>
<input type="checkbox"/>	Verification documentation required
<input type="checkbox"/>	Eligible Income/Ineligible Income
<input type="checkbox"/>	Appeal Process – Income Eligibility
	<b>Contractor Related Procedures</b>
<input type="checkbox"/>	Standards for contractor selection – 3 recent job references, licenses, evidence of financial stability , workmen’s compensation, BI and PD \$500,000 minimum
<input type="checkbox"/>	At least 3 proposals required – –15 days in which to submit bid – bids must fall within max of 20% of cost estimate – award to lowest bidder
<input type="checkbox"/>	Contractor Requirements – work schedule and agreement
<input type="checkbox"/>	List of Pre-qualified Contractors

	<b>Maintenance of Records</b>
<input type="checkbox"/>	List documents to be filed
<input type="checkbox"/>	Rehabilitation Log
<input type="checkbox"/>	Monitoring Information required
	<b>Program Marketing</b>
<input type="checkbox"/>	Notice of Public Hearing
<input type="checkbox"/>	Program Flyer
<input type="checkbox"/>	Program Brochure
	<b>Rental Units</b>
<input type="checkbox"/>	Include overview of local rental process
<input type="checkbox"/>	<b>Affirmative Marketing</b>
<input type="checkbox"/>	Approved Affirmative Marketing Plan included
<input type="checkbox"/>	Marketing of re-rentals
<input type="checkbox"/>	Regional preference?
<input type="checkbox"/>	Rehabco to implement marketing of re-rentals
<input type="checkbox"/>	Sample marketing materials, including a sample display ad and PSA
<input type="checkbox"/>	<b>Random Selection &amp; Applicant Pool</b>
<input type="checkbox"/>	Preliminary income eligibility will be required prior to the lottery process
<input type="checkbox"/>	A pool of applicants will be maintained
<input type="checkbox"/>	Applicant pools will be by bedroom size and income
	<b>Matching Households to Available Units</b>
<input type="checkbox"/>	Households will be matched to available units according to COAH guidelines
<input type="checkbox"/>	<b>Household Certification</b>
<input type="checkbox"/>	Standards for reviewing applicant household eligibility and certifying applicant households
<input type="checkbox"/>	Verification documentation required
<input type="checkbox"/>	Eligible Income/Ineligible Income
<input type="checkbox"/>	Maximum Monthly Payment
<input type="checkbox"/>	Housing Counseling
<input type="checkbox"/>	Basis for Dismissing Applications
<input type="checkbox"/>	Appeals – Income Eligibility
<input type="checkbox"/>	<b>Determining Affordable Rents</b>
<input type="checkbox"/>	Determining Initial Rents
<input type="checkbox"/>	Determining Rent Increases
<input type="checkbox"/>	<b>No Application Fees</b>
<input type="checkbox"/>	<b>Violations, Defaults and Remedies</b>
<input type="checkbox"/>	<b>Maintenance of Records for Rental Program</b>
<input type="checkbox"/>	Lists documents to be filed
<input type="checkbox"/>	Monitoring information
<input type="checkbox"/>	<b>Appendices</b>
<input type="checkbox"/>	Mortgage
<input type="checkbox"/>	Deed (Rental Units)

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**Section IX. Program Marketing****INTRODUCTION**

The Warren Township Housing Rehabilitation Program Operating Manual has been prepared to assist in the administration of the Warren Township Housing Rehabilitation Program. It will serve as a guide to the program staff and applicants.

This manual describes the basic content and operation of the program, examines program purposes and provides the guidelines for implementing the program. It has been prepared with a flexible format allowing for periodic updates of its sections, when required, due to revisions in regulations and/or procedures.

This manual explains the steps in the rehabilitation process. It describes the eligibility requirements for participation in the program, program criteria, funding terms and conditions, cost estimating, contract payments, record keeping and overall program administration.

The following represents the procedures developed to offer an applicant the opportunity to apply to the program.

**A. Fair Housing and Equal Housing Opportunities**

It is unlawful to discriminate against any person making application to participate in the rehabilitation program or rent a unit with regard to race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, disability, nationality, sex, gender identity or expression or source of lawful income used for mortgage or rental payments.

For more information on discrimination or if anyone feels they are a victim of discrimination, please contact the New Jersey Division on Civil Rights at 1-866-405-3050 or <http://www.state.nj.us/lps/dcr/index.html>.

## **SECTION I. ELIGIBLE PARTICIPANTS**

### **A. Categories of Participants**

Both owner-occupied and renter-occupied housing units with the Township of Warren are eligible to receive funding for housing rehabilitation provided that the occupants of the units are determined to be low- or moderate-income households and that the units are determined to be substandard. Owners of rental properties do not have to be low- or moderate-income households. If a structure contains two or more units and an owner, who is not income eligible, occupies one-unit funding may be provided for the rehabilitation of the rest of the units if income-eligible households occupy those units. Rents must be affordable to low- or moderate-income households after rehabilitation. The lien/mortgage will be “perpetual” in nature in instances where the landlord does not reside at the unit. In all other housing rehabilitation projects, the mortgage/lien will be “forgivable” after a period of ten (10) years.

Warren Township’s Housing rehabilitation program is administered by Rehabco, Inc., an experienced company, that has provided rehabilitation services for over 30 years.

### **B. Income Limits for Participation**

The occupants of the units must have incomes that fall within the income guidelines established for Somerset County by the NJ Department of Community Affairs (DCA) and the Affordable Housing Professionals of New Jersey (AHPNJ) or NJ Superior Court.

For owner-occupied units, the carrying costs of the unit (taxes, mortgage and insurance) should meet DCA criteria (less than 33% of gross income for families, less than 40% of gross income for seniors).

The Warren Housing Rehabilitation Program will strive to provide that low-income households occupy at least 50 percent of the units rehabilitated.

The Warren Housing Rehabilitation Program is funded with township affordable housing trust funds NJDCA income limits are therefore utilized.

### **C. Program Area**

This is a municipal-wide program. The rehabilitation property must be located in Warren Township.

### **D. Certification of Substandard**

The purpose of the program is to bring substandard housing up to code. Substandard units are those units requiring repair or replacement of at least one major system. A major system is any one of the following:

1. Roof
2. Plumbing (including wells)
3. Heating
4. Electrical
5. Sanitary plumbing (including septic systems)
6. Load bearing structural systems
7. Lead paint abatement
8. Weatherization (building insulation for attic, exterior walls and crawl space, siding to improve energy efficiency, replacement storm windows and storm doors and replacement windows and doors)

Code violations will be determined by an inspection conducted by a qualified housing inspector.

## **SECTION II. AVAILABLE BENEFITS**

### **A. Program Financing**

Up to \$18,000 per unit may be available for improvements to eligible owner-occupied and renter-occupied units. As per the housing contract, a certain amount of the housing-rehabilitation funding available for the program will be used for the operation of the program.

### **B. Owner-occupied Units**

**All funds are provided in a first-come, first-serve basis from the township and said funds are finite for the rehabilitation for the owner occupied units.**

### **C. Renter-occupied Units**

**Warren Township funds will also aide in the rehabilitation for the renter-occupied units.**

Housing rehabilitation investment will average at least \$18,000 per unit.

Financing of Warren's Housing Rehabilitation Program is structured to encourage rehabilitation and continued occupancy. If an owner-occupied housing unit is sold prior to the end of the controls on affordability, the entire deferred loan/grant is recaptured and used to rehabilitate another housing unit, unless the unit is sold to a low- or moderate-income household at an affordable price pursuant to N.J.A.C. 5:94-7.

### **D. Program Affordability Controls**

Ten-year controls on affordability on both owner-occupied units and rental units are required.

**E. Owner-occupied Affordability Controls**

On owner-occupied units, the controls on affordability are in the form of mortgage, mortgage note/lien

**F. Renter-occupied Affordability Controls**

For rental units, the controls on affordability are in the form of a deed restriction. 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 must require the unit to be rented to a low- or moderate- income household at an affordable price and affirmatively marketed pursuant to the N.J.A.C. 5:94-7. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:94-7.

**G. Subordination**

Warren will agree to the subordination of a loan if the mortgage company supplies an appraisal showing that the new loan plus the balance on the old loan does not exceed 95% of the appraised value of the unit. Additionally, for an owner-occupied unit, the household must be re-certified as low- or moderate-income. Warren Township's deferred loan will be in 2<sup>nd</sup> position to the primary mortgage, all subordinations must be approved by the Warren Township Committee.

**SECTION III. ELIGIBLE PROPERTY IMPROVEMENTS****A. Eligible Improvements**

Housing rehabilitation funds may be used only for repairs or system replacements necessary to bring a substandard unit into compliance with municipal health, safety and building codes, applicable code violations, as well as any other cosmetic work that is reasonable and deemed necessary or is related to the necessary repairs.

At least one major system must be replaced or included in the repairs, which include one of the following:

- Roof
- Plumbing (including wells)
- Heating
- Electrical
- Sanitary plumbing (including septic systems)
- Load bearing structural systems
- Lead paint abatement
- Weatherization (building insulation for attic, exterior walls and crawl space, siding to improve energy efficiency, replacement storm windows and storm doors and replacement windows and doors)



The related work may include, but not be limited to the following:

- Interior trim work,
- Interior and/or exterior doors
- Interior and/or exterior hardware
- Window treatment
- Interior stair repair
- Exterior step repair or replacement
- Porch repair
- Wall surface repair
- Painting
- Exterior rain carrying system repair

#### **B. Ineligible Improvements**

Work not eligible for housing rehabilitation funding includes but is not limited to luxury improvements (improvements which are strictly cosmetic), additions, conversions (basement, garage, porch, attic, etc.), repairs to structures separate from the living units (detached garage, shed, barn, etc.), furnishings, pools and landscaping. If determined unsafe, stoves may be replaced. The replacement or repair of other appliances is prohibited. Rehabilitation work performed by property owners will not be funded under this program.

#### **C. Rehabilitation Standards**

Upon rehabilitation, housing deficiencies will be corrected and the unit will comply with the New Jersey State Housing Code, N.J.A.C. 5:28. For construction projects that require the issuance of a construction permit pursuant to the Uniform Construction Code, the unit must also comply with the requirements of the Rehabilitation Subcode (N.J.A.C. 5:23-6). In these instances, the more restrictive requirements of the New Jersey State Housing Code or the Rehabilitation Subcode will apply. For projects that require construction permits, the rehabilitated unit will be considered complete at the date of final approval pursuant to the Uniform Construction Code.

#### **D. Certification of Standard**

All code deficiencies noted in the inspection report must be corrected and rehabilitated units must be in compliance with the standards proscribed in sub-section C above upon issuance of a certificate of completion or occupancy. The qualified inspector must certify any structure repaired in whole or in part with rehabilitation funds to be free of any code violations.

Warren will provide funding through the program for repairs in emergency situations.

- E. Emergency Repairs-**A situation relating to a safety and/or health hazard for the occupants would constitute an emergency. A municipal inspector will confirm the need for such work. In emergency cases, the formal solicitation process will not be followed. A minimum of three (3) estimates will be obtained when possible for the “emergency” work. However, eligibility, as stated in Section I, subsection B, must be determined prior to soliciting estimates. Application for additional non-emergency work will be made in accordance with the procedures outlined in this Operating Manual. AND



The funding for the emergency work and any additional rehabilitation will not exceed the program financing provisions in Section II, sub-section A of this Manual. The regulations of the New Jersey Contracts Law will be followed.

#### **SECTION IV. OVERVIEW OF ADMINISTRATIVE PROCEDURES**

##### **A. Application/Interview**

Property owners interested in participating in the housing rehabilitation program may submit preliminary applications to the program staff. Preliminary applications are available at the following locations:

- Warren Township Administrator's Office,  
located at Warren Town Hall, 46 Mountain Boulevard, Warren NJ 07059

-or-

- Rehabco, Inc. Office, 470 Mantoloking Road, Brick NJ 08723  
Email: [Rehabco@aol.com](mailto:Rehabco@aol.com) and applications at [www.rehabconj.com](http://www.rehabconj.com)

Upon request, the program staff will mail a preliminary application to an interested property owner.

If after the program staff reviews a preliminary application an owner-occupant appears to be income eligible, an interview will be arranged with the applicant for a formal application to the program. At the time of the interview, the applicant must present required documentation. Applicants for rental rehabilitation funding must provide a list of tenants and the rents paid by each. The program staff will contact the tenants to provide evidence of income eligibility of the occupants of the units.

**Applications will be processed in the order of receipt.**

The Program will deviate from the rank order for emergency situations as stated above.

Only emergency situations are handled out of the order of receipt.

##### **B. Income Eligibility and Program Certification**

For the households seeking a determination of income eligibility, both owner-occupants and renter-occupants, all wage earners 18 years of age or older in the household must submit appropriate documentation to document the household income, as further described below.

Property owners of both owner-occupied and renter-occupied units must submit the following documentation:

- Copy of the deed to the property.
- Proof that property taxes and water and sewer bills are current.
- Proof of property insurance, including liability, fire and flood insurance where necessary.
- Signed copies of the previous year's Federal and State Income Tax Returns.
- Documentation of all taxable and non-taxable income received by all household members. This includes: Wages (pay stubs), Pension, Annuity, Disability, Unemployment, Social Security & Supplemental, Interest, Dividends, Welfare, Alimony, Child Support, Capital Gains, Business Income, Rental Property Income, Public Assistance, Income received from child care or home cleaning etc.
- Income documentation for household minors and full-time students is required, but will be waived in determining household gross annual income.

If after review of the income documentation submitted an applicant is determined to be ineligible, the applicant will receive a letter delineating the reasons for the determination of ineligibility. An applicant may be determined ineligible if the applicant's or each tenants' income exceeds DCA income limits or, for owner occupied units, if the carrying costs of the unit (taxes, mortgage, insurance exceed NJDCA's criteria (less than 33% of gross income for families, less than 40% of gross income for seniors).

*After the initial interview (which may be held in person or over the phone) and the program staff has substantiated that the occupant is income-eligible, a Letter of Eligibility will be forwarded to the applicant.*

*Upon confirmation of income- eligibility of the applicant or the applicant's tenants, the program staff will send a letter to the applicant certifying the applicant's and or tenant's eligibility. Eligibility will remain valid for six months. If the applicant has not signed a contract for rehabilitation within six months of the date of the letter certifying eligibility, the applicant will be required to reapply for certification.*

### **C. Housing Inspection/Substandard Certification**

Once determined eligible, the program staff will arrange for a qualified housing/building code inspector to inspect the entire residential property.

The program inspector will inspect the house, take photographs, and certify that at least one major system is substandard. All required repairs would be identified.

#### **D. Ineligible Properties**

If after review of the property documentation submitted and the inspection report and/or work write-up an applicant's property is determined to be ineligible, the program staff will send a letter delineating the reasons for the determination of ineligibility. An applicant's property may be determined ineligible for any one of the following reasons:

- Property does not need sufficient repairs to meet eligibility requirements.
- Real estate taxes are in arrears.
- Proof of property insurance not submitted.
- Property is listed for sale.
- Property is in foreclosure.
- Total debt on the property will exceed the value of the property.

If after review of the property documentation submitted and the inspection report and/or work write-up an applicant's property is determined to be eligible, the inspector will then certify that the dwelling is substandard by completing and signing the appropriate form and submitting this to the program staff.

#### **E. Cost Estimate**

The program staff will prepare or cause to be prepared a Work Write-up and Cost Estimate. This estimate will include a breakdown of each major work item by category as well as by location in the house. It will contain information as to the scope and specifics on the materials to be used. A Cost Estimate will be computed and included within the program documentation. The program staff will review the Preliminary Work Write-up with the property owner.

Only required repairs to units occupied by income eligible households will be funded through the housing rehabilitation program.

#### **F. Contractor Solicitation**

After the unit and the unit occupant have been certified as eligible, the program staff will bid the project to the general public through various forms of printed and electronic media. The project solicitation opening will be arranged and coordinated by Rehabco Inc. at their offices or at Warren Town Hall to be determined by the Township's Purchasing Agent. Rehabco will review the solicitations for price and suitability. The lowest responsible trade contractor will then be selected. If the property owner wishes to use a contractor other than the lowest responsible bidder, the property owner must pay the difference between the lowest bid price and the bid price of the selected contractor.

### **G. Contract Signing/Pre-Construction Conference**

Rehabco staff will communicate with the property owner to review all bids by the various trades. This review will include a Final Work Write-up and Cost Estimate. The Contractor Agreement will be prepared by the program staff, as well as the Property Rehabilitation Agreement covering all the required terms and conditions.

Rehabco will then call a Pre-Construction Conference. Documents to be executed at the Pre-construction Conference include: Contractors Agreement(s) and a Mortgage/Lien and Mortgage Note. The property owner, program staff representative and contractor will execute the appropriate documents and copies will be provided as appropriate. A staff member will outline project procedures to which property owner must adhere. A Proceed to Work Order, guaranteeing that the work will commence within fifteen (15) calendar days of the date of the conference and be totally completed within ninety (90) days from the start of work, will be issued to each contractor at this Conference. All documents to be approved by the Township Attorney.

### **H. Progress Inspections**

The program staff will make periodic inspections to monitor the progress of property improvements. This is necessary to ensure that the ongoing improvements are in accordance with the scope of work outlined in the work write-up. It is the contractor's responsibility to notify the Building Inspector before closing up walls on plumbing and electrical improvements.

### **I. Change Orders**

If it becomes apparent during the course of construction that additional repairs are necessary or the described repair needs to be amended, the program staff will have the qualified professional(s) inspect the areas in need of repair and prepare a change order describing the work to be done. The applicant and the contractor will review the change order with the program staff and agree on a price. Once all parties approve of the change order and agree on the price, they will sign documents amending the contract agreement to include the change order. Additionally, if the applicant is not funding the additional cost, new financing documents will be executed reflecting the increase. All Change Orders to be approved by the Township Committee.

### **J. Payment Schedule**

The contract will permit, 50% Progress and 50% Final payments, on projects of \$18,000. If the project costs less than \$10,000, 100% payments will be released upon completion of the project. the remaining payments are divided accordingly. First payment is made when the project is 50 percent completed. Second payment is made when the project is 50 percent completed.

The contractor will submit a payment request. The applicant will sign a payment approval if both the applicant and housing/building inspector are satisfied with the work performed. The municipality will then release the payment.

Final payment will be released once all final inspections are made, a Certificate of Occupancy is issued (if applicable) and the program staff receives a Property Owner Final Inspection Report.

### **K. Appeal Process**

If an applicant does not approve a payment that the housing/building inspector has approved, the disputed payment will be appealed to the municipality's Building Inspector.

The municipality's Building Inspector will decide if the payment is to be released to the contractor or the contractor must complete additional work or correct work completed before the release of the payment. The municipality's Building Inspector decision will be binding on both the applicant and the contractor

### **L. Final Inspection**

Upon notification by the contractor that all work is complete and where required a Certificate of Occupancy has been issued, a final inspection is conducted and photographs taken. The program staff (or a representative), the property owner, and the necessary contractors must be present at the final inspection to respond to any final punch list items.

### **M. Record Restricted Covenant and Mortgage Documentation**

Program staff will file the executed Mortgage/Mortgage Note/Lien with the County Clerk.

### **N. File Closing**

After the final payment is made, the applicant's file will be closed by the program staff and rendered to the Township for filing in the official records archive.

## **SECTION V. PROCEDURE FOR INCOME-ELIGIBILITY CERTIFICATION**

### **A. Complete a Household Eligibility Determination Form**

The Warren Housing Rehabilitation program is funded with Township Housing Trust funds. The NJDCA income limits and NJDCA's income qualifying process will be utilized.

The program staff will require each member of an applicant household who is 18 years of age or older to provide documentation to verify income, pursuant to the Uniform Housing Affordability Controls at N.J.A.C. 5:80-16.1 et seq. (except for the asset test).<sup>1</sup> Income verification documentation should include, but is not limited to the following for each and every member of a household who is 18 years of age or older:

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<sup>1</sup> Asset Test – N.J.A.C. 5:80-26.16(b)3 which provides that if an applicant household owns a primary residence with no mortgage on the property valued at or above the regional asset limit as published annually by COAH, a certificate of eligibility shall be denied by the administrative agent, unless the applicant's existing monthly housing costs ...exceed 38 percent of the household's eligible monthly income.

- Four current consecutive pay stubs [including both the check and the stub], including bonuses, overtime or tips, or a letter from the employer stating the present annual income figure or if self-employed, a current Certified Profit & Loss Statement and Balance Sheet.
- Copies of Federal and State income tax returns for each of the preceding three tax years - A Form 1040 Tax Summary for the past three tax years can be requested from the local Internal Revenue Service Center or by calling 1-800-829-1040.
- A letter or appropriate reporting form verifying monthly benefits such as
  - Social Security or SSI – Current award letter or computer print out letter
  - Unemployment – verification of Unemployment Benefits
  - Welfare -TANF<sup>2</sup> current award letter
  - Disability - Worker's compensation letter or
  - Pension income (monthly or annually) – a pension letter
- A letter or appropriate reporting form verifying any other sources of income claimed by the applicant, such as alimony or child support – copy of court order or recent original letters from the court or education scholarship/stipends – current award letter.
- Current reports of savings and checking accounts (bank statements and passbooks) and income reports from banks or other financial institutions holding or managing trust funds, money market accounts, certificates of deposit, stocks or bonds (In brokerage accounts – most recent statements and/or in certificate form – photocopy of certificates).
- Evidence or reports of income from directly held assets, such as real estate or businesses.
- Interest in a corporation or partnership – Federal tax returns for each of the preceding three tax years.
- Current reports of assets – Market Value Appraisal or Realtor Comparative Market Analysis and Bank/Mortgage Co. Statement indicating Current Mortgage Balance. For rental property attach copies of all leases.

Rehabco uses an income chart/worksheet to help calculate an applicant's income. This summarizing document will prove useful in the event there is an appeal or question by the applicant concerning the calculation or during COAH monitoring visits. An applicant has 30 days to complete the submission of all required documentation.

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<sup>2</sup> TANF – Temporary Assistance for Needy Families

The following is a list of various types of wages, payments, rebates and credits. Those that are considered as part of the household's income are listed under Income. Those that are not considered as part of the household's income are listed under Not Income.

### ***Income***

1. Wages, salaries, tips, commissions
2. Alimony
3. Regularly scheduled overtime
4. Pensions
5. Social security
6. Unemployment compensation (verify the remaining number of weeks they are eligible to receive)
7. TANF
8. Verified regular child support
9. Disability
10. Net income from business or real estate
11. Interest income from assets such as savings, certificates of deposit, money market accounts, mutual funds, stocks, bonds
12. Imputed interest (using a current average annual rate of two percent) from non-income producing assets, such as equity in real estate. Rent from real estate is considered income, after deduction of any mortgage payments, real estate taxes, property owner's insurance.
13. Rent from real estate is considered income
14. Any other forms of regular income reported to the Internal Revenue Service

### ***Not Income***

1. Rebates or credits received under low-income energy assistance programs
2. Food stamps
3. Payments received for foster care
4. Relocation assistance benefits
5. Income of live-in attendants
6. Scholarships
7. Student loans



8. Personal property such as automobiles
9. Lump-sum additions to assets such as inheritances, lottery winnings, gifts, insurance settlements
10. Part-time income of dependents enrolled as full-time students
11. Court ordered payments for alimony or child support paid to another household shall be deducted from gross annual income

To calculate income, the current gross income of the applicant is used to project that income over the next 12 months.

### ***Student Income***

Only full-time income of full-time students is included in the income calculation. A full-time student is a member of the household reported to the IRS as a dependent who is enrolled in a degree seeking program for 12 or more credit hours per semester; and part-time income is income earned on less than a 35-hour workweek.

### ***Income from Real Estate***

If real estate owned by an applicant for affordable housing is a rental property, the rent is considered income. After deduction of any mortgage payments, real estate taxes, property owner insurance and reasonable property management expenses as reported to the Internal Revenue Service, the remaining amount is counted as income.

If an applicant owns real estate with mortgage debt, which is not to be used as rental housing, Rehabco will determine the imputed interest from the value of the property. Rehabco will deduct outstanding mortgage debt from the documented market value established by a market value appraisal. Based on current money market rates, interest will be imputed on the determined value of the real estate.

## **B. Records Documenting Household Composition and Circumstances**

The following are various records for documenting household information:

- Social Security records or cards. Either individual Social Security card or letter from Social Security Administration
- Adoption papers or legal documents showing adoption in process
- Income tax return
- Birth Certificate or Passport
- Alien Registration Card



C. Warren will certify the income eligibility of low- and moderate-income households by completing the application form and will provide the household with the original and keep a copy in the project files.

#### **D. Appeals**

An applicant's appeal regarding the Administrative Agent's (Rehabco, Inc.) initial determination of program income eligibility will be made to the Township Administrator. The Township Administrator will gather all pertinent information from the Administrative Agent's file, understand the income certification process as included in this Manual and make a determination as to income eligibility of applicant. This may or may not correspond to the initial determination of eligibility. Further appeals from all decisions of the Township Administrator must be made in writing to Warren Township Committee.

### **SECTION VI. MISCELLANEOUS PROGRAM ELEMENTS**

#### **A. Prior Participants**

Applicants cannot reapply to the Program while there is a Warren Township Housing Rehabilitation Program Deferred Loan Lien recorded against their property as follows:

1. The project was awarded a standing Deferred Loan..
2. A project was awarded a Deferred Loan(s) for both "Emergency Work" and remaining work items. If only "Emergency Work" has been completed, this will not apply until after the remaining work items have been contracted (when the application reaches the top of the Applicant Log List).

#### **C. Mortgage Subordination**

In instances where program participants (those who have received a loan/grant through the Township's Housing Rehabilitation Program) require the program's Mortgage/Lien to subordinate to a personal mortgage which either refinances their original mortgage; a loan is obtained, or their original mortgage is re-structured, the Township may agree to subordinate mortgage ranking. If this indeed is the case, the Township reserves the right to; a) charge a \$150 fee, and increase said fee in \$100 increments for each act of subordination, b) bar any subordinations within (6) months prior to the scheduled date of forgiveness of deferred loan, c) grant the Township Attorney's Office thirty (30) days from date of request and payment of fee, to review a mortgage subordination request, d) grant the Township's Chief Financial Officer (CFO) or Township Clerk to execute said mortgage subordination with the consent of the Township Attorney, and with specific Governing Body authorization through resolution approval.

## **SECTION VII. CONTRACTOR RELATED PROCEDURES**

### **A. Contractor Selection**

All general contractors are permitted to solicit projects through the Warren Township Housing Rehabilitation Program, however contractors must arrange for an appointment with Rehabco Inc. the program's administrator to ensure that the contractor is familiar with all procedures and policies of the program. Contractors must carry workmen's compensation coverage and liability insurance of at least \$1,000,000 for bodily injury, death or property damage. Only licensed tradesmen will be permitted to perform specialty work such as plumbing, heating and electrical. All contractors must obtain a "NJ Business Registration" certificate from the NJ Department of Treasury in order to solicit projects through the program and other documentation required in the bid solicitation process.

### **B. Number of Proposals Required**

Contractors must visit the property and submit solicitations prior to the opening date. The contract will be awarded to the lowest bidder<sup>3</sup>, provided that the housing/building inspector or the professional who drafted the work write-up certify that the work can be completed at the price bid and that the bid is reasonably close to the cost estimate.

### **C. Contractor Requirements**

Upon notification of selection, the contractor must submit all required insurance certification to the program staff. A contract signing conference will be called by the program staff to be attended by the property owner and contractor. At the time of Agreement execution, the contractor will sign a Contract prepared by the program staff. A "Business Registration Certificate" must be obtained by all contractors.

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<sup>3</sup> If the property owner wishes to use a contractor other than the lowest responsible bidder, the property owner must pay the difference between the lowest bid price and the bid price of the selected contractor.

## **SECTION VIII. MAINTENANCE OF RECORDS**

### **A. Files To Be Maintained on Every Applicant**

Rehabco will maintain files on every applicant. All files will contain a preliminary application. If an applicant's preliminary application is approved, and the applicant files a formal application, the file will contain at a minimum:

- Application Form
- Tenant Information Form (Rental Units Only)
- Income Verification
- Letter of Certification of Eligibility or Letter of Determination of Ineligibility

### **B. Files of applicants approved for the program will also contain the following additional documentation:**

- Housing Inspection Report
- Photographs - Before
- Certification of Property Eligibility or Determination of Ineligibility
- Proof of Homeowners Insurance
- Copy of Deed to Property

### **C. For properties determined eligible for the program where the applicants choose to continue in the program, the files will contain the following:**

- Work Write-Up/Cost Estimate
- Copies of Bids
- Applicant/Contractor Contract Agreement
- Recorded Mortgage, Mortgage Note/Lien Documents
- Copies of All Required Permits
- Contractor Requests for Progress Payments
- Progress Payment Inspection Reports
- Progress Payment Vouchers
- Change Orders (If needed)
- Final Inspection Report
- Photographs - After
- Certification of Completion
- Certification of Release of Contractor's Bond

Individual files will be maintained throughout the process by the administrative agent, Rehabco, and then transferred to municipal officials for retention when the last HOUSING rehabilitated unit is completed.

### **D. Rehabilitation Log**

A rehabilitation log will be maintained by the program staff that depicts the status of all applications in progress.

**E. Monitoring**

For each unit the following information must be retained to be reported annually:

- Street Address
- Block/Lot/Unit Number
- Owner/Renter
- Income: Very Low/Low/Mod
- Final Inspection Date
- Funds expended on Hard Costs
- Development Fees expended
- Funds Recaptured
- Major Systems Repaired
- Unit Below Code & Raised to Code
- Effective date of affordability controls
- Length of Affordability Controls (yrs)
- Date Affordability Controls removed
- Reason for removal of Affordability Controls

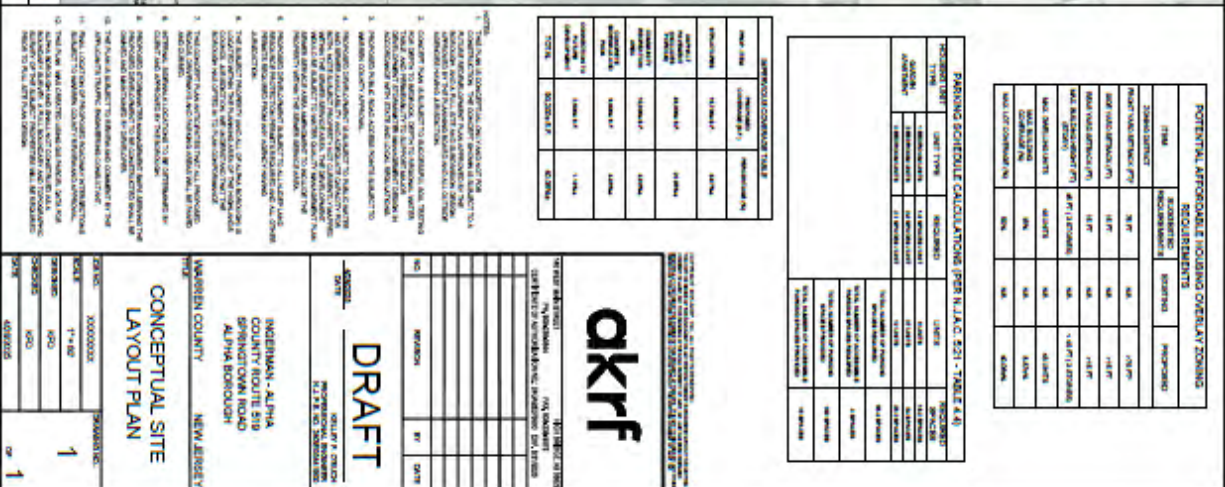
**SECTION IX. PROGRAM MARKETING**

The municipality will conduct a public meeting announcing the implementation of the housing rehabilitation program. For the term of the program, the municipality will include flyers once a year with the specifics of the housing rehab program. Program information will be available at the municipal building, library, and senior center and on the municipal website. Posters regarding the program will be placed in retail businesses throughout the municipality.

Prior to commencement of the program and periodically thereafter, the municipality will hold informational meetings on the program to all interested contractors. Each contractor will have the opportunity to apply for inclusion of the municipal contractor list.

## **Appendix 4**





## **Appendix 5**

# Alpha Borough Warren County

## Spending Plan

June 5, 2025

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James T. Kyle, PP, AICP  
New Jersey Professional Planning License No. 5667  
Kyle Planning and Design

The original copy has been signed and sealed in accordance with N.J.A.C. 13:41-1.3



**Borough of Alpha**

County of Warren

Spending Plan

June 2025

**INTRODUCTION**

Alpha Borough has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the region's affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301), the applicable regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:96-1 et seq.) as to the fourth round period, covering the period of July 1, 2025 to June 30, 2035.

As part of its strategy to further assist the provision of affordable housing in the Borough, Mayor and Council adopted a development fee ordinance applicable to both residential and nonresidential development, with funds collected to be placed in an affordable housing trust fund. The Borough's development fee ordinance is provided in Appendix 10 of the fourth round housing plan. As of June 5, 2025, the balance in the Borough's affordable housing trust fund is \$1,549,082.

**1. REVENUES FOR CERTIFICATION PERIOD**

To calculate a projection of revenue anticipated during the period of third round substantive certification, reflected in Table 1 on the following page, Alpha Borough 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 Land Use Board for development approvals that may apply for building permits and certificates of occupancy; and
3. Anticipated future development.

**(b) Projected interest:**

Interest on the projected revenue in the municipal affordable housing trust fund at the current annual percentage yield of 0.76% .

**Borough of Alpha**

County of Warren

Spending Plan

June 2025

Source of Funds	Table I Projected Revenues - Affordable Housing Trust Fund - 2025 through 2035											
	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
(a) Development Fees												
1. Development Pending Approval	\$1,854,438											\$1,854,438
2. Development Projected		\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$80,000
(b) Interest	\$11,773	\$3,127	\$3,127	\$3,127	\$3,127	\$3,127	\$3,127	\$3,127	\$3,127	\$3,127	\$3,127	\$43,043
<b>Total</b>	<b>\$1,866,211</b>	<b>\$11,127</b>	<b>\$11,127</b>	<b>\$11,127</b>	<b>\$11,127</b>	<b>\$11,127</b>	<b>\$11,127</b>	<b>\$11,127</b>	<b>\$11,127</b>	<b>\$11,127</b>	<b>\$11,127</b>	<b>\$1,977,481</b>

**Borough of Alpha**

County of Warren

Spending Plan

June 2025

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**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 Alpha Borough:

**(a) Collection of development fee revenues:**

Collection of development fee revenues shall be consistent with Alpha Borough's Development Fee Ordinance for both residential and non-residential developments in accordance with COAH's rules, P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7) and P.L. 2009, c. 90 (C. 40:55D-8.1 through 8.7).

**(b) Distribution of development fee revenues:**

The Administrative Agent and Municipal Housing Liaison (MHL) will review all requests/proposals for funding from the Borough's Housing Trust Fund to determine consistency with the approved Housing Element/Fair Share Plan and the approved Spending Plan and will prepare a report to the Borough Council with appropriate recommendations. All distributions from the Housing Trust Fund shall be authorized by a Resolution adopted by the Borough Council.

**3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS****(a) 100% Affordable Housing Project**

As outlined in the Borough's fourth round Housing Element and Fair Share Plan, Alpha will partner with Ingerman for a 100% affordable project of 48 units on Borough-owned land. In addition to donating land, the Borough will contribute \$3 million from the trust fund to assist project financing.

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

Based on the projected development fees to be collected less money collected for specific mechanisms, the projected minimum affordability assistance requirement is depicted in Table II on the following page.

**Borough of Alpha**

County of Warren

Spending Plan

June 2025

Table II Minimum Affordability Assistance - 2025-2035	
Actual Development Fees Through 6/5/2025	\$1,549,082
Development Fees Projected Through 6/30/2035	\$1,934,438
Interest Projected 2025-2035	\$43,043
<b>Total</b>	<b>\$3,526,563</b>
Less money collected for specific mechanisms	\$3,000,000
<b>Total</b>	<b>\$526,563</b>
30% Affordability Assistance	\$157,969
Projected Minimum Very-Low Income Affordability Assistance	\$47,391

The Borough will utilize the minimum 30% of development fees required for affordability assistance, or \$157,969, to render rental units more affordable to low and very low income households as specified in the affordability assistance manual adopted as part of the Housing Element and Fair Share Plan. This includes spending \$47,391 to render units affordable to very low income households.

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

Based on projected revenues and considering the 20% cap on administrative expenses, the Borough could expend up to \$705,313 on administrative expenses. True expenditures are expected to total less than \$10,000, as little in the way of administration is needed for the programs proposed.

Table III Administrative Expenses Maximum - 2025-2035	
Actual Development Fees Through 6/5/2025	\$1,549,082
Projected Development Fee and Interest Projected - 2025-2035	\$1,977,481
<b>Total</b>	<b>\$3,526,563</b>
20% Maximum	\$705,313

**Borough of Alpha**

County of Warren

Spending Plan

June 2025

**4. EXPENDITURE SCHEDULE**

Table IV presents an estimated schedule for expenditure of the projected revenues.

Program	Table IV Expenditure Schedule - Affordable Housing Trust Fund - 2025 through 2035											
	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	Total
Affordability Assistance	\$15,796	\$15,796	\$15,796	\$15,796	\$15,796	\$15,796	\$15,796	\$15,796	\$15,796	\$15,796	\$15,796	\$173,756
100% Affordable Project			\$3,000,000									\$3,000,000
Administrative Expenses	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$11,000
<b>Total</b>	<b>\$16,796</b>	<b>\$16,796</b>	<b>\$3,016,796</b>	<b>\$16,796</b>	<b>\$16,796</b>	<b>\$16,796</b>	<b>\$16,796</b>	<b>\$16,796</b>	<b>\$16,796</b>	<b>\$16,796</b>	<b>\$16,796</b>	<b>\$3,184,756</b>

**Borough of Alpha**

County of Warren

Spending Plan

June 2025

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**5. EXCESS FUNDS**

In the event of excess funds, the Borough will increase its allocations to the affordability assistance program, to the first month's rent very low income affordability assistance program and to permitted administration expenses (up to the limit of 20 percent of the excess funds collected).

**6. BARRIER FREE ESCROW**

Collection and distribution of barrier free funds shall be consistent with the Borough of Alpha's Affordable Housing Ordinance (see Section 6, Subsection 2, Accessibility Requirements).

**SUMMARY**

The Borough of Alpha intends to spend affordable housing trust fund revenues pursuant to applicable laws and consistent with the housing programs outlined in the Borough's adopted 2025 Fourth Round Housing Element and Fair Share Plan and in this Spending Plan.

The Borough will initially dedicate a total of \$157,969 to the required affordability assistance programs outlined in the affordability assistance manual included with the Borough's fourth round plan.

Excess funds, over and above the amounts projected to be collected, will be used to supplement affordability assistance programs and, to the extent available and permitted (up to the 20 percent cap), other administration of the Borough's affordable housing programs.

## **Appendix 6**

**BOROUGH OF ALPHA**  
**WARREN COUNTY, NEW JERSEY**  
**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 410 "ZONING", ARTICLE III "USE REGULATIONS" TO REPEAL THE  
CURRENT REQUIREMENTS AND REPLACE THIS SECTION IN ITS ENTIRETY**

**WHEREAS**, the Borough, as part of its fourth round Housing Element and Fair Share Plan, has identified municipal property current in the AH Affordable Housing Zone as being appropriate to accommodate a 100% affordable housing project where the Borough will partner with and contribute public resources to said project; and

**WHEREAS**, the Governing Body has endorsed the fourth round plan adopted by the Planning Board and is desirous of implementing the mechanism identified in that fourth round plan relative to municipal-owned property currently within the AH Affordable Housing Zone, which requires rezoning of the property.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Alpha, in the County of Warren and State of New Jersey as follows:

**Section I.**      **§410-16 shall be repealed in its entirety and replaced with the following text:**

**§ 410-16 AH Affordable Housing Zone.**

**A. Purpose.**

**(1)** The purpose of the AH District is to create a realistic opportunity for a 100% affordable housing project to be constructed in the Borough of Alpha to assist the Borough in meeting its fourth round affordable housing obligation. Special standards and procedures applicable to the AH District only are set forth herein to expedite the production of affordable housing.

**(2)** Any provision of this chapter or any other ordinance which is in conflict with this section and which imposes restrictions or limitations not otherwise required for health and safety, shall be inapplicable to the AH Zone.

**B. Application procedures.**

**(1)** The applicant shall submit all plans and documents to the Board for review and approval as required by Chapter **350**, Subdivision of Land, Chapter **315**, Site Plan Review, or any more recently enacted ordinance similarly entitled, as applicable. The Board shall distribute the plans to those agencies required by law to review and/or approve development plans and to all other municipal agencies which normally review development plans. The failure of a municipal agency to submit a report to the Board shall not extend the time for review and action by the Board.

**(2)** The technical advisors to the Board shall review the complete application for technical compliance and shall convey comments directly to the applicant's advisors in advance of the public hearing so that at the time of the public hearing the applicant will have had sufficient opportunity to resolve any technical problems associated with the submission. Daytime meetings shall be scheduled at the request of the applicant between the Board's technical advisors and the applicant's advisors for this purpose.

**(3)** The Board shall hold a public hearing in accordance with N.J.S.A. 40:55D-46 on the application. The Board shall take action on the application within 95 days from the date of submission of a complete application for preliminary or for simultaneous preliminary and final approval. If a subsequent final approval is sought, action on the final plan shall be taken by the Board within 30 days of the date a complete application is submitted.



**(4)** The applicant is encouraged to submit a concept plan for informal review by the Board pursuant to N.J.S.A. 40:55D-10.1 prior to the preparation of a preliminary development plan.

**(5)** The development plans submitted shall contain all of the information required by ordinance for the preparation of a site plan and/or a subdivision, as applicable, except that the Board may exempt the applicant from the requirement to submit full environmental, traffic and community impact statements, provided that the applicant submits specific data requested by the Board to facilitate its review which shall include, as a minimum, wetlands and stream encroachment analyses, if applicable, intersection studies and school population projections.

**C. Permitted uses.**

**(1) Principal uses.**

**(a)** Multifamily dwellings, all of which shall be affordable to low and moderate income households.

**(2) Accessory uses and structures.**

**(a)** Off-street parking facilities.

**(b)** Storage and maintenance buildings.

**(c)** Recreation uses including play areas and structures and dog parks.

**(d)** Community buildings.

**(e)** Customary accessory structures approved as part of the site plan for the development, including fences, walls, lampposts, trellises and the like, and customary utility structures.

**(f)** Signs in accordance with Article VII of this chapter.

**(g)** Solar panels mounted to the roof of a building.

**(h)** Electric vehicle charging stations and infrastructure.

**(i)** Utility structures including, but not limited to, transformers and hot boxes, which may be located in a required yard space.

**(j)** Trash enclosures.

**(k)** Stormwater management facilities, whether above the ground or below, including, but not limited to, basins, swales and rain gardens.

**D. Development, density and bulk requirements.**

**(1) Development requirements.** Development in the AH Zone shall be served by public water and sewerage systems.

**(2) Density.** The permitted gross density of development on the tract shall not exceed a total of forty-eight (48) units.

**(3) Setback requirements for multifamily dwellings:**

**(a)** There shall be the following minimum distances between buildings:

**[1]** Windowless wall to windowless wall: 20 feet.

**[2]** Window wall to windowless wall: 25 feet.

**[3]** Window wall to window wall:

**[a]** Front to front: 60 feet.

**[b]** Rear to rear: 50 feet.

**[c]** End to end: 30 feet.

**[4]** Any building face to curbface: 10 feet.

**(4) Coverage.** The maximum coverage by buildings shall not exceed 15%. The maximum coverage by all impervious surfaces, including buildings, shall exceed 50%.

**(5) Buffer areas.** No building, driveway or parking area shall be located within 75 feet of any tract boundary line, except that this requirement shall not apply to a tract boundary abutting an existing railroad right-of-way or publicly owned land, where a minimum setback of 15 feet shall be provided. Stormwater management facilities may be located within the required 75 foot buffer provided it contains vegetation.

**(6) Building height.** No building shall exceed 3.5 stories in height, nor shall any building exceed 45 feet in height.

**(7)** Parking shall be provided for all residential uses in accordance with the Residential Site Improvement Standards (N.J.A.C. 5:21).

**(8)** Parking spaces in common parking areas shall be located within 250 feet of the dwelling unit served.

**(9)** All required parking shall be provided off-street, except that nothing herein shall be construed to prohibit additional nonrequired, on-street parallel parking spaces, provided the street width is appropriately designed.

**F. Affordable housing requirements.** Affordable housing units are required to be constructed in accordance with the following:

**(1)** Affordability requirements. The affordable housing units constructed shall comply in all respects with the requirements of the Borough's Affordable Housing Ordinance and the Uniform Housing Affordability Controls.

**(2)** Administration and marketing costs. The developer shall assume all of the costs of administering the terms of the Affordable Housing Ordinance (through a third-party affordable housing administration agency selected by the Borough) as well as the costs of implementing the Affirmative Marketing Plan for the affordable housing units in the development.

**G. Engineering and construction design standards.** The standards for engineering and construction of the project shall be governed by the Residential Site Improvement Standards and by the provisions of this section.

**(1)** Lighting.

**(a)** Streetlighting shall be provided at all street intersections and along all collector and local streets, parking areas and anywhere else deemed necessary for safety reasons.

**(b)** Any outdoor lighting such as building and sidewalk illumination, driveways with no adjacent parking, the lighting of signs, and ornamental lighting shall be shown on the lighting plan in sufficient detail to allow a determination of the effects upon adjacent properties, roads, and traffic safety from glare, reflection and overhead sky glow in order to recommend steps needed to minimize these impacts.

**(c)** The average intensity of lighting in parking areas and along buildings and walkways shall average a minimum of 0.5 footcandles.

**(d)** Light intensity along all tract boundaries shall not exceed 0.2 footcandles.

**(2)** Landscaping. Provisions shall be made for the preservation of existing trees and natural features to the extent possible. All disturbed areas shall be landscaped. Landscaping shall be provided as follows:

**(a)** Shade trees shall be planted along all streets and in common parking areas. Such trees shall be a minimum of two inches in caliper at time of planting, shall be native to the area, and shall be planted a minimum of 50 feet on center along both sides of all streets and common parking areas. The Planning Board shall approve the choice of plantings.

**(b)** Buffer areas shall be left in a natural state wherever trees and shrubbery exist which are outside the limits of disturbance; otherwise, buffer areas shall be planted with conifers, six feet to eight feet high at time of planting, twenty feet on center at the rate of one tree per 500 square feet of buffer area.

**(c)** All disturbed areas shall be planted in grass or ground cover.

**(d)** All plantings shall be of nursery stock, balled and burlapped, healthy and free of disease, and guaranteed for at least two growing seasons.

## **Section II.      *Severability***

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Township of Mantua declares that it would have passed the ordinance and each

section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

**Section III.**      ***Effective Date.***

This ordinance shall take effect immediately upon passage and publication according to law.

APPROVED: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
Borough Clerk

Introduced:

Adopted:

## **Appendix 7**

FOR-SALE UNIT AFFORDABILITY ASSISTANCE PROGRAM  
AND RENTAL UNIT AFFORDABILITY ASSISTANCE PROGRAM

**FOR-SALE UNIT AFFORDABILITY ASSISTANCE PROGRAM**

Down Payment Loan Program

The Borough may offer a Down Payment Assistance Loan program to qualified purchasers of households earning 80% or less of median income of the housing region. To be eligible for the loan, the qualified Buyer must be able to supply 3% of the down payment with the Buyer's own funds, plus additional closing costs that exceed the amount of the loan. No gifts or other loans may be used to fund the 3% down payment amount, but may be used to fund additional closing costs. The loan amount may be made up to ten percent (10%) of the purchase price.

The Borough must approve the Buyer's qualifications and need for the loan. The loan has no prepayment penalty. It is due and payable when the Buyer resells, borrows against the property or refinances the First Purchase Money Mortgage. The loan may be subordinated only to the First Purchase Money Mortgage. When calculating the borrowing capacity of the homeowner and the equity in the property, this loan must be included. The Buyer must sign a mortgage and mortgage note to the Borough.

Payment of Closing Costs

Eligible Buyers may receive payment of closing costs, i.e., title work and policy, reasonable attorney's fees for closing of title, preparation of survey, homeowners insurance, recording fees and other necessary closing expenses to third parties, not to exceed one thousand five hundred dollars (\$1,500.) per unit. This assistance shall be in the form of a grant. Total buyer assistance grants, which include Payment of Closing Costs and Payment of Lender Fees, shall not exceed three thousand dollars (\$3,000) per unit. Utility deposits, i.e., gas and electric, paid to utility companies are to be returned to the Town Affordable Housing Trust Fund upon resale of the unit. The buyer will execute documents required to secure payment to the Borough of Alpha.

Payment of Lender Fees

Eligible Buyers may receive payment of lender fees, i.e., mortgage points, application fees, appraisal fees, bank attorney review fees, and necessary mortgage closing expenses, not to exceed one thousand five hundred dollars (\$1,500.) per unit. This assistance shall be in the form of a grant. Total buyer assistance grants, which include Payment of Closing Costs and Payment of Lender Fees, shall not exceed three thousand dollars (\$3,000) per unit.

Administration of Alpha's Affordability Assistance Programs will be managed by the Affordable Housing Administrative Agent. The availability of the program shall be advertised continually on the Borough's website. The following administrative process is applied to the For-Sale Unit Affordability Assistance Program:

1. The Buyer contacts the Administrative Agent to confirm that he/she wants to receive Down Payment Assistance.
2. The Buyer must present proof to the Administrative Agent that he/she is qualified for Affordable Housing in the Alpha.
3. Buyer must produce an exact copy of a signed Real Estate Contract for an affordable housing unit in the Borough, which indicates clearly the full amount of the purchase price. Buyer must provide the Administrative Agent with the full name, address, phone number, and fax number of the Buyer's Attorney or Settlement Agent so that the Attorney or Settlement Agent can review and approve any and all documents required for the loan.
4. The Administrative Agent contacts the Realtor or Developer for confirmation of the sale of the unit, and the name of the Attorney handling the sale for the Developer at closing.
5. The amount of the Down Payment Assistance loan is verified (not to exceed ten percent of the Purchase Price) so that a Mortgage Note, Mortgage, and Repayment Agreement can be prepared by the Administrative Agent.
6. The amount of the Down Payment Assistance must be disclosed to the Lender, so that the Lender can accurately prepare the First Mortgage documents. The Buyer must give a copy of the First Mortgage Commitment to the Administrative Agent upon receipt of same, so that the Lender can receive full information about the Down Payment Assistance Loan, which shall constitute a Second Mortgage on the premises. The Lender must approve the secondary financing. The Borough Affordable Housing Attorney will contact the Lender once the Affordable Housing Attorney has a copy of the First Mortgage Commitment.
7. The Borough Finance Department will generate the necessary forms and obtain Borough Council approval for it to issue an Affordable Housing Trust Fund check payable to the Seller's Attorney or Settlement Agent, so that the Down Payment Assistance check can be deposited into the Seller's Attorney Trust Account or Settlement Agent Trust Account pending Closing of Title. The letter and check to the Seller's Attorney or Settlement Agent shall state that the deposit money must be returned to the Town if the closing is canceled, or if the sale is declared null and void. If

there is a Closing of Title, the Down Payment Assistance money shall be released to the Seller. This money shall be shown on the Closing Statement as a deposit, with credit given at closing to the Buyer. The Buyer must fully execute the Mortgage Note, Mortgage, and Repayment Agreement at the Closing of Title before any money is released.

8. The Seller's Attorney or Settlement Agent shall verify that the Mortgage Note, Mortgage, and Repayment Agreement have been properly executed, and shall file the original Mortgage with the County Clerk to protect the Borough's Second Mortgage on the property and return the Filed Mortgage to Affordable Housing Attorney along with the original Mortgage Note and Repayment Agreement.

## **RENTAL UNIT AFFORDABILITY ASSISTANCE PROGRAM**

### Rental Assistance

Alpha may offer a Rental Assistance Program that is managed by the Administrative Agent. Eligible recipients of the program are renters who qualify for a very-low, low- or moderate-income rental unit. The following assistance is available to very-low, low- and moderate-income households:

1. Payment of "moving expenses" based upon verified receipts, in an amount not to exceed one thousand five hundred dollars (\$1,500.) per household.
2. Rental security deposit -Deposits paid to landlord to be returned to the Borough's Affordable Housing Trust Fund upon termination of tenancy.
3. First-month rent – first month's rent paid to the landlord.

Administration of Alpha's Rental Unit Affordability Assistance Programs will be by the Administrative Agent. The availability of the program shall be advertised continually on the Borough's website. After an applicant is income qualified by the Administrative Agent pursuant to the Uniform Housing Affordability Controls, the applicant will complete and provide an affordability assistance application to the Administrative Agent.

For qualified and approved payment of moving expense, rental security deposit assistance and first month rent assistance, the Administrative Agent will follow the Borough's purchasing and requisition process for generating a check that is made out to the applicant. Once the check is produced, the Administrative Agent provides it to the applicant.

The affordability assistance recipient will sign a contract with the Borough which states, at a minimum: the amount of funds granted, interest information, procedures, duration and conditions of affordability assistance, and repayment information if required.

The availability of any Affordability Assistance Programs must be noticed to all tenants of affordable units within Alpha and provided to all administrative agents of affordable units within the Town and advertised on the Town's website.

An income eligible occupant or applicant for an affordable unit within Alpha may not be denied participation in the Affordability Assistance Program(s) unless funding is no longer available.



## **Appendix 8**

*Borough of Alpha, NJ  
Wednesday, June 4, 2025*

## Chapter 410. Zoning

### Article XI. Housing Element and Fair Share Plan

[Added 4-26-2005 by Ord. No. 06-05; amended 12-27-2017 by Ord. No. 2017-14; 8-28-2018 by Ord. No. 2018-06]

#### § 410-67. Monitoring and reporting requirements.

- A. The Borough of Alpha shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its court-approved Housing Element and Fair Share Plan:
- (1) Beginning on February 1, 2019, and on every anniversary of that date through February 1, 2025, the Borough agrees to provide annual reporting of its Affordable Housing Trust Fund activity to the New Jersey Department of Community Affairs, Council on Affordable Housing, or Local Government Services, or other entity designated by the State of New Jersey, with a copy provided to Fair Share Housing Center (FSHC) and posted on the municipal website, using forms developed for this purpose by the New Jersey Department of Community Affairs (NJDCA), Council on Affordable Housing (COAH), or Local Government Services (NJLGS). The reporting shall include an accounting of all Affordable Housing Trust Fund activity, including the source and amount of funds collected and the amount and purpose for which any funds have been expended.
  - (2) Beginning on July 1, 2019, and on every anniversary of that date through July 1, 2025, the Borough agrees to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by COAH or any other forms endorsed by the Special Master and FSHC.
  - (3) By July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough will post on its municipal website, with a copy provided to FSHC, 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 and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to FSHC, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented. Any interested party may by motion request a hearing before the court regarding these issues.
  - (4) By July 1, 2020, and every third year thereafter, as required by N.J.S.A. 52:27D-329.1, the Borough will post on its municipal website, with a copy provided to FSHC, a status report as to its satisfaction of its very-low-income requirements, including its family very-low-income requirements. Such posting shall invite any interested party to submit comments to the municipality and FSHC on the issue of whether the municipality has complied with its very-low-income and family very-low-income housing obligations.

#### § 410-68. Definitions.

- A. 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.)

**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, 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.

**AFFORDABILITY AVERAGE**

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

**AFFORDABLE**

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

**AFFORDABLE HOUSING DEVELOPMENT**

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 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: all the residents of the development wherein the unit is situated are 62 years of age or older; or at least 80% of the units are occupied by one person who is 55 years of age or older; or 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, as established by the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq.).

**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.

**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.

**LOW-INCOME HOUSEHOLD**

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

**LOW-INCOME UNIT**

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

**MAJOR SYSTEM**

The primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing

(including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and load bearing structural systems.

#### **MARKET-RATE UNITS**

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

#### **MEDIAN INCOME**

The median income by household size for the applicable housing region, as adopted annually by 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 regional median household income by household size.

#### **MODERATE-INCOME UNIT**

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

#### **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.

#### **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.

#### **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 regional median household income by household size.

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

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

#### **WEATHERIZATION**

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

### **§ 410-69. 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 Alpha pursuant to the Borough's most recently adopted Housing Element and Fair Share Plan.
- B. Moreover, this article 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 and any developments of affordable units financed in whole or in part by low-income-housing tax credits or other federal, state, county or local affordable housing funding programs.
- C. Any property in the Borough of Alpha that is currently zoned for nonresidential uses and subsequently receives a zoning change or use variance or approval of a redevelopment plan to permit residential development, or that is currently zoned for residential uses and receives a zoning change or density variance or approval of a redevelopment plan to permit higher density residential development, provided such density is at least twice the density previously permitted, shall provide an affordable housing set-aside of 15% if the affordable units will be for rent and 20% if the affordable units will be for sale. No property shall be subdivided so as to avoid compliance with this requirement. Moreover, this provision governs municipal actions and shall not entitle any property owner or developer to such action by the Borough. All affordable units created pursuant to this paragraph shall be governed by the provisions of this article.

### **§ 410-70. Alternative living arrangements.**

- A. The administration of an alternative living arrangement shall be in compliance with N.J.A.C. 5:93-5.8 and UHAC, with the following exceptions:
  - (1) Affirmative marketing (N.J.A.C. 5:80-26.15), 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).
- 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, unless an alternative commitment is approved by the court.
- C. The service provider for the alternative living arrangement shall act as the administrative agent for the purposes of administering the affirmative marketing and affordability requirements for the alternative living arrangement.

### **§ 410-71. Phasing schedule for inclusionary zoning.**

- A. In inclusionary developments the following schedule shall be followed:

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

## § 410-72. New construction.

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

- (1) The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low-income unit. At least 13% of all restricted rental units shall be very-low-income units (affordable to a household earning 30% or less of regional median income by household size). The very-low-income units shall be counted as part of the required number of low-income units within the development.
- (2) In each affordable development, at least 50% of the restricted units within each bedroom distribution shall be very-low- or low-income units.
- (3) 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 units may be allocated among two-and three-bedroom units at the discretion of the developer.
- (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:
- (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:
  - (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
  - (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 Alpha 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 disabled person 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 Alpha's 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 Alpha 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 Alpha 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 Treasurer who shall ensure that the funds are deposited into the Affordable Housing Trust Fund and appropriately earmarked.
  - [6] Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is "site impracticable" to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free SubCode, N.J.A.C. 5:23-7.

#### C. Design.

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

#### D. Maximum rents and sales prices.

- (1) In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC, utilizing the most recently published regional weighted average of the uncapped Section 8 income limits published by HUD and using calculation procedures approved by the Court. Income limits for all units that are part of the Borough's Housing Element and Fair Share Plan and for which income limits are not already established through a federal program exempted from UHAC pursuant to N.J.A.C. 5:80-26.1, shall be updated by the Borough annually within 30 days of the publication of new determinations of median income by the Department of Housing and Urban Development (HUD) as follows:
  - (a) Regional income limits shall be established for the region within which the Borough is located based on the median income by household size, which shall be established by a



regional weighted average of the uncapped Section 8 income limits published by HUD. To compute this regional income limit, the HUD determination of median county income for a family of four is multiplied by the estimated households within the county according to the most recent decennial census. The resulting product for each county within the housing region is summed. The sum is divided by the estimated total households from the most recent decennial census in the Borough's housing region. This quotient represents the regional weighted average of median income for a household of four. The income limit for a moderate-income unit for a household of four shall be 80% of the regional weighted average median income for a family of four. The income limit for a low-income unit for a household of four shall be 50% of the HUD determination of the regional weighted average median income for a family of four. The income limit for a very-low-income unit for a household of four shall be 30% of the regional weighted average median income for a family of four. These income limits shall be adjusted by household size based on multipliers used by HUD to adjust median income by household size. In no event shall the income limits be less than those for the previous year.

- (b) The income limits are the result of applying the percentages set forth in Subsection **D(1)(a)** above to HUD's determination of median income for the fiscal year 2017, and shall be utilized until the Borough updates the income limits after HUD has published revised determinations of median income for the next fiscal year.
  - (c) The regional asset limit used in determining an applicant's eligibility for affordable housing pursuant to N.J.A.C. 5:80-26.16(b)(3) shall be calculated by the Borough annually by taking the percentage increase of the income limits calculated pursuant to Subsection **D(1)(a)** above over the previous year's income limits, and applying the same percentage increase to the regional asset limit from the prior year. In no event shall the regional asset limit be less than that for the previous year.
- (2) In establishing sale prices and rents of affordable housing units, the Borough's administrative agent shall follow the procedures set forth in UHAC, utilizing the regional income limits established pursuant to the process defined above:
    - (a) The resale prices 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 determined pursuant to the above methodology. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
    - (b) The rent levels of very-low-, low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the Northeast Urban Area, upon its publication for the prior calendar year. 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.
  - (3) 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.
  - (4) 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, which very-low-income units shall be part of the low-income requirement.
  - (5) The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70% of median 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.

- (6) 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.
- (7) 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.
- (8) 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, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (9) 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, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- (10) 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.
- (11) The rents of very-low-, low- and moderate-income units may be increased annually based on the permitted percentage increase in the Housing Consumer Price Index for the Northeast Urban Area. This increase shall not exceed 9% in any one year. Rent increases for units constructed pursuant to low-income housing tax credit regulations shall be indexed pursuant to the regulations governing low-income housing tax credits.

## § 410-73. Utilities.

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

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

## § 410-74. Occupancy standards.

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

## § 410-75. 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, 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 Alpha takes action to release the unit from such requirements; prior to such action, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented.
- B. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- C. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
- D. At the time of the initial sale of the unit, the initial purchaser shall execute and deliver to the administrative agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first 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.
- E. 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.
- F. A restricted ownership unit shall be required to obtain a continuing certificate of occupancy or a certified statement from the Construction Official stating that the unit meets all Code standards upon the first transfer of title following the removal of the restrictions provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

## § 410-76. Price restrictions for restricted ownership units, homeowner association fees and resale prices.

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

- (1) The initial purchase price for a restricted ownership unit shall be approved by the administrative agent.
- (2) The administrative agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- (3) The master deeds of inclusionary developments shall provide no distinction between the condominium or homeowner association fees and special assessments paid by low- and moderate-income purchasers and those paid by market purchasers.
- (4) The owners of restricted ownership units may apply to the administrative agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom. See § 410-79.

## § 410-77. Buyer income eligibility.

- A. Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 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, the administrative agent may, upon approval by the Borough Council, and subject to the court's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the administrative agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit.
- C. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the administrative agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
- D. The administrative agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33% of the household's eligible monthly income.

## § 410-78. 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).

## § 410-79. 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.

## § 410-80. 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 Alpha 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.
- 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 Warren. A copy of the filed document shall be provided to the administrative agent within 30 days of the receipt of a certificate of occupancy.
- C. A restricted rental unit shall remain subject to the affordability controls of this 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.

## § 410-81. Rent restrictions for rental units; leases.

- A. A written lease shall be required for all restricted rental units and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the administrative agent.
- B. No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the administrative agent.
- C. Application fees (including the charge for any credit check) shall not exceed 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.

- 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.

## § 410-82. Tenant income eligibility.

- A. Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
  - (1) Very-low-income rental units shall be reserved for households with a gross household income less than or equal to 30% of the regional median household income by household size.
  - (2) Low-income rental units shall be reserved for households with a gross household income less than or equal to 50% of the regional median household income by household size.
  - (3) Moderate-income rental units shall be reserved for households with a gross household income less than 80% of the regional median household income by household size.
- 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. 5:80-26.16, 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 Subsection **B(1)** through **(5)** above with the administrative agent, who shall counsel the household on budgeting.

## § 410-83. Municipal housing liaison.

- A. The Borough of Alpha shall appoint a specific municipal employee to serve as a Municipal Housing Liaison responsible for overseeing the Borough's affordable housing program, including overseeing the administration of affordability controls on the affordable units and the affirmative marketing of available affordable units in accordance with the Borough's Affirmative Marketing Plan; fulfilling monitoring and reporting requirements; and supervising Administrative Agent(s). Alpha shall adopt an ordinance creating the position of Municipal Housing Liaison and a resolution appointing the person to fulfill the position of Municipal Housing Liaison. The Municipal Housing Liaison shall be appointed by the governing body and may be a full- or part-time municipal employee. The Municipal Housing Liaison shall be approved by the Court and shall be duly qualified through a training



program sponsored by Affordable Housing Professionals of New Jersey before assuming the duties of Municipal Housing Liaison.

- B. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Alpha, including the following responsibilities which may not be contracted out to the administrative agent:
- (1) Serving as Alpha's primary point of contact for all inquiries from the state, affordable housing providers, Administrative Agents and interested households;
  - (2) Monitoring the status of all restricted units in Alpha's Fair Share Plan;
  - (3) Compiling, verifying, submitting and posting all monitoring reports as required by the court and by this article;
  - (4) Coordinating meetings with affordable housing providers and Administrative Agents, as needed; and
  - (5) Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing at least annually and more often as needed.
- C. Subject to the approval of the court, the Borough of Alpha shall designate one or more Administrative Agent(s) to administer and to affirmatively market the affordable units constructed in the Borough in accordance with UHAC and this article. 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 work of the administrative agent(s).

## § 410-84. Administrative agent.

- A. An administrative agent shall be an independent entity serving under contract to and reporting to the municipality. The fees of the administrative agent shall be paid by the owners of the affordable units for which the services of the administrative agent are required. The administrative agent shall perform the duties and responsibilities of an administrative agent as set forth in UHAC, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:
- (1) Affirmative marketing:
    - (a) Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the Borough of Alpha and the provisions of N.J.A.C. 5:80-26.15; and
    - (b) Providing counseling or contracting to provide counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
  - (2) Household certification:
    - (a) Soliciting, scheduling, conducting and following up on interviews with interested households;
    - (b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;
    - (c) Providing written notification to each applicant as to the determination of eligibility or noneligibility;

- (d) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et seq.;
- (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located;
- (f) Employing a random selection process as provided in the Affirmative Marketing Plan of the Borough of Alpha when referring households for certification to affordable units; and
- (g) Directly notifying (including copies of application forms with the notifications) the following entities of the availability of affordable housing units in the Borough of Alpha: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center.

B. 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 Warren County Register of Deeds or Warren County Clerk's office after the termination of the affordability controls for each restricted unit;
- (4) Communicating with lenders regarding foreclosures; and
- (5) Ensuring the issuance of continuing certificates of occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

C. Resales and rentals:

- (1) Instituting and maintaining an effective means of communicating information between owners and the administrative agent regarding the availability of restricted units for resale or rental; and
- (2) Instituting and maintaining an effective means of communicating information to low- (or very-low-) and moderate-income households regarding the availability of restricted units for resale or rental.

D. 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.

E. 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) Posting annually, in all rental properties (including two-family homes), a notice as to the maximum permitted rent together with the telephone number of the administrative agent where complaints of excess rent or other charges can be made;
- (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)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.

F. Additional responsibilities:

- (1) The administrative agent shall have the authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
- (2) The administrative agent shall prepare monitoring reports for submission to the Municipal Housing Liaison in time to meet the court-approved monitoring and reporting requirements in accordance with the deadlines set forth in this article.
- (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.

## § 410-85. Affirmative marketing requirements.

- A. The Borough of Alpha shall adopt by resolution an Affirmative Marketing Plan, subject to approval of the court, that is compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- 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 3 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 3, comprised of Warren, Essex, Union and Warren 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 Alpha 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. Applications shall be mailed to prospective applicants upon request.
- I. In addition to other affirmative marketing strategies, the administrative agent shall provide specific notice of the availability of affordable housing units in Alpha, and copies of the application forms, to the following entities: Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, NORWESCAP, the Supportive Housing Association, and the Central Jersey Housing Resource Center.
- J. The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner.

## § 410-86. Enforcement of affordable housing regulations.

- A. Upon the occurrence of a breach of any of the regulations governing an affordable unit by an owner, developer or tenant, the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, a requirement for household recertification, acceleration of all sums due under a mortgage, recuperation of any funds from a sale in violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- B. After providing written notice of a violation to an owner, developer or tenant of a low- or moderate-income unit and advising the owner, developer or tenant of the penalties for such violations, the 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 Alpha 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- or 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- or 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- or moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- (d) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the low- or 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- or 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- or 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.

## § 410-87. Appeals.

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

## **Appendix 9**

**RESOLUTION \_\_\_\_\_**

**BOROUGH OF ALPHA  
COUNTY OF WARREN, STATE OF NEW JERSEY  
RESOLUTION ADOPTING THE 'AFFIRMATIVE MARKETING PLAN'  
FOR THE BOROUGH OF ALPHA**

**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 Alpha is required to adopt an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created by the rehabilitation of rental housing units within the Borough of Alpha, are affirmatively marketed to very low, low and moderate income households, particularly those living and/or working within Housing Region 2, the COAH Housing Region encompassing the Borough of Alpha.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Alpha, County of Warren, State of New Jersey, do hereby adopt the following Affirmative Marketing Plan:

**Affirmative Marketing Plan**

- A. All affordable housing units in the Borough of Alpha shall be marketed in accordance with the provisions herein, unless otherwise provided by law or regulation of the State of New Jersey.
- B. The Borough of Alpha has a Prior Round obligation that it has fulfilled and a Third Round obligation covering the years from 1999-2025. This Affirmative Marketing Plan shall apply to all developments that contain or will contain very low, low and moderate income units, including those that are part of the Borough's prior round Fair Share Plan and its current Fair Share Plan and those that may be constructed in future developments not yet anticipated by the Fair Share Plan. This Affirmative Marketing Plan shall also apply to any rehabilitated rental units that are vacated and re-rented during the applicable period of controls for rehabilitated rental units.
- C. The Affirmative Marketing Plan shall be implemented by the Administrative Agent(s) designated by and/or under contract to the Borough of Alpha. All of the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of affordable unit(s), and all such advertising and affirmative marketing shall be subject to approval and oversight by the designated Administrative Agent.
- D. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Borough of Alpha, shall undertake, at the minimum, all of the following strategies:

1. Publication of newspaper advertisements as provided in F.1. below.
  2. Broadcasting of advertisements by a radio or television station broadcasting throughout the housing region.
  3. At least one additional regional marketing strategy using the other sources provided for by this Affirmative Marketing Plan.
- E. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward the COAH Housing Region in which the municipality is located. The Borough of Alpha is located in COAH Housing Region 2, consisting of Morris, Essex, Union and Warren Counties.
- F. The Affirmative Marketing Plan is a continuing program that shall be followed at every change in ownership or occupancy of a restricted affordable unit throughout the entire period of time that the unit is restricted as an affordable unit. The Affirmative Marketing Plan shall meet the following requirements:
1. All newspaper articles, announcements and requests for applications for very low, low and moderate income units shall appear in the *Star Ledger*, the *Daily Record* and the *Express Times*.
  2. The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspapers once a week for four consecutive weeks. Additional advertising and publicity shall be on an "as needed" basis. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of all publications to the Administrative Agent. All press releases and advertisements shall be approved in advance by the Administrative Agent.
  3. The advertisement shall include a description of the:
    - a. Location of the units;
    - b. Directions to the units;
    - c. Range of prices for the units;
    - d. Size, as measured in bedrooms, of units;

- e. Maximum income permitted to qualify for the units;
  - f. Location of applications;
  - g. Business hours when interested households may obtain an application; and
  - h. Application fees.
- 4. Newspaper articles, announcements and information on where to request applications for very low, low and moderate income housing shall appear at least once a week for four consecutive weeks in at least three locally oriented newspapers serving the housing region, one of which shall be circulated primarily in Morris County and the other two of which shall be circulated primarily outside of Morris County but within the housing region.
- 5. The following regional cable television stations or regional radio stations shall be used during the first month of advertising. The developer must provide satisfactory proof of public dissemination:
  - a. Cablevision of Morris
  - b. Comcast of New Jersey
  - c. Comcast of Northwest New Jersey
  - d. WBLS (107.5)
  - e. WCAA (105.9)
  - f. WPRB (103.3)
- G. Applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program shall be available/posted in the following locations:
  - 1. Alpha Borough Hall
  - 2. Alpha Borough Web Site
  - 3. Developer's Sales/Rental Offices
  - 4. Morris, Essex, Union and Warren County Administration Buildings
  - 5. Morris, Essex, Union and Warren County Libraries (all branches)



6. Other public buildings and agencies as deemed appropriate by the Administrative Agent.

Applications shall be mailed by the Administrative Agent and Municipal Housing Liaison to prospective applicants upon request. Also, applications shall be available at the developer's sales/rental office and multiple copies of application forms shall be mailed to Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, Morris County NAACP, Newark NAACP, East Orange NAACP, Housing Partnership for Morris County, Community Access Unlimited, Inc., Northwest New Jersey Community Action Program, Inc. (NORWESCAP), Homeless Solutions of Morristown, and the Supportive Housing Association for dissemination to their respective constituents. ***In addition the foregoing entities shall be notified directly whenever an affordable housing unit(s) becomes available in Alpha.***

H. The Administrative Agent shall develop, maintain and update a list of community contact person(s) and/or organizations(s) in Morris, Essex, Union and Warren Counties, including those entities listed in G.6. above that will aid in the affirmative marketing program with particular emphasis on those contacts that are able to reach out to groups that are least likely to apply for housing within the region, including major regional employers identified in Attachment A, Part III, Marketing, Section 3d of COAH's ***Affirmative Fair Housing Marketing Plan for Affordable Housing in Region 2*** (attached to and hereby made part of this Resolution) as well as the following entities:

1. Quarterly informational flyers and applications shall be sent to the Morris, Essex, Union and Warren County Boards of Realtors for publication in their journals and for circulation among their members.
2. Quarterly informational circulars and applications shall be sent to the administrators of each of the following agencies within the municipalities and counties of Morris, Essex, Union and Warren:

Welfare or Social Service Board (via the Director)  
 Rental Assistance Office (local office of DCA)  
 Office on Aging  
 Housing Authority (municipal or county)  
 Community Action Agencies  
 Community Development Departments

3. Quarterly informational circulars and applications shall be sent to the chief personnel administrators of all of the major employers within the region, as listed on Attachment A, Part III, Marketing, Section 3d.

I. The following is a listing of community contact person(s) and/or organizations in Morris, Essex, Union and Warren Counties that will aid in the affirmative marketing program

and provide guidance and counseling services to prospective occupants of very low, low and moderate income units:

1. Housing Partnership for Morris County, 2 East Blackwell Street, Dover, NJ 07801
  2. Community Access Unlimited, Inc., 80 West Grand Street, Elizabeth, NJ 07202
  3. Northwest New Jersey Community Action Program, Inc. (NORWESCAP), 350 Marshall Street, Phillipsburg, NJ 08865
- J. A random selection method to select occupants of very low, low and moderate income housing will be used by the Administrative Agent, in conformance with N.J.A.C. 5:80-26.16 (I). The Affirmative Marketing Plan shall provide a regional preference for very low, low and moderate income households that live and/or work in COAH Housing Region 2, comprised of Morris, Essex, Union and Warren Counties. Pursuant to the New Jersey Fair Housing Act (C.52:27D-311), a preference for very low, low and moderate income veterans duly qualified under N.J.A.C. 54:4-8.10 may also be exercised, provided an agreement to this effect has been executed between the developer or landlord and the Borough prior to the affirmative marketing of the units.
- J. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify very low, low and moderate income households; to place income eligible households in very low, low and moderate income units upon initial occupancy; to provide for the initial occupancy of very low, low and moderate income units with income qualified households; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to very low, low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C 5:80-26-1, *et seq.*
- K. The Administrative Agent shall provide or direct qualified very low, low and moderate income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services. In addition, it shall be the responsibility of the Administrative Agent to inform owners of affordable units and prospective occupants of affordable units of the Borough's affordability assistance programs and to assist with the implementation of such programs.
- L. All developers/owners of very low, low and moderate income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent.

- M. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy. The implementation of the Affirmative Marketing Plan shall continue until all very low, low and moderate income housing units are initially occupied and thereafter upon the re-sale or re-rental of an affordable unit for as long as an affordable unit remains deed restricted.
- N. The Administrative Agent shall provide the Affordable Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to the Borough's adopted Affordable Housing Ordinance.

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Donna L. Messina, Acting Borough Clerk

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Craig S. Dunwell, Mayor

CERTIFICATION

I, Donna L. Messina, Acting Borough Clerk of the Borough of Alpha, County of Warren, hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough Council of the Borough of Alpha at its July 10, 2018 meeting.

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Donna L. Messina  
Acting Borough Clerk, Borough of Alpha

## ATTACHMENT A

### AFFIRMATIVE FAIR HOUSING MARKETING PLAN

For Affordable Housing in **(REGION 2)**

#### I. APPLICANT AND PROJECT INFORMATION

(Complete Section I individually for all developments or programs within the municipality.)

1a. Administrative Agent Name, Address, Phone Number		1b. Development or Program Name, Address	
1c. Number of Affordable Units:  Number of Rental Units:  Number of For-Sale Units:	1d. Price or Rental Range  From  To	1e. State and Federal Funding Sources (if any)	
1f. <input type="checkbox"/> Age Restricted  <input type="checkbox"/> Non-Age Restricted	1g. Approximate Starting Dates  Advertising:                      Occupancy:		
1h. County <b>Essex, Morris, Union, Warren</b>		1i. Census Tract(s):	
1j. Managing/Sales Agent's Name, Address, Phone Number			
1k. Application Fees (if any):			

(Sections II through IV should be 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

2. Describe the random selection process that will be used once applications are received.





<input type="checkbox"/>		Nutley Sun	Essex
<input type="checkbox"/>		Observer	Essex
<input type="checkbox"/>		Orange Transcript	Essex
<input type="checkbox"/>		Progress	Essex
<input type="checkbox"/>		Vailsburg Leader	Essex
<input type="checkbox"/>		Verona-Cedar Grove Times	Essex
<input type="checkbox"/>		West Essex Tribune	Essex
<input type="checkbox"/>		West Orange Chronicle	Essex
<input type="checkbox"/>		Atom Tabloid & Citizen Gazette	Middlesex, Union
<input type="checkbox"/>		Chatham Courier	Morris
<input type="checkbox"/>		Chatham Independent Press	Morris
<input type="checkbox"/>		Citizen of Morris County	Morris
<input type="checkbox"/>		Florham Park Eagle	Morris
<input type="checkbox"/>		Hanover Eagle	Morris
<input type="checkbox"/>		Madison Eagle	Morris
<input type="checkbox"/>		Morris News Bee	Morris
<input type="checkbox"/>		Mt. Olive Chronicle	Morris
<input type="checkbox"/>		Neighbor News	Morris
<input type="checkbox"/>		Randolph Reporter	Morris
<input type="checkbox"/>		Roxbury Register	Morris
<input type="checkbox"/>		Parsippany Life	Morris
<input type="checkbox"/>		Clark Patriot	Union
<input type="checkbox"/>		Cranford Chronicle	Union
<input type="checkbox"/>		Echo Leader	Union
<input type="checkbox"/>		Elizabeth Reporter	Union
<input type="checkbox"/>		Hillside Leader	Union
<input type="checkbox"/>		Leader of Kenilworth & Roselle Park	Union
<input type="checkbox"/>		Madison Independent Press, The	Union
<input type="checkbox"/>		Millburn and Short Hills Independent Press	Union
<input type="checkbox"/>		News Record	Union

<input type="checkbox"/>		Record-Press	Union
<input type="checkbox"/>		Scotch Plains Times (Fanwood Times)	Union
<input type="checkbox"/>		Spectator Leader	Union
<input type="checkbox"/>		Union Leader	Union
<input type="checkbox"/>		Warren Reporter	Warren

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL TV STATION(S)	CIRCULATION AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
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**TARGETS ENTIRE COAH REGION 2**

<input type="checkbox"/>		2 WCBS-TV CBS Broadcasting, Inc.	
		3 KYW-TV CBS Broadcasting, Inc.	
<input type="checkbox"/>		4 WNBC NBC Telemundo License Co. (General Electric)	
<input type="checkbox"/>		5 WNYW Fox Television Stations, Inc. (News Corp.)	
<input type="checkbox"/>		7 WABC-TV American Broadcasting Companies, Inc (Walt Disney)	
<input type="checkbox"/>		9 WWOR-TV Fox Television Stations, Inc. (News Corp.)	
<input type="checkbox"/>		11 WPIX WPIX, Inc. (Tribune)	
<input type="checkbox"/>		13 WNET Educational Broadcasting Corporation	
		21 WLIW Educational Broadcasting Corp.	
		22 WMBQ-CA Renard Communications Corp.	
<input type="checkbox"/>		25 WNYE-TV New York City Dept. Of Info., Technology & Telecommunications	
<input type="checkbox"/>		31 WPXN-TV Paxson Communications License Company, LLC	
		33 Verizon TV	
		36 TV Comcast TV	
<input type="checkbox"/>		41 WXTV WXTV License Partnership, G.P. (Univision Communications, Inc.)	
<input type="checkbox"/>		47 WNJU NBC Telemundo License Co. (General Electric)	
<input type="checkbox"/>		50 WNJN New Jersey Public Broadcasting Authority	

<input type="checkbox"/>		52 WNJT New Jersey Public Broadcasting Authority	
<input type="checkbox"/>		54 WTBY-TV Trinity Broadcasting Of New York, Inc.	
<input type="checkbox"/>		58 WNJB New Jersey Public Broadcasting Authority	
		60 W60AI Ventana Television, Inc.	
<input type="checkbox"/>		62 WRNN-TV WRNN License Company, LLC	
<input type="checkbox"/>		63 WMBC-TV Mountain Broadcasting Corporation	
		66 WFME-TV Family Stations of New Jersey, Inc.	
<input type="checkbox"/>		68 WFUT-TV Univision New York, LLC	Spanish
<b>TARGETS PARTIAL COAH REGION 2</b>			
<input type="checkbox"/>		42 WKOB-LP Nave Communications, LLC	Essex
<input type="checkbox"/>		22 WMBQ-CA Renard Communications Corp.	Essex, Morris, Union
<input type="checkbox"/>		66 WFME-TV Family Stations Of New Jersey, Inc.	Essex, Morris, Union
<input type="checkbox"/>		21 WLIW Educational Broadcasting Corporation	Essex, Union
<input type="checkbox"/>		60 W60AI Ventana Television, Inc	Essex, Union
<input type="checkbox"/>		36 W36AZ New Jersey Public Broadcasting Authority	Morris
<input type="checkbox"/>		6 WPVI-TV American Broadcasting Companies, Inc (Walt Disney)	Morris, Union, Warren
<input type="checkbox"/>		65 WUVP-TV Univision Communications, Inc.	Morris, Union, Warren
<input type="checkbox"/>		23 W23AZ Centenary College	Morris, Warren
<input type="checkbox"/>		28 WBRE-TV Nexstar Broadcasting, Inc.	Morris, Warren
<input type="checkbox"/>		35 WYBE Independence Public Media Of Philadelphia, Inc.	Morris, Warren
<input type="checkbox"/>		39 WLVT-TV Lehigh Valley Public Telecommunications Corp.	Morris, Warren
<input type="checkbox"/>		44 WVIA-TV Ne Pa Ed TV Association	Morris, Warren
<input type="checkbox"/>		56 WOLF-TV Wolf License Corp	Morris, Warren
<input type="checkbox"/>		60 WBPH-TV Sonshine Family Television Corp	Morris, Warren
<input type="checkbox"/>		69 WFMZ-TV Maranatha Broadcasting Company, Inc.	Morris, Warren



<input type="checkbox"/>		10 WCAU NBC Telemundo License Co. (General Electric)	Warren
<input type="checkbox"/>		16 WNEP-TV New York Times Co.	Warren
<input type="checkbox"/>		17 WPHL-TV Tribune Company	Warren
<input type="checkbox"/>		22 WYOU Nexstar Broadcasting, Inc.	Warren
<input type="checkbox"/>		29 WTXF-TV Fox Television Stations, Inc. (News Corp.)	Warren
<input type="checkbox"/>		38 WSWB Mystic Television of Scranton LLC	Warren
<input type="checkbox"/>		48 WGTW-TV Trinity Broadcasting Network	Warren
<input type="checkbox"/>		49 W49BE New Jersey Public Broadcasting Authority	Warren
<input type="checkbox"/>		55 W55BS New Jersey Public Broadcasting Authority	Warren
<input type="checkbox"/>		57 WPSG CBS Broadcasting, Inc.	Warren
<input type="checkbox"/>		61 WPPX Paxson Communications License Company, LLC	Warren

	DURATION & FREQUENCY OF OUTREACH	NAMES OF CABLE PROVIDER(S)	BROADCAST AREA
<b>TARGETS PARTIAL COAH REGION 2</b>			
<input type="checkbox"/>		Cablevision of Newark	Partial Essex
<input type="checkbox"/>		Comcast of NJ (Union System)	Partial Essex, Union
<input type="checkbox"/>		Cablevision of Oakland	Partial Essex, Morris
<input type="checkbox"/>		Cable Vision of Morris	Partial Morris
<input type="checkbox"/>		Comcast of Northwest NJ	Partial Morris, Warren
<input type="checkbox"/>		Patriot Media & Communications	Partial Morris
<input type="checkbox"/>		Service Electric Broadband Cable	Partial Morris, Warren
<input type="checkbox"/>		Cablevision of Elizabeth	Partial Union
<input type="checkbox"/>		Comcast of Plainfield	Partial Union
<input type="checkbox"/>		Cable Vision of Morris	Partial Warren
<input type="checkbox"/>		Service Electric Cable TV of Hunterdon	Partial Warren

	DURATION & FREQUENCY OF OUTREACH	NAMES OF REGIONAL RADIO STATION(S)	BROADCAST AREA AND/OR RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
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TARGETS ENTIRE COAH REGION 2			
AM			
<input type="checkbox"/>		WFAN 660	
<input type="checkbox"/>		WOR 710	
<input type="checkbox"/>		WABC 770	
FM			
<input type="checkbox"/>		WFNY-FM 92.3	
<input type="checkbox"/>		WPAT-FM 93.1	Spanish
<input type="checkbox"/>		WNYC-FM 93.9	
<input type="checkbox"/>		WFME 94.7	Christian
<input type="checkbox"/>		WPLJ 95.5	
<input type="checkbox"/>		WQXR-FM 96.3	
<input type="checkbox"/>		WQHT 97.1	
<input type="checkbox"/>		WRKS 98.7	
<input type="checkbox"/>		WAWZ 99.1	Christian
<input type="checkbox"/>		WHTZ 100.3	
<input type="checkbox"/>		WCBS-FM 101.1	
<input type="checkbox"/>		WKXW-FM 101.5	
<input type="checkbox"/>		WQCD 101.9	
<input type="checkbox"/>		WNEW 102.7	
<input type="checkbox"/>		WKTU 103.5	
<input type="checkbox"/>		WAXQ 104.3	
<input type="checkbox"/>		WWPR-FM 105.1	
<input type="checkbox"/>		WLTW 106.7	
TARGETS PARTIAL COAH REGION 2			
AM			
<input type="checkbox"/>		WWRL 1600	Essex
<input type="checkbox"/>		WXMC 1310	Essex, Morris
<input type="checkbox"/>		WWRV 1330	Essex, Morris (Spanish)
<input type="checkbox"/>		WZRC 1480	Essex, Morris (Chinese/Cantonese)
<input type="checkbox"/>		WMCA 570	Essex, Morris, Union (Christian)
<input type="checkbox"/>		WNYC 820	Essex, Morris, Union

<input type="checkbox"/>		WCBS 880	Essex, Morris, Union
<input type="checkbox"/>		WPAT 930	Essex, Morris, Union (Caribbean, Mexican, Mandarin)
<input type="checkbox"/>		WWDJ 970	Essex, Morris, Union (Christian)
<input type="checkbox"/>		WINS 1010	Essex, Morris, Union
<input type="checkbox"/>		WEPN 1050	Essex, Morris, Union
<input type="checkbox"/>		WKMB 1070	Essex, Morris, Union (Christian)
<input type="checkbox"/>		WBBR 1130	Essex, Morris, Union
<input type="checkbox"/>		WLIB 1190	Essex, Morris, Union (Christian)
<input type="checkbox"/>		WMTR 1250	Essex, Morris, Union
<input type="checkbox"/>		WADO 1280	Essex, Morris, Union (Spanish)
<input type="checkbox"/>		WNSW 1430	Essex, Morris, Union (Portuguese)
<input type="checkbox"/>		WJDM 1530	Essex, Morris, Union (Spanish)
<input type="checkbox"/>		WQEW 1560	Essex, Morris, Union
<input type="checkbox"/>		WWRU 1660	Essex, Morris, Union (Korean)
<input type="checkbox"/>		WCTC 1450	Union
		WCHR 1040	Warren
		WEEX 1230	Warren
		WNNJ 1360	Warren
		WRNJ 1510	Warren
FM			
<input type="checkbox"/>		WMSC 90.3	Essex
<input type="checkbox"/>		WFUV 90.7	Essex
<input type="checkbox"/>		WBGO 88.3	Essex, Morris, Union
<input type="checkbox"/>		WSOU 89.5	Essex, Morris, Union
<input type="checkbox"/>		WKCR-FM 89.9	Essex, Morris, Union
<input type="checkbox"/>		WFMU 91.1	Essex, Morris, Union
<input type="checkbox"/>		WNYE 91.5	Essex, Morris, Union
<input type="checkbox"/>		WSKQ-FM 97.9	Essex, Morris, Union (Spanish)
<input type="checkbox"/>		WBAI 99.5	Essex, Morris, Union
<input type="checkbox"/>		WDHA -FM 105.5	Essex, Morris, Union



<input type="checkbox"/>		WCAA 105.9	Essex, Morris, Union (Latino)
<input type="checkbox"/>		WBLS 107.5	Essex, Morris, Union
<input type="checkbox"/>		WHUD 100.7	Essex, Morris, Warren
<input type="checkbox"/>		WPRB 103.3	Essex, Union, Warren
<input type="checkbox"/>		WMNJ 88.9	Morris
<input type="checkbox"/>		WJSV 90.5	Morris
<input type="checkbox"/>		WNNJ-FM 103.7	Morris, Warren
<input type="checkbox"/>		WMGQ 98.3	Union
<input type="checkbox"/>		WCTO 96.1	Union, Warren
<input type="checkbox"/>		WNTI 91.9	Warren
<input type="checkbox"/>		WSBG 93.5	Warren
<input type="checkbox"/>		WZZO 95.1	Warren
<input type="checkbox"/>		WAEB-FM 104.1	Warren
<input type="checkbox"/>		WHCY 106.3	Warren

3c. Other Publications (such as neighborhood newspapers, religious publications, and organizational newsletters)  
(Check all that applies)

	NAME OF PUBLICATIONS	OUTREACH AREA	RACIAL/ETHNIC IDENTIFICATION OF READERS/AUDIENCE
<b>TARGETS ENTIRE COAH REGION 2</b>			
Monthly			
<input type="checkbox"/>	Sino Monthly	North Jersey/NYC area	Chinese-American
<b>TARGETS PARTIAL COAH REGION 2</b>			
Daily			
<input type="checkbox"/>	24 Horas	Bergen, Essex, Hudson, Middlesex, Passaic, Union Counties	Portuguese-Language
Weekly			
<input type="checkbox"/>	Arab Voice Newspaper	North Jersey/NYC area	Arab-American
<input type="checkbox"/>	Brazilian Voice, The	Newark	Brazilian-American
<input type="checkbox"/>	Catholic Advocate, The	Essex County area	Catholic
<input type="checkbox"/>	La Voz	Hudson, Union, Middlesex Counties	Cuban community
<input type="checkbox"/>	Italian Tribune	North Jersey/NYC area	Italian community
<input type="checkbox"/>	New Jersey Jewish News	Northern and Central New Jersey	Jewish



[illegible][illegible]

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3e. Community Contacts (names of community groups/organizations throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing)			
Name of Group/Organization	Outreach Area	Racial/Ethnic Identification of Readers/Audience	Duration & Frequency of Outreach

#### 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)	
<input type="checkbox"/>	<b>BUILDING</b>
<input type="checkbox"/>	<b>LOCATION</b>
<input type="checkbox"/>	Morris County Library
<input type="checkbox"/>	30 East Hanover Avenue, Whippany, NJ 07981
<input type="checkbox"/>	Warren County Library Headquarters
<input type="checkbox"/>	199 Hardwick Street, Belvidere, NJ 07823
<input type="checkbox"/>	Essex County/Hall of Records
<input type="checkbox"/>	465 Dr. Martin Luther King, Jr., Blvd., Newark, NJ 07102 (973)621-4400
<input type="checkbox"/>	Union County/Administration Building
<input type="checkbox"/>	Elizabethtown Plaza, Elizabeth, NJ 07207 (908)527-4100
4b. Municipality in which the units are located (list municipal building and municipal library, address, contact person)	
4c. Sales/Rental Office for units (if applicable)	
4d. Applications shall be mailed by the Administrative Agent and Municipal Housing Liaison to prospective applicants upon request.	
4e. Multiple copies of application forms shall be mailed to Fair Share Housing Center, the New Jersey State Conference of the NAACP, the Latino Action Network, Morris County NAACP, Newark NAACP, East Orange NAACP, Housing Partnership for Morris County, Community Access Unlimited, Inc., Northwest New Jersey Community Action Program, Inc. (NORWESCAP), Homeless Solutions of Morristown, and the Supportive Housing Association for dissemination to their respective constituents. <b><i>In addition the foregoing entities shall be notified directly whenever affordable housing unit(s) become(s) available in Lincoln Park.</i></b>	



## 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 (select one: municipality's substantive certification or DCA Balanced Housing Program funding or HMFA UHORP/MONI funding).

\_\_\_\_\_  
Name (Type or Print)

\_\_\_\_\_  
Title/Municipality

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



**Employer Outreach:** Names of employers throughout the housing region that can be contacted to post advertisements and distribute flyers regarding available affordable housing.

## ESSEX COUNTY

A.J. Seabra inc, 574 Ferry St Newark, NJ 07105-4402	IDT Telecom 520 Broad. St. Newark, NJ 07102	St. Barnabas Hospital 94 Old Short Hills Road Livingston, NJ 07039
Applied Business Concepts 324 Bellville Ave. Bloomfield, NJ 07003	PNC Bank - Bloomfield Center 2 Broad. St. Bloomfield, NJ 07003	St. Barnabas Hospital Ambulatory Caer 200 South Orange Avenue Livingston, NJ 07039
Berkeley College 536 Broad. St. Newark, NJ 07102	Prudential Financial 751 Broad. St. Newark, NJ 07102	Care One 68 Passaic Ave Livingston, NJ 07039
Cambridge Bagel Factory 648 Bloomfield Ave. Bloomfield, NJ 07003	PSEG 80 Park Plaza Newark, NJ 07102	Livingston Board of Education 11 Foxcroft Drive Livingston, NJ 07039
Hoffman La Roche 340 Kingsland St. Nutley, NJ 07110	Rutgers 1 Washington Place Newark, NJ 07102	ARC of Essex County 123 Naylor Ave Livingston, NJ 07039
Horizon Blue Cross & Blue Shield 540 Broad. St. Newark, NJ 07102	Stanlar Industries 24 Federal Plaza Bloomfield, NJ 07003	Summit Medical 75 E. Northfield Road Livingston, NJ 07039
Horizon Business Products 753 N. 6th St. Newark, NJ 07102	Verizon Business 271 Mount Pleasant Ave. West Orange, NJ 07090	Essex Regional Health 204 Hillside Ave Livingston, NJ 07039

## MORRIS COUNTY

AT&T  
15 Midlan Ave #1  
Paramus, NJ 07932

Atlantic Health System-  
Morristown Memorial  
Hospital  
100 Madison Ave.  
Morristown, NJ 07962

Honeywell  
101 Columbia Rd  
Morristown, NJ 07960

Kraft foods  
100 Deforest Ave.  
East Hanover, NJ 07936

Lucent Technologies  
24 Mountain Ave.  
Mendham, NJ 07945

Mennen Sports Arena  
161 E Hanover Ave.,  
Morristown, NJ 07963

Novartis Pharmaceutical  
59 State Route 10  
East Hanover, NJ 07936

Pfizer  
400 Webro Rd.  
Parsippany, NJ 07054

Pfizer  
175 Tabor Rd  
Morris Plains, 07950

St. Clare's Hospital  
130 Powerville Rd.  
Boonton Township, NJ  
07005

St. Clare's Hospital  
and 25 Pocono Rd.  
Denville, NJ 07834

St. Clare's Hospital  
and 400 West Blackwell  
St.  
Dover, NJ 07801

St. Clare's Hospital  
and 3219 Route 46 East,  
Suite 110  
Parsippany, NJ 07054

Avaya Inc. Headquarters  
350 Mt Kemble Ave  
Morristown, NJ 07960

## WARREN COUNTY

Asbury Graphite  
P.O. Box 144  
Asbury, NJ 08802

Atlantic States Cast Iron  
Pipe Co.  
183 SitgreAve.s St.  
Phillipsburg, NJ 08865

Bihler of America  
85 Industrial Dr.  
Alpha, NJ 08865

Blair Academy  
1 Park St.  
Blairstown, NJ 07825

Captive Plastics, Inc.  
190 Strykers Rd.  
Phillipsburg, NJ 08865

Centenary College  
400 Jefferson St  
Hackettstown, NJ 07840

Hackettstown Hospital  
651 Willow Grove St.  
Hackettstown, NJ 07840

Hunterdon Transformer  
75 Industrial Dr.  
Phillipsburg, NJ 08865

Lopatcong Care Center  
390 Red School La  
Phillipsburg, NJ 08865

Masterfoods  
800 High St.  
Hackettstown, NJ 07840

Nova Borealis Compounds  
LLc  
176 Thomas Rd.  
Port Murray, NJ 07865

Pechiney  
191 Route 31 North  
Washington, NJ 07882

Roche Vitamins  
206 Roche Dr.  
Belvidere, NJ 07823

Warren Hospital  
185 Roseberry St.  
Phillipsburg, NJ 08865

UNION COUNTY

Union County College  
1033 Springfield Ave.  
Cranford,NJ 07016

A&M Industrial Supply Co  
1414 Campbell St  
Rahway, NJ 07065

Comcast Network  
800 Rahway Ave.  
Union, NJ 07084

Howard Press  
450 West First Ave.  
Roselle, NJ 07203

Lucent Technologies  
600 Mountain Ave.  
Murray Hill, NJ 07974-  
2008

Rahway Hospital  
865 Stone St.  
Rahway, NJ 07065

Rotuba Extruders, Inc  
1401 Park Ave. South  
Linden, NJ 07036

Veteran's of Foreign Wars  
(VFW)  
6 Broadway  
Clark, NJ 07066

Veteran's of Foreign Wars  
(VFW)  
479 South Ave.  
Cranford, NJ 07016

L'Oreal  
222 Terminal Ave.  
Clark, NJ 07066

Kerry Industries  
160 Terminal Ave.  
Clark, NJ 07066

## **Appendix 10**

*Borough of Alpha, NJ  
Wednesday, June 4, 2025*

## Chapter 410. Zoning

### Article XII. Affordable Housing Development Fees

[Added 12-27-2017 by Ord. No. 2017-15]

#### § 410-88. Purpose.

This article establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with COAH's regulations developed in response to P.L. 2008, c. 46, Sections 8 and 32-38 (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). Fees collected pursuant to this article shall be used for the sole purpose of providing very-low-, low- and moderate-income housing in accordance with a court-approved spending plan.

#### § 410-89. Basic requirements.

- A. This article shall not be effective until approved by the court.
- B. The Borough of Alpha shall not spend development fees until the court has approved a plan for spending such fees (spending plan).

#### § 410-90. Definitions.

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

##### **AFFORDABLE HOUSING DEVELOPMENT**

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

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

The New Jersey Council on Affordable Housing established under the Fair Housing Act.

##### **DEVELOPMENT FEE**

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

##### **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.

##### **EQUALIZED ASSESSED VALUE**



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

## **GREEN BUILDING STRATEGIES**

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

## **§ 410-91. Residential development fees.**

### **A. Imposition of fees.**

- (1) Within the Borough of Alpha, all residential developers, except for developers of the types of developments specifically exempted below and developers of developments that include affordable housing, shall pay a fee of 1.5% of the equalized assessed value for all new residential development, provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
- (2) When an increase in residential density is permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a bonus development fee of 6% of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. 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.

### **B. Eligible exactions, ineligible exactions and exemptions for residential developments.**

- (1) Affordable housing developments and/or developments where the developer has made a payment in lieu of on-site construction of affordable units, if permitted by ordinance or by agreement with the Borough of Alpha, shall be exempt from the payment of development fees.
- (2) Developments that have received preliminary or final site plan approval prior to the adoption of this article shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where site plan approval is not applicable, the issuance of a zoning permit and/or construction permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the development fee ordinance in effect on the date that the construction permit is issued.
- (3) Improvements or additions to existing one- and two-family dwellings on individual lots shall not be required to pay a development fee, but a development fee shall be charged for any new dwelling constructed as a replacement for a previously existing dwelling on the same lot that was or will be demolished, unless the owner resided in the previous dwelling for a period of one year or more prior to obtaining a demolition permit. Where a development fee is charged for a replacement dwelling, the development fee shall be calculated on the increase in the equalized assessed value of the new structure as compared to the previous structure.
- (4) 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.

## **§ 410-92. Nonresidential development fees.**

A. Imposition of fees.

- (1) Within all zoning districts, nonresidential developers, except for developers of the types of developments specifically exempted below, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements, for all new nonresidential construction on an unimproved lot or lots.
- (2) Within all zoning districts, nonresidential developers, except for developers of the types of developments 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 preexisting land and improvements and the equalized assessed value of the newly improved structure, i.e., land and improvements, and such calculation shall be made at the time a 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 a development fee of 2.5%, unless otherwise exempted below.
- (2) The development fee of 2.5% shall not apply to an increase in equalized assessed value resulting from alterations, change in use within the existing footprint, reconstruction, renovations and repairs.
- (3) Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to the Statewide Nonresidential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF "State of New Jersey Nonresidential Development Certification/Exemption." Any exemption claimed by a developer shall be substantiated by that developer.
- (4) A developer of a nonresidential development exempted from the nonresidential development fee pursuant to the Statewide Nonresidential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy for the nonresidential development, whichever is later.
- (5) If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Borough of Alpha as a lien against the real property of the owner.

## § 410-93. Collection procedures.

- A. Upon the granting of a preliminary, final or other applicable approval for a development, the approving authority or entity shall notify or direct its staff to notify the Construction Official responsible for the issuance of a construction 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 construction permit shall notify the Borough Tax Assessor of the issuance of the first construction permit for a development which is subject to a development fee.
- D. Within 90 days of receipt of such notification, the Borough Tax Assessor shall prepare an estimate of the equalized assessed value of the development based on the plans filed.
- E. The Construction Official responsible for the issuance of a final certificate of occupancy shall notify the Borough Tax Assessor of any and all requests for the scheduling of a final inspection on a property which is subject to a development fee.
- F. Within 10 business days of a request for the scheduling of a final inspection, the Borough Tax Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- G. Should the Borough of Alpha 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 § **410-92A(3)** hereinabove, 50% of the initially calculated development fee shall be collected at the time of issuance of the construction permit. The remaining portion shall be collected at the time of issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the construction permit and that determined at the time of issuance of the certificate of occupancy.
- I. Appeal of development fees.
  - (1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Borough of Alpha. 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, R.S. 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 Alpha. 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, R.S.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.

## § 410-94. Affordable Housing Trust Fund.

- A. There is hereby created a separate, interest-bearing Affordable Housing Trust Fund to be maintained by the Chief Financial Officer of the Borough of Alpha 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 a fraction of an affordable unit, where permitted by ordinance or by agreement with the Borough of Alpha;
- (2) Funds contributed by developers to make 10% of the adaptable entrances in a townhouse or other multistory attached dwelling unit 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 Alpha's affordable housing program.

C. Noncompliance by Borough.

- (1) In the event of a failure by the Borough of Alpha 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 Alpha or, if not practicable, then within the county or the housing region.
- (2) 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.

D. Interest accrued in the Affordable Housing Trust Fund shall only be used to fund eligible affordable housing activities approved by the court.

## § 410-95. Use of funds.

- A. The expenditure of all funds shall conform to a spending plan approved by the court. Funds deposited in the Affordable Housing Trust Fund may be used for any activity approved by the court to address the Borough of Alpha's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to, preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market to affordable program; 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; and/or any other activity permitted by the court and specified in the approved spending plan.
- B. Funds shall not be expended to reimburse the Borough of Alpha for past housing activities.

- C. At least 30% of all development fees collected and interest earned on such fees 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 the median income for Housing Region 3, in which Alpha is located.
  - (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. The specific programs to be used for affordability assistance shall be identified and described within the spending plan.
  - (2) Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income. The specific programs to be used for very-low-income affordability assistance shall be identified and described within the spending plan.
  - (3) Payments in lieu of constructing affordable housing units on site, if permitted by ordinance or by agreement with the Borough of Alpha, and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- D. The Borough of Alpha may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including its programs 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 consultants' fees necessary to develop or implement a new construction program, prepare a Housing Element and Fair Share Plan, and/or administer an affirmative marketing program or a rehabilitation program.
  - (1) In the case of a rehabilitation program, the administrative costs of the rehabilitation program shall be included as part of the 20% of collected development fees that may be expended on administration.
  - (2) Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or related to securing or appealing a judgment from the court are not eligible uses of the Affordable Housing Trust Fund.

## § 410-96. Monitoring.

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

## § 410-97. Ongoing collection of fees.

- A. The ability for the Borough of Alpha to impose, collect and expend development fees shall expire with the expiration of the repose period covered by its judgment of compliance unless the Borough of Alpha has first filed an adopted Housing Element and Fair Share Plan with the court or with a designated state administrative agency, has petitioned for a judgment of compliance from the court or for substantive certification or its equivalent from a state administrative agency authorized to approve and administer municipal affordable housing compliance and has received approval of its development fee ordinance from the entity that will be reviewing and approving the Housing Element and Fair Share Plan.
- B. If the Borough of Alpha 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 (N.J.S.A. 52:27D-320).
- C. The Borough of Alpha 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, nor shall the Borough of Alpha retroactively impose a development fee on such a development. The Borough of Alpha also shall not expend any of its collected development fees after the expiration of its judgment of compliance.