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Community Planning
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HOUSING ELEMENT AND FAIR SHARE PLAN

BOROUGH OF ORADELL
BERGEN COUNTY, NEW JERSEY

PREPARED FOR:

BOROUGH OF ORADELL PLANNING BOARD
BA# 2087.03

December 10, 2008

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The original document was appropriately signed and sealed on December 10, 2008 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

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INTRODUCTION

Every developing municipality in New Jersey has an affirmative obligation to provide for its fair share of affordable housing. This was decided in 1975 by the New Jersey Supreme Court, in So. Burlington Cty. NAACP v. Township of Mount Laurel. In 1983, the Court acknowledged that the vast majority of municipalities in the State had ignored their constitutional obligation, and called for the State legislature to enact legislation that would save municipalities from the burden of having the courts determine their affordable housing needs. The result was the establishment of the New Jersey Council on Affordable Housing (COAH), the State agency responsible for overseeing the manner in which the State's municipalities address their low and moderate income housing needs.

COAH initially adopted a "fair share" methodology to determine the State's low and moderate income housing needs in 1986. The previously adopted first and second round housing need numbers required the Borough of Oradell to provide for a total of 90 affordable housing units, inclusive of a new-construction obligation of 89 units and a rehabilitation obligation of one unit. COAH then adopted new substantive (N.J.A.C. 5:94-1 *et seq.*) and procedural rules (N.J.A.C. 5:95-1 *et seq.*) for the period beginning December 20, 2004. At the same time, COAH re-adjusted and issued new municipal first and second round housing-need numbers. Oradell's previously published 89 unit new construction obligation was reduced to 72 units and its rehabilitation share was reduced to zero units. However, because the Borough sought a vacant land adjustment as part of its second round plan, the reduction in the overall obligation did not impact the realistic development potential (RDP) identified in the prior round plan.

As a result of an Appellate Division ruling, new substantive and procedural rules were adopted on June 2, 2008 (now N.J.A.C. 5:97 and 5:96, respectively). These new third round rules implement a "growth share" approach to affordable housing and thus represent a significant departure from the Council's first and second rules. The new rules link the production of affordable housing with actual development and projected growth. There are three components to the third round methodology. They include: 1) the rehabilitation share; 2) any remaining prior round obligation for the period 1987-1999; and 3) the growth share. Growth share is generated by projections of residential and non-residential growth for the period covering January 1, 2004 to January 1, 2018. The new substantive rules state that for every four market-rate residential units projected to be constructed, the municipality shall be obligated to provide one unit that is affordable to households of low or moderate income. In addition, each municipality is obligated to provide one affordable unit for every 16 newly created jobs.

COAH's June 2008 proposed *estimates of need* indicate that Oradell has an 86 unit third round affordable housing obligation, made up entirely of the growth share component since the Borough's rehabilitation component is zero. COAH estimates that by 2018 the Borough will have an additional 269 dwellings, which translates to 54 units of affordable housing, and 511 additional jobs, which translates to 32 units of affordable housing. Our analysis, set forth herein, indicates the Borough's adjusted obligation is fro 6 affordable housing units.

This document is designed to address the Borough of Oradell's housing obligation, inclusive of the community's third round obligation and the plan to achieve this goal. It has been prepared

pursuant to the provisions of the Municipal Land Use Law (MLUL) and the applicable regulations of the Council on Affordable Housing governing the provision of affordable housing within the community for the period between 1987 and 2018.

The plan is organized into three sections.

1. The first part, the Housing Element, contains background data on the Borough's housing characteristics and population as required by COAH.

2. The second section calculates the Borough's Fair Share Obligation for the provision of affordable housing in accordance with the procedures identified in the third round rules.

3. The final section contains the Borough's Fair Share Plan for meeting its affordable housing obligation.

SECTION I:
HOUSING ELEMENT

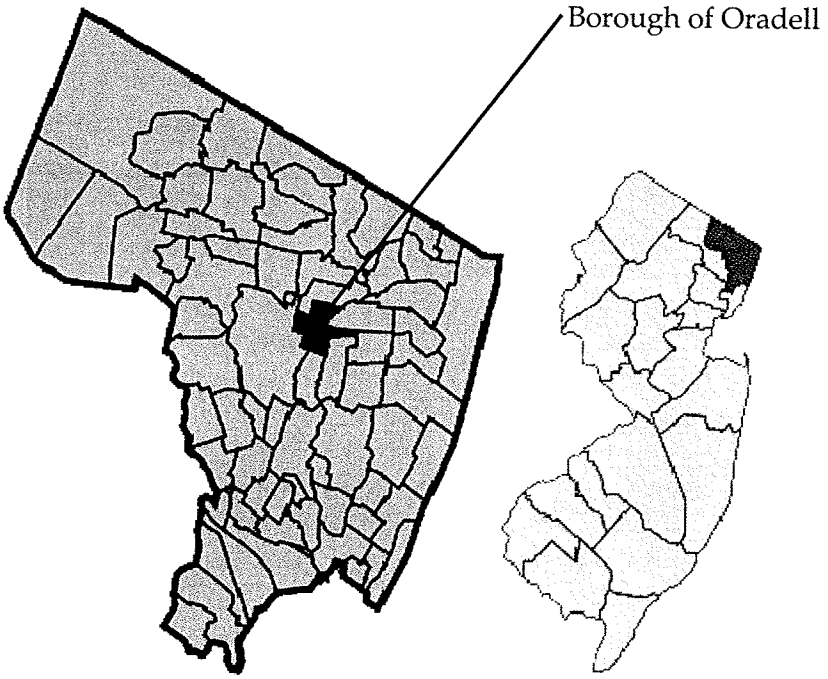
A. COMMUNITY OVERVIEW

The Borough of Oradell is located in central Bergen County. It is bordered by six other Bergen County municipalities, including Emerson to the north, Haworth and Dumont to the east, New Milford and River Edge to the southeast and south and Paramus to the west. The Borough occupies an area of approximately 1, 650 acres, or 2.58 square miles.

Oradell is a fully developed community. The 1990 Borough Land Use Plan found that there were only 32 acres of available vacant land in the community. A 2001 land use analysis found that this figure had been reduced to only thirteen acres. Much of these thirteen acres was contained in small isolated lots (less than three-quarters of an acre in size).

Residential development is the principle land use in the community. This is typified by detached single-family dwellings. Many of these dwellings are located on individual lots ranging in size from 7,500 square feet to 15,000 square feet. Commercial uses in Oradell are generally concentrated along Kinderkamack Road. The shopping area located along this thoroughfare is generally oriented to the provision of day-to-day goods and services for local residents. Recreational commercial activity accounts for approximately 212 acres of land and includes three golf-courses which are located along the perimeter of the Borough.

The United Water Company Oradell Reservoir and the adjoining portions of the Hackensack River are located within the Borough. The Reservoir encompasses 66 acres in Oradell, with United Water Company owning an additional 71 acres of land adjoining the reservoir. The Hackensack River accounts for 46 acres of the Borough's land.



Source: Wikipedia foundation.com

B. INVENTORY OF MUNICIPAL HOUSING STOCK

This section of the housing element provides an inventory of the Borough's housing stock, as required by the MLUL. The inventory details housing characteristics such as age, condition, purchase/rental value, and occupancy. It also details the number of affordable units available to low- and moderate-income households and the number of substandard housing units capable of being rehabilitated.

1. Number of Dwelling Units The State estimates that Oradell contained 2,849 dwelling units in 2008. As shown in the table below, the Borough's housing stock grew at a considerable rate between 1960 and 1970, but slowed considerably in the 1970s and 1980s. Notably, in the 1990s, the number of housing units actually decreased by three units to 2,833 units.

Table 1: Dwelling Units (1960-2008 YTD)
Oradell, New Jersey

Year	Dwelling Units	Change (#)	Change (%)
1960	2,131	---	---
1970	2,547	416	19.5
1980	2,808	261	10.2
1990	2,836	28	9.9
2000	2,833	-3	-0.1
2008*	2,849	16	0.6

* Through June

Sources: 2003 Bergen County Data Book; NJ Department of Community Affairs (DCA), The NJ Construction Reporter: http://www.state.nj.us/dca/codes/cr/conrep.shtml

Almost 89 percent of housing units in Oradell are owner-occupied. Most of the remaining units are renter-occupied. A total of 44 housing units, or 1.5 percent of the total number of dwelling units, were unoccupied when the 2000 US Census was taken. This is shown in the following table.

Table 2: Housing Units by Tenure and Occupancy Status (2000)
Oradell, New Jersey

Characteristics	Number	Percent
Owner-occupied	2,507	88.5
Renter-occupied	282	10.0
Vacant units	44	1.5
Total	2,833	100

Source: 2000 U.S. Census

2. Housing Characteristics This section provides additional information on the characteristics of the Borough's housing stock, including the number of units in structure (Table 3) and the number of bedrooms per dwelling unit (Table 4). Single family detached units account for 90 percent of the Borough's housing stock.

Table 3: Units in Structure (1990 and 2000)
Oradell, New Jersey

Units in Structure	1990		2000	
	Number	Percent	Number	Percent
Single Family, detached	2,551	90.0	2,553	90.0
Single Family, attached	44	1.6	31	1.1
2	90	3.2	105	3.7
3 or 4	24	0.8	42	1.5
5 to 9	24	0.8	31	1.1
10-19	46	1.6	18	0.6
20 or more	50	1.8	53	1.9
Other	7	.2	0	0
Total	2,836	100.0	2,833	100.0

Source: U.S. Census, 1990 & 2000

Table 4: Number of Bedrooms in Housing Units (2000)
Oradell, New Jersey

Bedrooms	2000	
	Number	Percent
None	8	0.2
One	163	5.8
Two	281	9.9
Three	1,278	45.1
Four	830	29.3
Five or More	273	9.6
Total	2,833	99.9

Source: 2000 U.S. Census

3. Housing Age Table 5 shows that nearly three-quarters of the Borough's housing units were built prior to 1960. Relatively few of Oradell's housing units (49 units) were constructed in the years since 1990.

Table 5: Year Structure Built
Oradell, New Jersey

Year Units Built	Number	Percent
1999 to March 2000	23	0.8
1995 to 1998	26	0.9
1990 to 1994	0	0
1980 to 1989	129	4.6
1970 to 1979	229	8.0
1960 to 1969	446	15.7
1950 to 1959	991	35.0
1940 to 1949	338	11.9
1939 or earlier	651	23.0
Total	2,833	99.9

Source: 2000 U.S. Census

4. Housing Conditions Table 6 provides an indication of overcrowded housing units, represented by units containing more than one occupant per room. This table indicates the vast majority of dwellings in Oradell are not over crowded.

Table 6: Occupants per Room (2000)
Oradell, New Jersey

Occupants Per Room	Number	Percent
0.50 or less	2,211	79.2
0.51 to 1.00	558	20.0
1.01 to 1.50	20	0.7
1.51 to 2.00	0	0
2.01 or more	0	0
Total	2,789	99.9

Source: 2000 U.S. Census

Table 7 presents additional detail regarding housing conditions, including the presence of complete plumbing and kitchen facilities and the type of heating equipment used. As shown below, all housing units in the Borough have complete plumbing and standard heating facilities. Only 10 units (0.4%), lack complete kitchen facilities.

Table 7: Equipment and Plumbing Facilities (2000)
Oradell, New Jersey

Facilities	2000	
	Number	Percent
Kitchen:		
With Complete Facilities	2,823	99.6
Lacking Complete Facilities	10	0.4
Plumbing:		
With Complete Facilities	2,833	100.0
Lacking Complete Facilities	0	0.0
Heating Equipment (Occupied Units):		
Standard Heating Facilities	2,789	100.0
Other Means, No Fuel Used	0	0.0

Source: 2000 U.S. Census

5. Purchase and Rental Values Rental values increased between 1990 and 2000, with the median gross rent increasing from $910 to $957.

Table 8: Gross Rent of Specified Renter-Occupied Housing Units (1990 and 2000)
Oradell, New Jersey

Rent	1990		2000	
	Number	Percent	Number	Percent
Less than $250	0	0	0	0
$250 to $499	5	1.7	10	3.5
$500 to $749	71	24.3	18	6.4
$750 to $999	93	31.8	132	46.8
$1,000 to $1,499	102	34.9	48	17.0
$1,500 or more	--	0.0	48	17.0
No cash rent	21	7.2	26	9.2
Total	292	100.0	282	100.0
Median Gross Rent	$910		$957	

Source: U.S. Census, 1990 & 2000

Similarly, as shown on Table 9, the median value of owner-occupied units increased between 1990 and 2000, from $291,200 to $330,900. Recent increases in housing prices throughout the region have resulted in substantial increases in housing values since the publication of the 2000 census.

Table 9: Value of Specified Owner-Occupied Housing Units (1990 and 2000)
Oradell, New Jersey

Value Range	1990	Value Range	2000
Less than $75,000	0	Less than $100,000	12
$75,000 to $99,999	0		
$100,000 to $124,999	0	$100,000 to $149,000	17
$125,000 to $149,999	26		
$150,000 to $174,999	81	$150,000 to $199,999	180
$175,000 to $199,999	147		
$200,000 to $249,999	477	$200,000 to $299,999	750
$250,000 to $299,999	491		
$300,000 to $399,999	651	$300,000 to $399,999	826
$400,000 to $499,999	219	$400,000 to $499,999	403
$500,000 or more	179	$500,000 to $749,999	193
		$750,000 to $999,999	35
		$1,000,000 or more	13
TOTAL	2,271	TOTAL	2,429
1990 Median Value	$291,200	2000 Median value	$330,900

Source: U.S. Census, 1990 & 2000

6. Number of Units Affordable to Low and Moderate Income Households Based on the most current COAH regional income limits, the median household income for a three-person household in COAH Region 1, Oradell's housing region comprising Bergen, Hudson, Passaic and Sussex Counties, is $69,365. A three-person moderate-income household, established at no more than 80 percent of the median income, would have an income not exceeding $55,492.

   An affordable sales price for a three person moderate-income household earning 80 percent of the median income is estimated at approximately $150,000. This estimate is based on the UHAC affordability controls outlined in N.J.A.C. 5:80-26.1.

   For renter-occupied housing, an affordable monthly rent for a three-person household is estimated at $1,340. According to 2000 U.S. Census data, approximately 56.7 percent of the Borough's rental units had a gross rent less than $1,000.

7. Substandard Housing Capable of Being Rehabilitated COAH provides the number of units in a community that are in need of rehabilitation and are not likely to experience "spontaneous rehabilitation." Oradell's rehabilitation share is 6 units. This item is further explained in the Fair Share Plan section of this document.

C. PROJECTION OF MUNICIPAL HOUSING STOCK

The Fair Share Plan section of this document, Section III, will include a detailed projection of the municipal housing stock, pursuant to COAH's rules for establishing the "growth share" component of the fair share obligation. This section will also identify historical and projected growth trends.

D. POPULATION ANALYSIS

The MLUL requires that the housing element of this plan provide data on the municipality's population, including population size, age and income characteristics.

1. Population Size As seen in the table below, the Borough's population remained steady between 1990 and 2000, after falling in the previous two decades. The 2007 population estimate, provided by the New Jersey Department of Labor, of 7,847 represents a 2.5 percent decrease over the 2000 census figure of 8,047.

Table 10: Population Growth
Oradell, New Jersey

Year	Population	Change (#)	Change (%)
1920	1,286	--	--
1930	2,360	1074	83.5
1940	2,802	442	18.7
1950	3,665	863	30.8
1960	7,487	3822	104.2
1970	8,903	1416	18.9
1980	8,658	-245	-2.7
1990	8,024	-634	-7.3
2000	8,047	23	0.2
2007*	7,847	-200	-2.5

Source: U.S. Census Bureau; *NJ Dept of Labor and Workforce Development Estimates

2. Age Characteristics The Borough's age characteristics are represented in Table 11, below. The median age of Borough residents is 41.3.

Table 11: Age Characteristics (2000)
Oradell, New Jersey

Age Group	Total	% Total
Under 5	509	6.3
5-9	567	7.0
10-14	631	7.8
15-19	435	5.4
20-24	287	3.6
25-29	303	3.8
30-34	467	5.8
35-39	611	7.6
40-44	733	9.1
45-49	653	8.1
50-54	619	7.7
55-59	505	6.3
60-64	390	4.8
65-69	347	4.3
70-74	329	4.1
75-79	278	3.4
80-84	201	2.5
85 and over	182	2.3
Total	8,047	99.9
Median Age	41.3	

Source: 2000 U.S. Census

3. Average Household Size The average Borough household size decreased between 1980 and 2000 as indicated in the table below.

Table 12: Average Household Size (1980-2000)
Oradell, New Jersey

Year	Borough Population	Household Population	Total Households	Average Household Size
1980	8,658	8,636	2,769	3.13
1990	8,024	8,003	2,767	2.90
2000	8,047	7,902	2,789	2.89

Source: 1990 & 2000 U.S. Census; 2003 Bergen County Data Book

4. Household Income The median household income for Oradell households increased by approximately 21 percent between 1990 and 2000, rising from $75,324 to $91,014. Detailed household income figures are shown in the table below.

Table 13: Household Income Distribution (1989 and 1999)
Oradell, New Jersey

Income Category	1989		1999	
	Number	Percent	Number	Percent
Less than $10,000	46	1.6	60	2.1
$10,000 to $14,999	78	2.8	79	2.8
$15,000 to $24,999	170	6.0	121	4.3
$25,000 to $34,999	197	7.0	159	5.7
$35,000 to $49,999	323	11.6	298	10.7
$50,000 to $74,999	576	20.5	399	14.2
$75,000 to $99,999	632	22.5	397	14.1
$100,000 to $149,999	429	15.3	601	21.4
$150,000 or more	354	12.6	695	24.7
Total	2,805	99.9	2,809	100.0
Median	$75,324		$91,014	

Source: U.S. Census, 1990 & 2000

E. EMPLOYMENT ANALYSIS

The MLUL requires that a housing plan include data on employment levels in the community. The following tables present information on the Borough's employment characteristics.

1. Employment Status Table 14 provides information on employment status in the Borough for the segment of the population 16 and over. Approximately, 63.6 percent of the Borough's population over the age of 16 was employed, with only 1.8 percent unemployed.

Table 14: Employment Status- Population 16 & Over (2000)
Oradell, New Jersey

Employment Status	Number	Percent
In labor force	3,980	63.6
Civilian labor force	3,980	63.6
Employed	3,865	61.8
Unemployed	115	1.8
Armed Forces	0	0.0
Not in labor force	2,279	36.4
Total Population 16 and Over	6,259	100.0

Source: 2000 U.S Census

2. Employment Characteristics of Employed Residents The following two tables detail information on the employment characteristics of Oradell residents. Table 15 details employment by occupation and Table 16 details employment by industry. A large proportion of the town is employed in the management, professional and related occupations' sector. Additionally, the two industries that employ a significant percentage of the residents of Oradell are education, health and social services with 21.8 percent of the total population and finance, insurance, and real estate with 15.0 percent of the population.

Table 15: Employed Residents Age 16 and Over, By Occupation (2000)
Oradell, New Jersey

Occupation	Number	Percent
Management, professional, and related occupations	2,189	56.6
Service occupations	234	6.1
Sales and office occupations	1,124	29.1
Farming, fishing, and forestry occupations	0	0.0
Construction, extraction, and maintenance occupations	124	3.2
Production, transportation, and material moving occupations	194	5.0
Total	3,865	100.0

Source: 2000 U.S. Census

Table 16: Employed Residents Age 16 and Over, By Industry (2000)
Oradell, New Jersey

Industry	Number	Percent
Agriculture, Forestry, Fisheries & Mining	0	0.0
Construction	89	2.3
Manufacturing	289	7.5
Transportation and Warehousing, and Utilities	138	3.6
Wholesale Trade	295	7.6
Retail Trade	431	11.2
Information	263	6.8
Finance, Insurance & Real Estate	579	15.0
Education, Health and Social Services	842	21.8
Arts, Entertainment & Recreational Services	160	4.1
Professional & Related Services	494	12.8
Public Administration	148	3.8
Other Services	137	3.5
Total	3,865	100.0

Source: 2000 U.S. Census

SECTION II:
FAIR SHARE OBLIGATION

A. INTRODUCTION

The methodology for determining the Borough's third-round affordable housing obligation changed significantly from the prior round regulations. Under COAH's third-round rules, a municipality's third-round affordable housing obligation is a function of three components:

- Rehabilitation Share
- Remaining Prior Round Obligation
- Growth Share

The growth share component represents the most significant change from the prior round, as it requires that each municipality determine its own affordable housing obligation based on the amount of residential and non-residential growth anticipated over the third-round period from 2004 to 2018. Each of the three components is combined to determine the municipality's total affordable housing obligation. More detail on each component is provided below.

1. Rehabilitation Share

The rehabilitation share component of the affordable housing obligation is based on the municipality's existing housing deficiencies. Rehabilitation share is defined as "the number of deficient housing units occupied by low and moderate income households within a municipality." A "deficient housing unit" is "a unit with health and safety code violations that require the repair or replacement of a major system." A major system includes any of the following: weatherization, roofing, plumbing, heating, electricity, sanitary plumbing, lead paint abatement and/or load-bearing structural systems.

COAH publishes the rehabilitation share for each municipality. It has determined that Oradell has a 6 unit rehabilitation share. A municipality has two options for determining the rehabilitation share component of its fair share obligation. The first option is to use the rehabilitation share number assigned by COAH to the municipality. COAH devised a methodology using 2000 U.S. Census data to estimate the number of low and moderate income deficient housing units within each municipality. The methodology is based on regional averages that are then applied to local conditions. It adjusts for potential double counting, incorporates credits for municipalities which have been "increasingly impacted" by the rehabilitation share, and accounts for the portion of units likely to experience spontaneous rehabilitation, i.e., those likely to rehabilitate through private forces. Alternatively, a municipality can conduct its own housing survey to develop an actual rehabilitation share. Oradell accepts COAH's 6 unit rehabilitation estimate.

Characteristics indicating a need for rehabilitation are as follows:

- Persons per Room: 1.01 or more persons per room in housing units built in 1939 or before.
- Plumbing Facilities: Inadequate plumbing sufficient for rehabilitation as indicated by a lack of hot and cold piped water, a flushing toilet, or a bathtub/shower.
- Kitchen Facilities: Inadequacy indicated by non-presence of kitchen facilities within unit or non-presence of one of three components, including a sink with piped water, a stove or refrigerator.

2. Remaining Prior Round Obligation
   The prior round obligation consists of the prospective need from prior rounds, rounds 1 and 2, and the reallocated present need from round 2. As part of round 3, COAH has published a new number for this 1st and 2nd round obligation. The number for the Borough of Oradell is 89 units, as listed on an appendix to the third round rules.

3. Growth Share
   The growth share portion of a municipality's fair share obligation is based on the projected residential and employment growth in the municipality over the period between 2004 and 2018. As previously noted, COAH has calculated that Oradell has an 86 unit growth share obligation. They define growth share as:

   > *"The affordable housing obligation generated in each municipality by both residential and non-residential development from 2004 through 2018 and represented by a ratio of one affordable housing unit for every four market-rate housing units constructed plus one affordable housing unit for every 16 newly created jobs as measured by new or expanded non-residential construction within the municipality."*

   COAH also provides that each individual municipality's actual growth between 2004 and 2018 generates an affordable housing obligation. For residential development, one affordable housing unit obligation is generated for every four market rate residential units constructed in the municipality. For non-residential development, one unit of affordable housing obligation is generated for each 16 jobs created in the community. Job creation estimates are based on the amount of new non-residential square footage developed within the community.

The following section contains development projections and a determination of the growth share assessment for the third-round obligation.

B. CALCULATION OF AFFORDABLE HOUSING OBLIGATION

The calculation of the Borough's affordable housing obligation is detailed below.

1. Rehabilitation Share. Per the new third round rules, Appendix B, the Borough has a rehabilitation share of 6 units.

2. Remaining Prior Round Obligation. Appendix C of the new COAH rules indicates a recalculated prior round new construction obligation of 89 units. The prior round plan components are presented below.

Table 17: Second Round Plan Components
Oradell, New Jersey

Plan Component	Units
Vacant Land Adjustment	- 87 units (RDP: 2 units)
Municipally Sponsored Rental Development (Block 220 Lot 7)	2 rental units
Inclusionary Overlay Zone	20% set aside for any multi-family development of 5+ units

Source: Housing Element and Fair Share Plan, Borough of Oradell, 2005

The above components have not been completed as the implementing ordinances were to be adopted subsequent to the receipt of substantive certification. Because a determination regarding second round certification has not been made to date, the entire second round obligation is, technically, outstanding. As will be detailed in the Fair Share Plan section, the Borough will implement the above-noted plan components as part of its third round plan to meet its outstanding prior round obligation.

3. Growth Share The growth share component of the Borough's affordable housing obligation is calculated based on the projected amount of residential and non-residential growth anticipated between 2004 and 2018. This projection involves a number of steps, including the formulation of a baseline projection that must ultimately be reconciled with the detailed projection resulting from an analysis of approved, pending and anticipated development applications.

Once the detailed analysis is complete and reconciled with the baseline projections, this growth is translated into an affordable housing obligation, based on a standard of one affordable housing unit for every four market rate units that are built and every 16 jobs that are created. Job creation is directly tied to the amount of non-residential floor space constructed.

The growth share calculation presented below, is separated into residential growth and non-residential growth categories.

a. Calculation of Residential Growth Share.

i. Baseline Residential Growth Projection. The baseline growth projection for residential development is set forth in Appendix F of the COAH regulations. They suggest that the Borough's housing growth shall consist of 269 dwelling units between the years 2004 and 2018.

Table 18: Household Growth Estimates 2004 - 2018
Oradell, New Jersey

2018 Household Estimate	-	2004 Household Estimate	=	Household Growth
3,103		2,834		269

Source: NJTPA Population and Employment Forecasts and 2000 US Census

As detailed below, the Borough takes exception to that projection, and suggests the community's growth projection is substantially lower than indicated by COAH.

ii. Actual Growth Projection. COAH permits municipalities to conduct a detailed analysis of historical trends, pending and approved development applications, and other local knowledge to generate a growth projection for the community. This projection will be compared to their estimated projection. The actual projection is determined through a series of steps and analyses, as shown below.

Historical Trends in Residential Development

Data for the years 1995-2008 YTD is presented in order to determine the Borough's historical residential growth trends and to determine actual growth since 2004, as evidenced by certificates of occupancy (COs) and demolition permits issued. Historical trends will be used to project residential growth in years to come.

Table 19: Historical Trends in Residential Development
Analysis of Certificates of Occupancy and Demolition Permits, 1995-2008 YTD
Oradell, New Jersey

	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008 YTD*
COs Issued	1	2	4	4	3	4	1	3	0	2	1	1	3	2
Demo Permits Issued	1	0	0	1	2	2	2	1	0	4	0	3	4	2
Net Growth	0	2	4	3	1	2	-1	2	0	-2	1	-2	-1	0

*Through June 2008; Source: NJ DCA, The NJ Construction Reporter: http://www.state.nj.us/dca/codes/cr/conrep.shtml

The Borough experienced, on average, 2.2 CO's issued annually, while there were approximately 1.5 demolition permits issued annually. As shown above, throughout the 13 year period, the Borough's residential growth has been extremely limited. Over the entire period shown above, the Borough saw a net increase of 9 residential dwelling units. Due to the lack of developable land in the Borough, and the quality of the existing housing stock, it is anticipated that this modest development trend will continue throughout the next ten-year period.

Projected Residential Development

COAH requires that residential development be projected through 2018. This analysis involves the documentation of residential projects that have been approved but have not yet received Certificates of Occupancy, pending residential development applications, and anticipated residential development. The table below details the approved and pending residential development projections.

Table 20: Number of Residential Units Approved, but not yet under construction and Pending Residential Development Applications Oradell, New Jersey

Project Name	# of New Dwelling Units
Grant Ave Association	2 (1 house demolished)
Etienne Emirzian	2 (1 house demolished)
P. & M. Crosbie	2 (1 house demolished)
J. & M. Knuth	2 (1 house demolished)
S.A.A.K.	4 (1 house demolished)
Total	7

Source: Borough of Oradell

The table below is from previous housing plan, and details the modest level of growth projected from previously approved and anticipated projects.

Approved Projects	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Block 119 Lot 9		2	3							5
Block 403 Lot 18		1								1
Block 806 Lot 32		1	2							3
Subtotal	0	4	5	0	0	0	0	0	0	9
Pending Projects	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
Block 607 Lot 13		1								1
Subtotal	0	1	0	0	0	0	0	0	0	1
Anticipated Projects	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
COAH rental project			3							3
Other Anticipated				2	2	2	2	2	2	12
Subtotal	0	0	3	2	2	2	2	2	2	15
Total	0	5	8	2	2	2	2	2	2	25
Demolitions	0	-1	-1	-1	-1	-1	-1	-1	-1	-8
Total NET	0	4	7	1	1	1	1	1	1	17

Source: Borough of Oradell

Anticipated development is that which will likely occur before 2018, based on site-specific analysis of remaining developable parcels and local knowledge. This analysis includes an estimate of other projected development, based in part on historical growth trends. The analysis of anticipated development applications is based on existing vacant sites that are expected to be developed for residential use before 2018. Yield calculations are based on existing zoning and other features that may impact the amount of development, such as the presence of environmental constraints.

Table 21: Number of Residential Units by Year of Anticipated CO, 2008* to 2018
Oradell, New Jersey

	Actual		Projected									Total
	2006	2007	2008 *	2009	2010	2011	2012	2013	2014	2016	2017	
CO's	1	3	2	2	2	2	2	2	2	2	2	22
Demolition	3	4	2	-1	-1	-1	-1	-1	-1	-1	-1	17
Net Growth	-2	-1	0	1	1	1	1	1	1	1	1	5

* 2008 YTD numbers through June.
Source: NJ DCA, NJ Construction Reporter: http://www.state.nj.us/dca/codes/cr/conrep.shtml and municipal analysis.

iii. Comparison: COAH Projection and Actual Projection If the actual projection is greater than or equal to the COAH projection, the actual projection has an automatic presumption of validity. However, if this projection is less than the baseline, COAH may deny substantive certification based on this fact, unless the validity of the alternate projection can be affirmatively established. The Borough's position is that COAH's estimate of 269 additional residential units by 2018 overestimates growth. The Borough estimates that 6 dwelling units will be built by 2017. This figure is a function of the lack of developable vacant land, historic development trends associated with non-affordable housing development, and economic conditions.

iv. Determining the Residential Growth Share In this step, the projected growth is adjusted based on that portion of the projection that includes affordable units that are to be constructed in accordance with the second round certified plan. All affordable housing units and a portion of any market rate units that are part of an inclusionary development may be excluded. Market rate units in an inclusionary development may be excluded at a rate of 5.67 times the number of affordable units constructed on-site.

The residential growth share is determined by taking twenty percent of the Final Net Growth projections

Table 22: Residential Growth Share Obligation
Oradell, New Jersey

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	Total
Final Net Growth	-2	4	0	1	1	1	1	1	1	1	1	1	21
Residential Growth Share (20%)	-0.4	0.8	0.0	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	2.2

* 2007 Three (3) affordable housing units were excluded
Source:

b. Calculation of Non-Residential Growth Share

i. COAH Growth Projection. COAH projects that the number of jobs in Oradell will increase by 511 by the year 2018. This is detailed in the following table.

Table 23: Non-Residential Growth Projection
Oradell, New Jersey

2018 Employment Estimate	2004 Employment Estimate	Employment Growth
3,404	2,893	511

Source: NJTPA Population and Employment Projections,
http://www.njtpa.org/Plan/LRP/documents/AppB_DemoForc.pdf

ii. Actual Growth Projection. COAH also permits a municipality to prepare a detailed analysis of historical trends, pending/approved development applications, and other local knowledge to generate an actual non-residential growth projection for the Borough. This projection is then compared to COAH's projection. The detailed projection is determined through a series of similar steps and analyses, as shown below.

The first step in this analysis is to assess historical trends in non-residential development. In this step, historical data for the years 1996-2008 YTD is examined. This data establishes the Borough's historical non-residential growth trends and provides actual growth figures to year-to-date 2008. As with the residential analysis, growth is indicated by certificates of occupancy and demolition permits issued. Historical trends are then utilized to help predict non-residential growth. The table presents this information based on demolition permits issued by use classification of non-residential development (i.e. office, retail, etc.).

Table 24: Historical Trends in Non-Residential Development, 1996-2008 YTD
Analysis of Certificates of Occupancy and Demolition Permits, Square Footage by Use Type
Oradell, New Jersey

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008 YTD*
Certificates of Occupancy Issued (sf)													
Education	0	0	0	0	0	0	0	0	0	0	63,823	0	0
Office	0	202	0	1,260	0	70	0	200	0	3,225	0	490	
Assembly (A4)	0	0	0	209	0	0	0	0	0	0	0	0	0
Inst.													0
Demolition Permits Issued (permits issued)													
Office	0	0	1	2	1	0	0	0	1	0	1	0	0
Assembly (A4)	0	0	0	0	0	0	0	0	0	0	0	0	0

* Through June 2008
Source: NJ DCA, The NJ Construction Reporter: http://www.state.nj.us/dca/codes/cr/conrep.shtml

The data for 2004 through YTD 2008 is translated into employment growth, based on the multipliers provided in Appendix D of the Substantive Rules. This is shown in the table below.

Table 25: Actual Non-Residential Growth Share, 2004-2008 YTD
Oradell, New Jersey

	2004		2005		2006		2007		2008 YTD*		Total Jobs
	Sq. Ft.	Jobs	Sq. Ft.	Jobs	Sq. Ft.	Jobs	Sq. Ft.	Jobs	Sq. Ft.	Jobs	
Certificates of Occupancy											
Office (B)	0	0	3,225	9.0	0	0	490	1.4	0	0	
Subtotals	0	0		9.0	0	0		10.4	0	19.4	19.4
Demolition Permits (permits issued)											
Office (B)	1		0	0	1		0	0	0	0	
Subtotals	1		0	0	1		0	0	0	0	
Totals			3,225	9.0			490	1.4	0	19.48	19.4

* 2008 YTD numbers through May
Source: NJ DCA, The NJ Construction Reporter
http://www.state.nj.us/dca/codes/cr/conrep.shtml

Anticipated Non-Residential Development

COAH requires that non-residential development be projected to 2018. This analysis involves the identification of all prospective non-residential projects, including those approved but that have not received a Certificates of Occupancy, any pending non-residential development applications, and anticipated non-residential development. Anticipated development is that which will likely occur before 2018, based on site-specific analysis of remaining developable

parcels. This analysis includes an estimate of other projected non-residential development, based in part on historical growth trends. The following tables project the estimated square footage and job growth associated with each development.

Table 26: Projected Non-Residential Square Footage and Jobs
Approved and Pending Development Applications
Oradell, New Jersey

Project Name	Board Status	Square Footage	Jobs
Walgreens	Pending	13,400	22.8
Traphagen & Traphagen Office	Approved	660	1.9
Total Jobs: 24.7			

Source: Borough of Oradell

The analysis of anticipated development applications is based on existing sites that are expected to be developed for non-residential use before 2018. Yield calculations are based on existing zoning and other features that may impact the amount of development, such as the presence of environmental restraints, etc. It is anticipated that with a significant portion of the Borough's non-residential areas already developed few additional jobs would be created locally that by the year 2018.

iii. Comparison: COAH Projection and Actual Projection If the actual projection is greater than or equal to the COAH projection, the actual projection has an automatic presumption of validity. If this projection is less than COAH's projection, then COAH may deny substantive certification unless the validity of the alternate projection can be affirmatively established. In this case, the modest projection is based upon historic development patterns and the lack of land for additional development.

iv. Determining the Non-Residential Growth Share The non-residential growth share obligation is determined by dividing the final projected employment growth by 16, based on the requirement that one affordable unit be constructed for every 16 jobs created. This would indicate the Borough has an obligation of 1.5 units associated with its employment growth.

Total Growth Share Obligation: Residential and Non-Residential Development. The complete growth share projection consists of the 1.5 units associated with employment growth and the 4.2 units associated with residential development, for a total of 6 units.

The total of 6 units is consistent with the methodology required by COAH in their procedure to determine adjusted growth share based on land capacity. See the Summary of Adjusted Growth Share Projection Based on Land Capacity (the COAH worksheets) placed in the Appendix of this report.

Section III:
FAIR SHARE PLAN

A. PLAN SUMMARY

This section of the plan details the projects, mechanisms which may be used to meet the Borough's affordable housing obligation. To summarize the information presented in the report, this section will recap the three subsections that make up the Borough's affordable housing obligation. They are: 1) the prior round obligation; 2) the rehabilitation share; and 3) the growth share resulting from actual growth that takes place in the Borough.

Oradell was assigned by COAH a rehabilitation share of 6 units and a growth share obligation of 89 units. As detailed above and summarized below, the analysis of the community's developed character, its historic development pattern, its projected growth, and vacant land that may be developed, the realistic development potential (RDP) for the Borough is significantly lower than was estimated by COAH.

The Borough of Oradell has a 6 unit rehabilitation share obligation. The realistic development potential for the Borough is two (2) units. Finally, the complete growth share projection consists of the six (6) units.

The total obligation and the manner, in which this obligation can be addressed, are detailed below.

1. Prior Round Obligation

Under the third round rules (Appendix C), the Borough has a prior round obligation of 89 units. In 2003 and 2005 the Borough prepared a second round housing plan and petitioned COAH for substantive certification. COAH has not made a determination on the previous submittals.

Under the third round rules only credits, reductions and adjustments for activity done pursuant to a certified plan count towards fulfilling a municipal obligation. Since the Borough of Oradell does not have substantive certification under the second round rules, it must address the prior obligation that remains outstanding.

Under the previous submittals the Borough justified that the obligation should be reduced to 71 units. In addition, it sought a vacant land adjustment after analyzing all land currently vacant. The analysis done by this office yielded a realistic development potential of two (2) units. Since little has changed since 2005, the calculation done as part of this report arrives at the same conclusion. The RDP for the Borough for remains at two (2) units. Prior round obligations are regulated under N.J.A.C. 5:93-1 *et seq*. The provisions of the substantive rules cited provide the mechanisms that will be used by the Borough to meet this obligation.

2. Rehabilitation Share

The Borough has an obligation to rehabilitate 6 units. The Borough plans to implement a rehabilitation program to address its 6 unit rehabilitation share in accordance with the third round rules. The COAH regulations states "municipalities shall provide sufficient dollars to fund no less than half of the municipal rehabilitation component by the mid-point of substantive certification". The regulations indicate the funding is set at a rate of minimally $10,000 per unit. This indicates the Borough must set aside a total of $30,000 for this purpose. This money will be

made available either through the Borough's affordable housing trust fund or through the appropriate bonding, as determined necessary. The Borough will either work with the Bergen County Housing Authority or contract with a private entity, who shall administer the Borough's rehabilitation program.

3. Growth Share Obligation

The growth share component of the Borough's obligation is regulated under the provisions of N.J.A.C. 5:94-1 *et seq.*; the new rules. COAH's projected growth share is 89 units. However, if using COAH's Worksheet A, the obligation, as per COAH is 86 units. Regardless of this discrepancy we have used 89 units throughout our report. This number was based on a residential growth of 269 dwelling units and the creation of 511 jobs. In accordance with the regulations, the Borough calculated the growth share based on municipal capacity by using Worksheet C. Based on this analysis, the growth share obligation is 6 units. This figure is consistent with the methodology required by COAH. See the Summary of Adjusted Growth Share Projection Based on Land Capacity (COAH Worksheets) contained in the Appendix of this report.

B. PLAN COMPONENTS

1. Prior Round Obligation

The Borough has a prior round obligation of 89 units, but a realistic development potential of two (2) units. This represents the entire recalculated prior round obligation found in the Appendix of this report. The obligation remains outstanding because the Borough has not received second round substantive certification from COAH. The Borough seeks to address this obligation through a 4 four unit development to be developed by Habitat For Humanity

The Borough proposes to has purchase a half acre parcel identified as Block 220, Lot 7 and 8 and in turn, make it available to Habitat For Humanity to build a four unit affordable housing project. The Borough plans to adopt an affirmative marketing plan and a fair share ordinance (draft copies are included in the Appendix of this report). The parcel in question will be subject to both of these standards.

It is recommended that number of units in this development be split and used towards prior and growth share obligations. Two of the four units will count towards the prior round obligation.

a. Site description

Block 220, Lot 7, is now owned by the Borough of Oradell. This lot is 0.25 acre in size, with frontage along Westervelt Place. The current zoning designation is R-4 and is located in Planning Area 1 of the State Development and Redevelopment Plan. The site is surrounded by residential development, with some commercial uses to the North and East. The existing structure on the lot will be demolished. A map of the site and a key plan are included in the Appendix of this report. Lot 8 adjoins Lot 7 and is equal in size and has the same zoning and planning designation.

b. Environmental constraints

The site is not in the flood plain, there are no wetlands on the property or areas of steep slopes.

c. Utilities

Sewer and water are available and located within the right-of way in front of the site.

d. State Plan

The site is located in Planning Area 1. As such, it has an automatic presumption of consistency with respect to the State Plan.

e. Proposed development

A four unit affordable housing development will be constructed on this site, having a resulting density of dwelling units to the acre. The Borough will adopt an ordinance that will incorporate the following general provisions:

- Use: Permitted
- Minimum lot area: 10,000 square feet
- Minimum lot width: 75 feet
- Minimum front yard: 25 feet
- Minimum side yard: 10 feet
- Minimum rear yard: 25 feet
- Maximum building coverage: 25 percent
- Maximum lot coverage: 50 percent

The RDP (realistic development potential) of two (2) units for the Second Round will be met by two of the proposed four units.

2. Rehabilitation Share

The Borough has an obligation to rehabilitate 6 units. The Borough plans to implement a rehabilitation program to address its 6 unit rehabilitation share in accordance with the third round rules. The COAH regulations states "municipalities shall provide sufficient dollars to fund no less than half of the municipal rehabilitation component by the mid-point of substantive certification". The regulations indicate the funding is set at a rate of minimally $10,000 per unit. This indicates the Borough must set aside a total of $30,000 for this purpose. This money will be made available either through the Borough's affordable housing trust fund or through the appropriate bonding, as determined necessary. The Borough will either work with the Bergen County Housing Authority or contract with a private entity, who shall administer the Borough's rehabilitation program.

3. Growth Share

The Borough of Oradell has a growth share obligation of 6 units. This shall be met through the rezoning of a 1.68 acre lot off of New Milford Avenue for inclusionary development. The lot is located on the north side of New Milford Avenue, immediately west of the railroad line. It is referenced as Block 119 Lots 9.01 thru 9.066 on Borough tax records. The site to be rezoned

includes the Fey Place right of way. The Borough will vacate the right of way to facilitate the development of this property for affordable housing. The Borough proposes to rezone this lot to enable it to be developed with 13 dwelling units, which represents a density of 8 units per acre. Twenty percent of the lots shall be required to be setaside as rental affordable housing units. With a rental bonus of one unit, this enables the Borough to capture the required 6 affordable units, comprising these 3 renatl affordable units, one rental bonus credit, and 2 credits from the Habitat For Humanity development referenced above.

It is recommended that number of units in the municipally sponsored project described above, be split and used towards prior and growth share obligations. Two of the four units will count towards the prior round obligation.

a. Site description

This lot occupies an area of 1.68 acres and is irregular in shape. Its dimensions include 80 feet of frontage on New Milford Avenue and a depth of approximately 400 feet. The current zoning designation is R-4 and is located in Planning Area 1 of the State Development and Redevelopment Plan. The site is surrounded by residential development and the rail line. The site is vacant except for some road improvements. A map of the site and a key plan are included in the Appendix of this report.

b. Environmental constraints

The site is not in the flood plain, there are no wetlands on the property or areas of steep slopes.

c. Utilities

Sewer and water are available and located within the right-of way in front of the site.

d. State Plan

The site is located in Planning Area 1. As such, it has an automatic presumption of consistency with respect to the State Plan.

e. Proposed development

A 13 unit development with 3 affordable rental units will be constructed on this site, having a resulting density of 8 dwelling units to the acre. The Borough will adopt an ordinance that will incorporate the following general provisions:

- Use: Permitted
- Minimum lot area: 1.5 acres
- Minimum lot width: 75 feet
- Minimum front yard: 100 feet
- Minimum side yard: 25 feet
- Minimum rear yard: 50 feet
- Maximum building coverage: 25 percent
- Maximum lot coverage: 50 percent

The following additional components shall also apply to the third round plan:

a. Rental Component and Bonus Credits COAH regulations stipulate that at least 25 percent of a municipality's growth share obligation must be addressed with rental housing. The Borough is obligated to provide at least two (2) rental units. Two rental affordable units from the inclusionary development will satisfy this obligation.

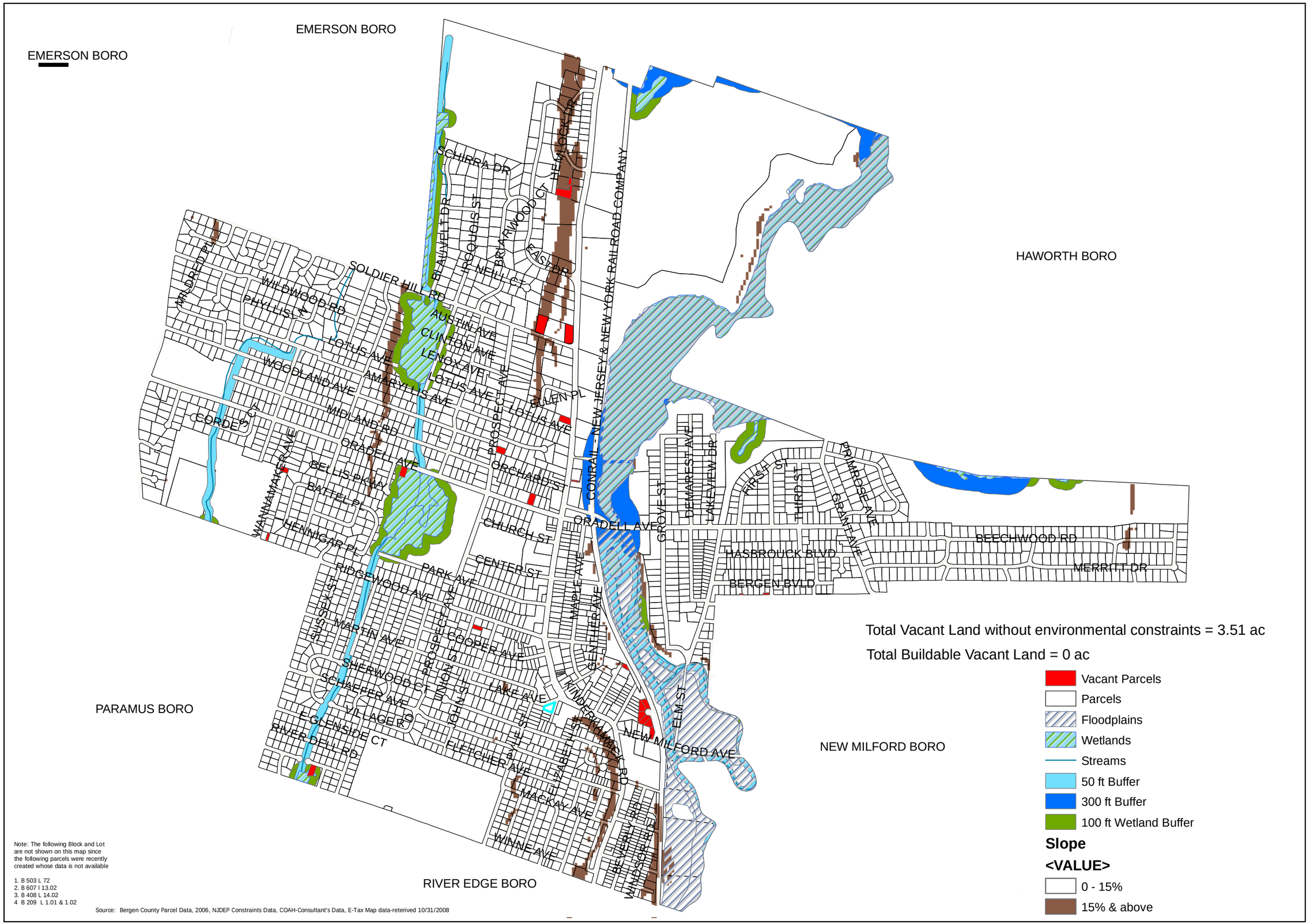
b. Low and Moderate Income Housing Split COAH also requires the affordable units be split evenly between low and moderate income households and meet income guidelines. Additionally, 13% of the total must be set aside for very low income households. The Oradell plan will be designed to adhere to these requirements.

c. Development Fees The Borough shall impose development fees as permitted by COAH's third round rules. The funds generated by the collection of development fees will be applied directly toward implementation of the Borough's Fair Share Plan, including spending at least 30 percent of funds for affordability assistance.

Development fees of up to 1.5 percent of the equalized assessed value will be collected on residential development. Development fees of 2.5 percent of the equalized assessed value will be collected on non-residential development. Additional residential units resulting from a "d" variance will be subject to a six percent development fee. Additional non-residential floor-area resulting from a "d" variance will be subject to a six percent development fee.

MAPS

Map 1:	Existing Land Use Map
Map 2:	Vacant parcels with environmental constraints
Map 3:	Vacant Land per COAH
Map 4:	Proposed Inclusionary Affordable Housing Sites
Map 5:	Concept Site Plan Block 119, Lot 9.01-9.06
Map 6:	Borough of Oradell Tax Map # 1: Site B 119, Lot 9.01-9.06



Note: The following Block and Lot are not shown on this map since the following parcels were recently created whose data is not available

1. B 503 L 72
2. B 607 I 13.02
3. B 408 L 14.02
4. B 209 L 1.01 & 1.02

Source: Bergen County Parcel Data, 2006, NJDEP Constraints Data, COAH-Consultant's Data, E-Tax Map data-reterived 10/31/2008

BURGIS ASSOCIATES, INC.
COMMUNITY PLANNING AND DEVELOPMENT CONSULTANTS
25 Westwood Avenue
Westwood, New Jersey 07675
Phone: (201)-666-1811
Fax: (201)-666-2599

Project Title

Housing Plan 2008

BOROUGH OF ORADELL
BERGEN COUNTY, NEW JERSEY

Key Map

Scale NOT TO SCALE

Dwg. Legend

Rev	Description	Date	Dwn	Ckd

Dwg. Title

Vacant Parcels w/ Environmental Constraints Map

Graphic Scale

JOSEPH H. BURGIS AICP
PROFESSIONAL PLANNER
NEW JERSEY LIC. NO. 2450

Project No.	2087.03
Sheet No.	1 of 1
Date	10/31/2008
Drawn	MA
Checked	
File Name	2087.03VAC

Dwg. No.
VAC w ENV

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25 Westwood Avenue
Westwood, New Jersey 07675
Phone: (201)-666-1811
Fax: (201)-666-2599

Project Title

Housing Plan 2008

BOROUGH OF ORADELL
BERGEN COUNTY, NEW JERSEY

Key Map

Scale NOT TO SCALE

Dwg. Legend

Rev	Description	Date	Dwn	Ckd

Dwg. Title

Vacant Land Per COAH

Graphic Scale

JOSEPH H. BURGIS AICP
PROFESSIONAL PLANNER
NEW JERSEY LIC. NO. 2450

Project No.	2087.03
Sheet No.	1 of 1
Date	10/31/2008
Drawn	MA
Checked	
File Name	2087.03VAC

Dwg. No.
VAC per COAH

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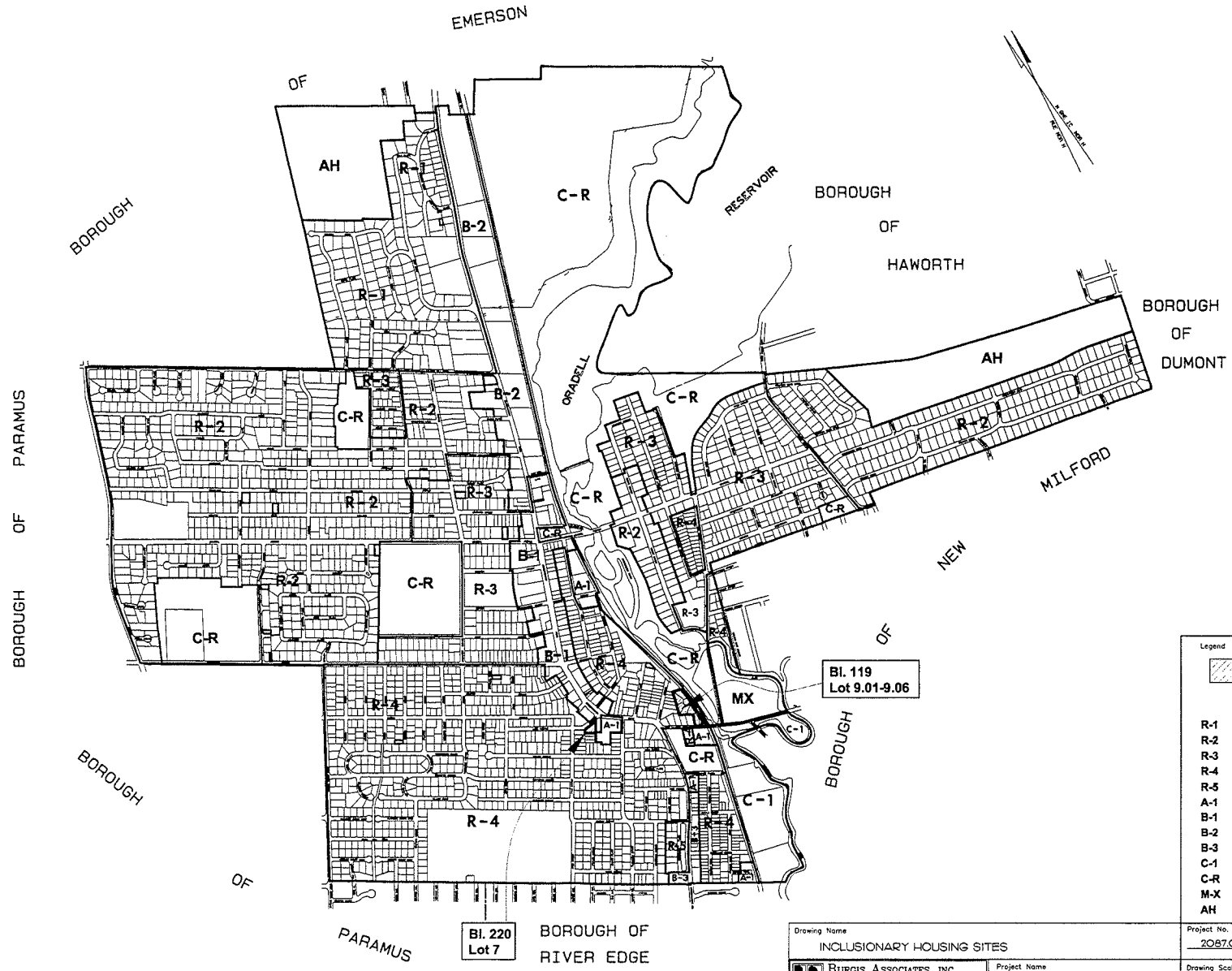


Legend

INCLUSIONARY SITE

ZONING

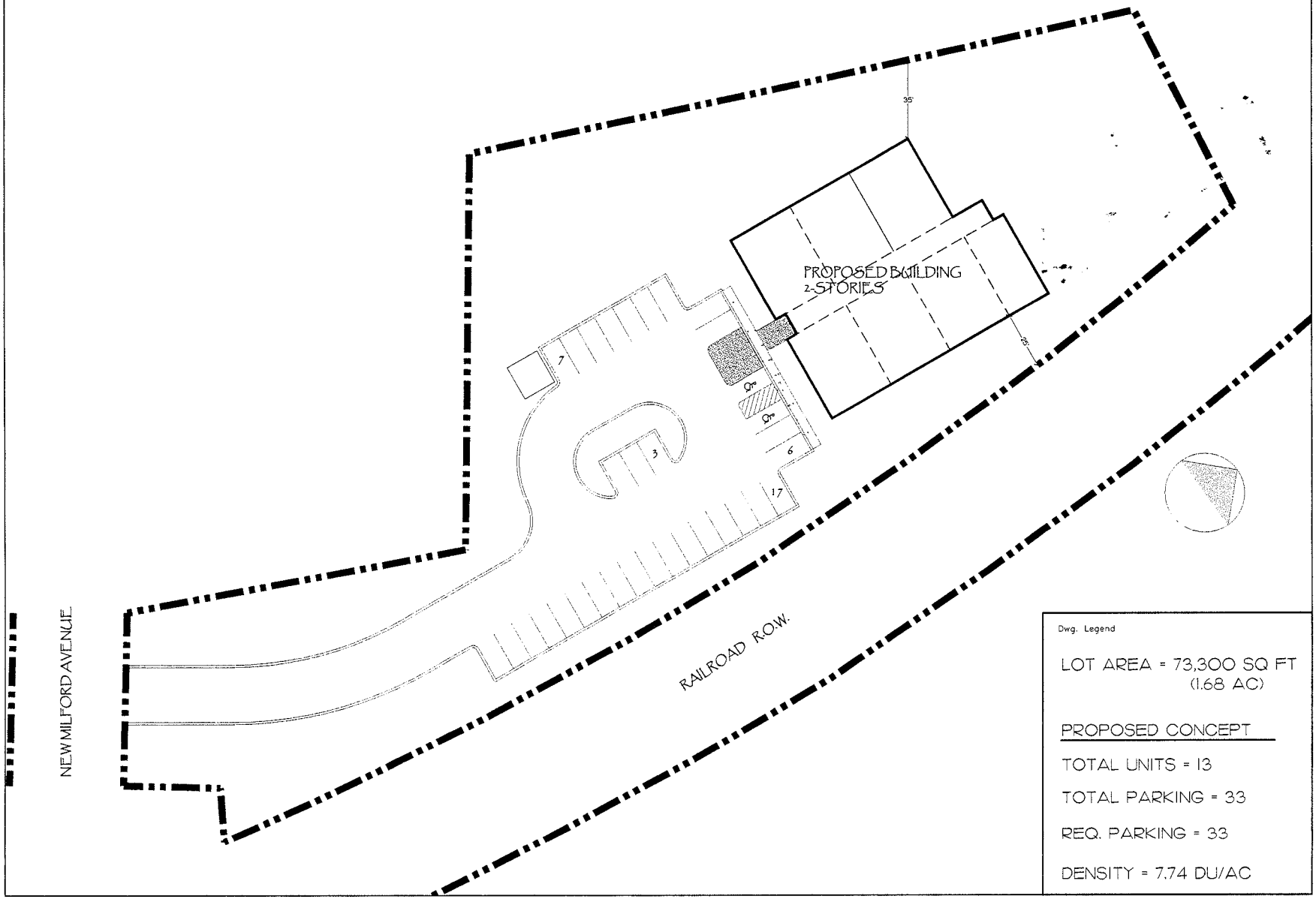
R-1	RESIDENTIAL - 18,750 s.f.
R-2	RESIDENTIAL - 12,000 s.f.
R-3	RESIDENTIAL - 9,000 s.f.
R-4	RESIDENTIAL - 7,500 s.f.
R-5	RESIDENTIAL - Two Family
A-1	APARTMENTS
B-1	BUSINESS
B-2	LIMITED BUSINESS
B-3	SPECIAL BUSINESS
C-1	COMMERCIAL
C-R	CONSERVATION / RECREATI
M-X	MIXED USE
AH	AFFORDABLE HOUSING

BASE INFORMATION WAS OBTAINED FROM MAPS PREPARED BY MALCOLM KASLER & ASSOCIATES, INC. DATED 3/91 & WILLIAM O. SCHWANEWEDE DATED 10/86

Drawing Name	Project No.	Drawing Date	Drawn by.
INCLUSIONARY HOUSING SITES	2087.03	12/11/08	ABB/

BURGIS ASSOCIATES, INC.
PROFESSIONAL PLANNERS / LANDSCAPE ARCHITECTS
25 WESTWOOD AVENUE,
WESTWOOD, N.J. 07675
201-666-1811 FAX 201-666-2698

Project Name	Drawing Scale	Drawing No.	Sheet No.
ORADELL HOUSING PLAN	1" = 600'+/-	2087.03	1 of 1



Dwg. Legend

LOT AREA = 73,300 SQ FT
(1.68 AC)

PROPOSED CONCEPT

TOTAL UNITS = 13

TOTAL PARKING = 33

REQ. PARKING = 33

DENSITY = 7.74 DU/AC

BURGIS ASSOCIATE
COMMUNITY PLANNING AND DEVELOPMENT CO
25 WESTWOOD AVENUE
WESTWOOD, NEW JERSEY 07675
PHONE (201) 666-1811
FAX (201) 666-2599

Project Title

HOUSING PLAN '08

BOROUGH OF ORADELL
BERGEN COUNTY, NEW JE

Key Map

Scale AS SHOWN

Dwg. Title

CONCEPT SITE PLAN

BLOCK 119, LOT 9.01-9.06

EDWARD J. SNIECHUS, JR.
LANDSCAPE ARCHITECT
NEW JERSEY LIC. NO. AS000576

Project No.	2083.07
Sheet No.	1 of 1
Date	12-4-08
Drawn	AMP
ACAD File	2083.07
Dwg. Scale	1"=40'
Dwg. No.	C1

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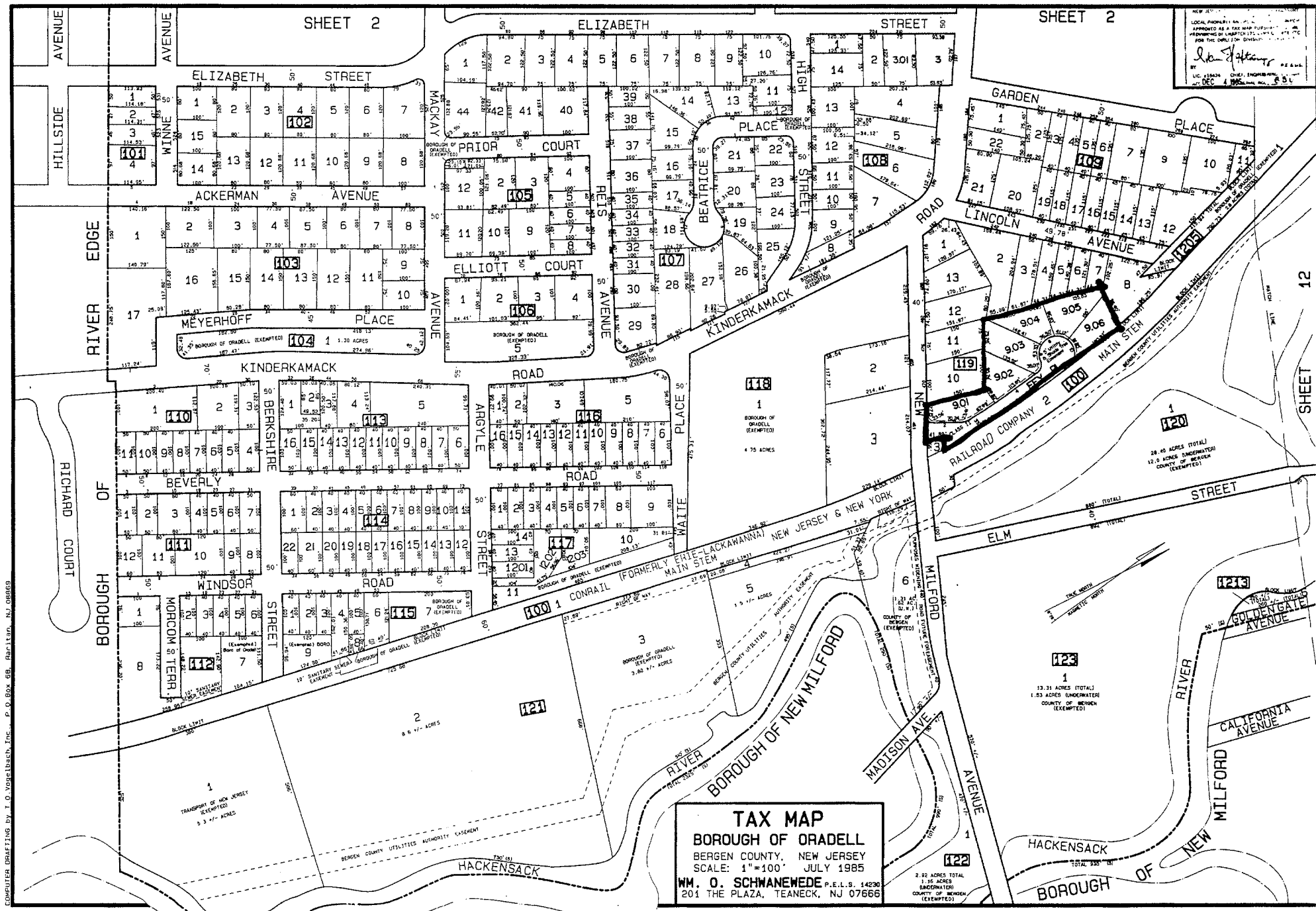

COMPUTER DRAFTING by T.O. Vogelbach, Inc., P.O. Box 68, Raritan, NJ 08869

APPENDICES

A- 1: Summary of Adjusted Growth Share Projection Based on Land Capacity
A- 2: Changes to Municipal Zoning Ordinances during the Previous Two Years
A- 3: Draft Development Fee Ordinance
A- 4: Draft Resolution Requesting COAH to Review the Development Fee Ordinance
A- 5: Draft Spending Plan (to be prepared)
A- 6: Draft Resolution Forwarding the Spending Plan to COAH for Review (to be prepared)
A- 7: Draft Fair Share Ordinance
A- 8: Draft Affirmative Marketing Ordinance

A- 1: Summary of Adjusted Growth Share Projection Based on Land Capacity

Summary of Adjusted Growth Share Projection Based On Land Capacity

(Introduction to Workbook C)

Municipality Name: Oradell

This workbook contains two separate worksheets to be used for determining the projected Municipal Growth Share Obligation. Worksheet A must be completed by all municipalities. The Worksheet is a tool that allows the user to enter COAH-generated Growth Projections included in Appendix F(2) of the revised Third Round Rules to determine the projected Growth Share Obligation after applying exclusions permitted by N.J.A.C. 5:97-2.4. Municipalities that accept the COAH-generated Growth projections need only use Worksheet A.

Click Here to complete Worksheet A

Municipalities seeking to request a downward adjustment to the COAH-generated growth projections may do so by providing a detailed analysis of municipal land capacity. After completing this analysis, the growth projections may be lowered if the resulting growth share obligation results in a figure that is at least 10 percent lower than the projected Growth Share Obligation that would result from the COAH-generated growth projections. Actual growth must first be determined using the Actual Growth worksheet. A growth projection adjustment may only apply to any remaining growth.

Click Here to Enter Actual Growth to Date

Click Here to Complete the Residential Parcel Inventory and Capacity Analysis

Click Here to Complete the Non-residential Parcel Inventory and Capacity Analysis

Summary Of Worksheet Comparison

	COAH Projected Growth Share (From Worksheet A)	**Growth Share Based on Municipal Capacity** (From Worksheet C)
Residential Growth	269	12
Residential Exclusions	0	0
Net Residential Growth	269	12
Residential Growth Share	53.80	2.40
Non-Residential Growth	511	59
Non-Residential Exclusions	0	0
Net Non- Residential Growth	511	59
Non-Residential Growth Share	31.94	3.70
Total Growth Share	86	6

The Municipal land capacity analysis results in a reduction to the COAH-generated growth projection. Please file Workbook C and use a Residential Growth Share of 2.4 plus a Non-residential Growth Share of 3.7 for a total Growth Share Obligation of 6 affordable units

Growth Projection Adjustment - Actual Growth

Municipality Name: **Oradell**

Actual Growth 01/01/04 to Present

Residential COs Issued: 12

Non-residential CO's by Use Group	Square Feet Added (COs Issued)	Square Feet Lost Demolition Permits Issued)	Jobs/1,000 SF	Total Jobs
B	21,145	0	2.8	59.21
M	0	0	1.7	0.00
F	0	0	1.2	0.00
S	0	0	1.0	0.00
H	0	0	1.6	0.00
A1	0	0	1.6	0.00
A2	0	0	3.2	0.00
A3	0	0	1.6	0.00
A4	0	0	3.4	0.00
A5	0	0	2.6	0.00
E	63,823	0	0.0	0.00
I	0	0	2.6	0.00
R1	0	0	1.7	0.00
Total	**84968**	**0**		**59**

Return to Growth Projection Adjustment Summary Screen
Proceed to Inventory of Vacant Residential Land
Proceed to Inventory of Non-residential Land

Oradell Growth Projection Adjustment - Residential Parcel Inventory

Block	Lot	Address	Owner	SDRP Planning Area	Urban Center (Y/N)	Sewer Service Area (Y/N)	HUC 11 NO3 Density*	Total Acreage	Constrained Acreage	Constraint Description	Buildable Acreage	Density (Units/Ac)	Capacity (Units)
109	11	282 Garden Place		1		Y		0.09	0.09	insufficient lot area	0.00	8.00	0.00
119	9.01	2 Fey Place		1		Y		0.19	0.19	approv. for subdivision	0.00	8.00	0.00
119	9.02	4 Fey Place		1		Y		0.19	0.19	approv. for subdivision	0.00	8.00	0.00
119	9.03	6 Fey Place		1		Y		0.24	0.24	approv. for subdivision	0.00	8.00	0.00
119	9.04	8 Fey Place		1		Y		0.2	0.2	approv. for subdivision	0.00	8.00	0.00
119	9.05	10 Fey Place		1		Y		0.22	0.22	approv for subdivision	0.00	8.00	0.00
119	9.06	12 Fey Place		1		Y		0.19	0.08	Steep Slope	0.00	8.00	0.00
1210	11	Pershing Ave.		1		Y		0.05	0.05	Rear of adjoining lot	0.00	8.00	0.00
1210	12	Bergen Blvd.		1		Y		0.02	0.02	Rear of adjoining lot	0.00	8.00	0.00
205	3.01	Carolina Dirve		1		Y		0.14	0.14	merged w B205 Lot 4.01	0.00	8.00	0.00
313	3	787 Howard Court E		1		Y		0.25	0.25	wetland buffer	0.00	8.00	0.00
403	18.02	Oradell Avenue		1		Y		0.26	0.26	merged w/ adj. B 504 L 46	0.00	8.00	0.00
405	15	Oradell Avenue		1		Y		0.22	0.22	wetland buffer	0.00	8.00	0.00
904	2	Shadow Lane		1		Y		0.02	0.02	Steep Slope	0.00	8.00	0.00
504	38	Ridgewood Ave		1		Y		0.06	0.06	isolated; insufficient area	0.00	8.00	0.00
504	45	86 Wanamaker Ave		1		Y		0.15	0.15	merged w B 504 L 46	0.00	8.00	0.00
607	13.02	938 Amaryllis Avenue		1		Y		0.3	0.3	approv. subdvision	0.00	8.00	0.00
904	4	Shadow Lane		1		Y		0.08	0.08	Steep Slope	0.00	8.00	0.00
716	28	448 Prospect Ave		1		Y		0.23	0.23	merged w/ adj. B 716 L 29	0.00	8.00	0.00
904	7	Shadow Lane		1		y		0.38	0.38	Steep Slope	0.00	8.00	0.00

Subtotal This Page	0.00
Subtotal Page 2	0.00
Subtotal Page 3	0.00
Subtotal Page 4	0.00
Subtotal Add'l Pages	0.00
Grand Total	**0.00**

Click Here to Return to Workbook C Summary
Click Here to Procede to Non-residential Parcel Inventory and Capacity Analysis

Add More sheets

* Note: Hyperlink to GIS files requires GIS software. Files must be downloaded first and then opened in a GIS Viewer.

Oradell Growth Projection Adjustment - Non-Residential Parcel Inventory

Block	Lot	Address	Owner	SDRP Planning Area	Urban Center (Y/N)	Sewer Service Area (Y/N)	HUC 11 NO3 Density *	Total Acreage	Constrained Acreage	Constraint Description	Remaining Buildable Acreage	Density (Jobs/Ac)	Capacity (Jobs)
408	14.02	636 Park Avenue		1		Y		0.29	0.29	not vacant	0.00	80.00	0.00
708	19	505-515 Kinderkamack Rd		1		Y		0.30	0.30	parking of adj lot	0.00	80.00	0.00
1102	5	Kinderkamack Rd		1		Y		0.04	0.04	developed	0.00	80.00	0.00

Click Here to Return to Workbook C Summary
Click Here to Proceed to Residential Parcel Inventory and Capacity Analysis

Add More Sheets

Subtotal This Page	0.00
Subtotal Page 2	0.00
Subtotal Page 3	0.00
Subtotal Page 4	0.00
Grand Total	**0**

* Note: Hyperlink to GIS files requires GIS software. Files must be downloaded first and then opened in a GIS Viewer.

Worksheet A: Growth Share Determination Using Published Data

(Appendix F(2), *Allocating Growth To Municipalities)*

COAH Growth Projections

Must be used in all submissions

Municipality Name: Oradell

Enter the COAH generated growth projections form Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. on Line 1 of this worksheet. Use the Tab at the bottom of this page or the links within the page to toggle to the exclusions portion of this worksheet. After entering all relevant exclusions, toggle back to this page to view the growth share obligation that has been calculated based on COAH's growth projections.

		Residential	Non-Residential
1	**Enter Growth Projections From Appendix F(2)***	269	511
2	**Subtract the following Residential Exclusions pursuant to 5:97-2.4(a) from "Exclusions" tab**	Click Here to enter Prior Round Exclusions	
	COs for prior round affordable units built or projected to be built post 1/1/04		
	Inclusionary Development	0	
	Supportive/Special Needs Housing	0	
	Accessory Apartments	0	
	Municipally Sponsored or 100% Affordable	0	
	Assisted Living	0	
	Other	0	
	Market Units in Prior Round Inclusionary development built post 1/1/04	0	
3	**Subtract the following Non-Residential Exclusions (5:97-2.4(b)**		
	Affordable units	0	
	Associated Jobs		0
4	**Net Growth Projection**	269	511
5	**Projected Growth Share** (Conversion to Affordable Units Divide HH by 5 and Jobs by 16)	53.80 **Affordable Units**	31.94 **Affordable Units**

6 **Total Projected Growth Share Obligation** 86 **Affordable Units**

Click Here to return to Workbook C Summary

* For Residential Growth, See Appendix F(2), Figure A.1, Housing Units by Municipality. For Non-residential Growth, See Appendix F(2), Figure A.2, Employment by Municipality

Affordable and Market-Rate Units Excluded from Growth

Municipality Name: Oradell

Prior Round Affordable Units NOT included in Inclusionary Developments Built Post 1/1/04

Development Type	Number of COs Issued and/or Projected
Supportive/Special Needs Housing	
Accessory Apartments	
Municipally Sponsored and 100% Affordable	
Assisted Living	
Other	
Total	**0**

Market and Affordable Units in Prior Round Inclusionary Development Built post 1/1/04
N.J.A.C. 5:97-2.4(a)

(Enter Y for yes in Rental column if rental units resulted from N.J.A.C. 5:93-5.15(c)5 incentives)

Development Name	Rentals? (Y/N)	Total Units	Market Units	Affordable Units	Market Units Excluded
		0			0
		0			0
		0			0
		0			0
		0			0
Total		**0**	**0**	**0**	**0**

Jobs and Affordable Units Built as a result of post 1/1/04 Non-Residential Development
N.J.A.C. 5:97-2.4(b)

Development Name		Affordable Units Provided	Permitted Jobs Exclusion
			0
			0
			0
			0
Total		**0**	0

When finished, click here to return to Worksheet A

Oradell Growth Projection Adjustment - Residential Parcel Inventory Page 2

Block	Lot	Address	Owner	SDRP Planning Area	Urban Center (Y/N)	Sewer Service Area (Y/N)	HUC 11 NO3 Density*	Total Acreage	Constrained Acreage	Constraint Description	Buildable Acreage	Density (Units/Ac)	Capacity (Units)
806	32.01	650 Soldier Hill Road		1		Y		0.65	0.65	approved for dev	0.00	8.00	0.00
806	32.04	680 Soldier Hill Road		1		Y		0.65	0.65	approved for dev	0.00	8.00	0.00
209	1.01	194 John Street		1		Y		0.20	0.20	apprv. subdivision	0.00	8.00	0.00
209	1.02	198 John Street		1		Y		0.20	0.20	apprv. subdivision	0.00	8.00	0.00
503	72	5 Maragraff Court		1		Y		0.34	0.34	apprv. subdivision	0.00	8.00	0.00
												Total Page 2	0.00

Add More Sheets
Residential Inventory Main Page

* Note: Hyperlink to GIS files requires GIS software. Files must be downloaded first and then opened in a GIS Viewer.

A- 2: Changes to Municipal Zoning Ordinances during the Previous Two Years (to be inserted)

A- 3: Draft Development Fee Ordinance

ORDINANCE NO.:_____

AFFORDABLE HOUSING DEVELOPMENT FEE ORDINANCE OF THE BOROUGH OF ORADELL

1. Purpose

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

(b) Pursuant to P.L. 2008, c. 46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have an approved spending plan may retain fees collected from non-residential development.

(c) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance with P.L. 2008, c. 46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

2. Basic Requirements

(a) The Borough of Oradell shall not impose development fees on any applicant pursuant to this ordinance until COAH or a Court has approved the Development Fee Ordinance pursuant to N.J.A.C. 5:96-5.1.

(b) The Borough of Oradell shall not spend development fees until COAH or a Court has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

3. Definitions

(a) The following terms, as used in this ordinance, shall have the following meanings:

i. "Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project, or a 100 percent affordable development.

ii. "COAH" or the "Council" means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning considerations in the State.

iii. "Development fee" means money paid by a developer for the improvement of

property as permitted under N.J.A.C. 5:97-8.3.

iv. "Developer" means 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.

v. "Equalized assessed value" means 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 (C. 54:1-35a through C. 54:1-35c).

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

4. Residential Development Fees

(a) Imposed Fees

i. Within all zoning districts in the Borough of Oradell, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and one half percent (1.5%) of the equalized assessed value for residential development, provided no increased density is permitted.

ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers shall be required to pay a development fee of six percent (6%) of the equalized assessed value (EAV) for each additional unit above that permitted by right which may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

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

(b) Eligible exactions, ineligible exactions and exemptions for residential development

i. Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.

ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from

development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.

iii. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

iv. Nonprofit organizations which have received tax exempt status pursuant to Section 501(c)(3) of the Internal Revenue Code, providing current evidence of that status is submitted to the Municipal Clerk, together with a certification that services of the organization are provided at reduced rates to those who establish an inability to pay existing charges, shall be exempted from paying a development fee.

v. Federal, state, county and local governments shall be exempted from paying a development fee.

vi. The owner of a residential unit who rebuilds when the owner's existing dwelling unit was destroyed due to fire, flood or other natural disaster shall be exempt from paying a development fee.

5. Non-Residential Development Fees

(a) Imposed fees

i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half percent (2.5%) of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.

ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half percent (2.5%) of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.

iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and one-half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly-improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

(b) Eligible exactions, ineligible exactions and exemptions for non-residential development

i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and one-half percent (2.5%) development fee, unless otherwise exempted below.

ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.

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

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

v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Borough of Oradell as a lien against the real property of the owner.

6. Collection procedure

(a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the Borough's Construction Official responsible for the issuance of a building permit.

(b) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

(c) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.

(d) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.

(e) The construction official responsible for the issuance of a final certificate of occupancy

shall notify the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.

(f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee, and thereafter notify the developer of the amount of the fee.

(g) Should the Borough of Oradell 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 (C.40:55D-8.6).

(h) Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

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 Oradell. 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 non-residential 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 Oradell. 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.

7. Affordable Housing Trust Fund

(a) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Borough's Chief Financial Officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.

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

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

(c) The Borough of Oradell shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the Borough's banking institution, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).

(d) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH or the Court.

8. Use of Funds

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

(b) Funds shall not be expended to reimburse the Borough of Oradell for past housing activities.

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

i. 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.

ii. Affordability assistance to households earning 30 percent 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 percent or less of median income.

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

(d) The Borough of Oradell may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.

(e) No more than 20 percent of all revenues collected from development fees may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

9. Monitoring

(a) The Borough of Oradell shall complete and return to COAH all monitoring forms included in the annual monitoring report related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, and funds from the sale of units with extinguished controls barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Borough of Oradell's housing program, as well as to the expenditure of revenues and implementation of the plan approved by the court. All monitoring reports shall be completed on forms designed by COAH.

10. Ongoing Collection of Fees

(a) The ability of the Borough of Oradell to impose, collect and expend development fees shall expire with its substantive certification or judgment of compliance unless the Borough has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned COAH for substantive certification, or brought a declaratory relief action in Court pursuant to N.J.S.A. 52:27D-313 and has received approval of its development fee ordinance by COAH or a Court. If the Borough of Oradell fails to renew its ability to impose and collect development fees prior to the expiration of its substantive certification or judgment of compliance, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L. 1985, c.222 (C.52:27D-320). The Borough of Oradell shall not impose a residential

development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or its judgment of compliance, nor shall the Borough of Oradell retroactively impose a development fee on such a development. The Borough of Oradell shall not expend development fees after the expiration of its substantive certification or its judgment of compliance.

11. Resolution of conflicting provisions

Notwithstanding the provisions of any other ordinance to the contrary, the provision of this ordinance shall apply to the development within the Mount Laurel zoning districts containing inclusionary affordable housing units.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council and the Borough of Oradell, this Ordinance shall become effective upon final passage and publication as provided by law.

BOROUGH OF ORADELL

By:_____
Diane Camelo Didio Mayor

Attest:

_____
Borough Clerk

A- 4: Draft Resolution Requesting COAH to Review the Development Fee Ordinance

Draft Resolution Requesting COAH to Review the Development Fee Ordinance

WHEREAS, P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), permits municipalities that are under the jurisdiction of COAH or of a court of competent jurisdiction and that have a COAH-approved spending plan to impose and retain fees on residential and non-residential development; and

WHEREAS, subject to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), N.J.A.C. 5:97-8.3 permits a municipality to prepare and submit a development fee ordinance for review and approval by the Council on Affordable Housing (COAH) that is accompanied by and includes the following:

1. A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3(c) and (d);
2. A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(e);
3. A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(c) and (d) ;
4. A description of collection procedures per N.J.A.C. 5:97-8.3(f);
5. A description of development fee appeals per N.J.A.C. 5:97-8.3(g); and
6. A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h).

WHEREAS, Borough of Oradell has prepared a draft development fee ordinance that establishes standards for the collection, maintenance, and expenditure of development fees consistent with COAH's regulations at N.J.A.C. 5:97-8 and in accordance with P.L.2008, c.46, Sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

NOW THEREFORE BE IT RESOLVED that the Governing Body of Borough of Oradell, Bergen County requests that COAH review and approve Oradell's development fee ordinance.

_____

Borough of Oradell
Municipal Clerk

A- 5: Draft Spending Plan (to be prepared)

Borough of Oradell

Draft Affordable Housing Trust Fund Spending Plan

INTRODUCTION

Borough of Oradell, Bergen County has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the 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) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing was approved by COAH on *[insert date of approval]* and adopted by the municipality on *[insert date of adoption]*. The ordinance establishes the *Borough of Oradell* affordable housing trust fund for which this spending plan is prepared.

As of July 17, 2008, *Borough of Oradell* has collected $ *[insert amount of revenue already collected]*, expended $ *[insert amount of funds already expended]*, resulting in a balance of $ *[insert balance as of July 17, 2008]*. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in *[insert name of bank]* for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

[If your municipality maintained an affordable housing trust fund as part of a previous third round petition under N.J.A.C. 5:94 or second round substantive certification, please complete the following section.]

Borough of Oradell first petitioned COAH for substantive certification on *[insert earliest date of previous second or third round petition]* and received prior approval to maintain an affordable housing trust fund on *[date COAH first approved a development fee ordinance]*. As of December 31, 2004, the prior round balance remaining in the affordable housing trust fund was $ *[insert trust fund balance as of December 31, 2004]*. From January 1, 2005 through July 17, 2008, *Borough of Oradell* collected an additional $ *[insert total revenue]* in development fees, payments in lieu of construction, other funds, and/or interest. From January 1, 2005 through July 17, 2008, *Borough of Oradell* expended funds on the affordable housing activities detailed in section 4 of this spending plan.

1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of third round substantive certification, *Borough of Oradell* considered the following:

(a) Development fees:

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

(b) Payment in lieu (PIL):

Actual and committed payments in lieu (PIL) of construction from developers as follows:

[List affordable housing sites from inclusionary zone(s) where the developer(s) has made or committed to make a PIL along with the associated PIL amount(s). If payments in lieu have not been collected or assessed, so indicate. Please note that while all other fund sources include projected revenues, PIL funds are based only on actual revenues]

(c) Other funding sources:

Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, proceeds from the sale of affordable units and [*insert name of other fund(s)*]. [*If no other funds have been or are anticipated to be collected, so indicate.*]

(d) Projected interest:

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate.

[Provide a breakdown by year for all sources of funds collected and/or anticipated during the substantive certification period. COAH will substitute actual revenue for the period between the preparation of this spending plan and COAH's approval, as entered by the municipality in the CTM system. Use and submit additional spreadsheet(s) as necessary. A sample spreadsheet format is provided below.]

SOURCE OF FUNDS	**PROJECTED REVENUES-HOUSING TRUST FUND - 2008 THROUGH 2018**											
	7/18/08 Through 12/31/08	**2009**	**2010**	**2011**	**2012**	**2013**	**2014**	**2015**	**2016**	**2017**	**2018**	**Total**
(a) Development fees:												
1. Approved Development												
2. Development Pending Approval												
3. Projected Development												
(b) Payments in Lieu of Construction												
(c) Other Funds (Specify source(s))												
(d) Interest												
Total												

Borough of Oradell projects a total of $ *[insert total of all revenue listed above]* in revenue to be collected between July 18, 2008 and December 31, 2018. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

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 *Borough of Oradell*:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with [*insert municipality*]'s development fee ordinance for both residential and non-residential developments in accordance with COAH's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

(b) Distribution of development fee revenues:

[Provide a brief explanation of local procedures for distributing the municipality's affordable housing trust funds.]

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) **Rehabilitation and new construction programs and projects (N.J.A.C. 5:97-8.7)**

Borough of Oradell will dedicate $ *[insert amount of revenue to be dedicated]* to rehabilitation or new construction programs (see detailed descriptions in Fair Share Plan) as follows:

Rehabilitation program: $ *[insert amount of revenues to be expended]*

New construction project(s): $ *[insert amount of revenues to be expended, by project and total; individually list programs and projects e.g. for-sale and rental municipally sponsored, accessory apartments, etc.]*

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

[Municipalities are required to spend a minimum of 30 percent of development fee revenue to render existing affordable units more affordable and one-third of that amount must be dedicated to very low-income households (i.e. households earning less than 30 percent of the regional median income). Utilize the formulae below to project the minimum affordability assistance requirements. The actual affordability assistance minimums are calculated on an ongoing basis in the CTM system based on actual revenues.

To initially project a funding amount that will be dedicated to affordability assistance, first subtract actual expenditures on all new construction, previously funded regional contribution agreements and rehabilitation activities from inception of the fund

through June 2, 2008 from the sum of actual and projected development fees and interest through December 31, 2018. Multiply this amount by 30 percent and then subtract actual affordability assistance expenditures from inception of the fund through December 31, 2004 from the result. The outcome of this calculation will be the total remaining funds that must be dedicated to affordability assistance for the period January 1, 2005 through December 31, 2018.

To initially project a funding amount that will be dedicated to affordability assistance for very low-income households, divide the affordability assistance figure derived from the above paragraph by three. The outcome of this calculation will be the total remaining funds that must be dedicated to very low-income affordability assistance for the period January 1, 2005 through December 31, 2018. Municipalities will receive credit against this projected minimum for affordability assistance activity from January 1, 2005 to the present.]

Projected minimum affordability assistance requirement:

Actual development fees through 7/17/2008		$
Actual interest earned through 7/17/2008	+	$
Development fees projected* 2008-2018	+	$
Interest projected* 2008-2018	+	$
Less housing activity expenditures through 6/2/2008	-	$
Total	=	
30 percent requirement	x 0.30 =	$
Less Affordability assistance expenditures through 12/31/2004	-	$
PROJECTED MINIMUM Affordability Assistance Requirement 1/1/2005 through 12/31/2018	=	$
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 1/1/2005 through 12/31/2018	÷ 3 =	$

* Note: The 2008 portion of this projection reflects 2008 subsequent to July 17 as the remainder of 2008 is included in the actual figure reported above.

Borough of Oradell will dedicate $ *[insert amount of revenues to be dedicated]* from the affordable housing trust fund to render units more affordable, including $ *[insert amount of revenue to be dedicated]* to render units more affordable to households earning 30 percent or less of median income by region, as follows:

[List affordability assistance programs such as down-payment assistance, rental assistance, converting low-income units to very-low-income units, etc.]

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

[Municipalities are permitted to use affordable housing trust fund revenue for related administrative costs up to a 20 percent limitation pending funding availability after

programmatic and affordability assistance expenditures. The actual administrative expense maximum is calculated on an ongoing basis in the CTM system based on actual revenues.

To initially project a funding amount that will be available for administrative costs, sum all development fees actually collected since the inception of the account and all actual interest earned since the inception of the account with all projected development fees and interest projected to be collected through December 31, 2018. To this amount, add all payments in lieu of constructing affordable units and other account deposits from the inception of the account through July 17, 2008. From this total amount, subtract RCA expenditures made or contractually obligated from the inception of the account through December 31, 2018. Multiply this amount by 20 percent and then subtract actual administrative expenditures made from the inception of the account through December 31, 2004. The outcome of this calculation will be the total remaining funds that will be available to defray administrative expenses for the period January 1, 2005 through December 31, 2018.]

Borough of Oradell projects that $*[insert projected amount of revenue available]* will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

[Provide detailed description]

4. EXPENDITURE SCHEDULE

Borough of Oradell intends to use affordable housing trust fund revenues for the creation and/or rehabilitation of housing units. Where applicable, the creation/rehabilitation funding schedule below parallels the implementation schedule set forth in the Housing Element and Fair Share Plan and is summarized as follows.

[In developing this spending plan, it is important to note that all funds in the municipal trust fund as of July 17, 2008 must be fully expended or committed to be expended within four years of COAH's approval of the spending plan.]

[A sample spreadsheet format is provided below.]

Program *[Individually list programs and projects e.g. Rehab, Accessory Apartments, for-sale and rental municipally sponsored, etc].*	**Number of Units Projected**	**Funds Expended and/or Dedicated**	**PROJECTED EXPENDITURE SCHEDULE 2009 -2018**											
		2005-July 17, 2008	**7/18/08 – 12/31/08**	**2009**	**2010**	**2011**	**2012**	**2013**	**2014**	**2015**	**2016**	**2017**	**2018**	**Total**
[Rehabilitation]														
Total Programs														
Affordability Assistance														
Administration														
Total														

5. EXCESS OR SHORTFALL OF FUNDS

Pursuant to the Housing Element and Fair Share Plan, the governing body of *Borough of Oradell* has adopted a resolution agreeing to fund any shortfall of funds required for implementing *[insert types of housing programs]*. In the event that a shortfall of anticipated revenues occurs, *Borough of Oradell* will *[describe method of handling the shortfall of funds such as a resolution of intent to bond]*. A copy of the adopted resolution is attached.

[COAH requires a municipality to pass a resolution of intent to bond or a resolution appropriating funds from general revenue for any unanticipated shortfall in a municipal rehabilitation program or municipal construction project.]

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used to [*describe type of housing activities*].

6. BARRIER FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with [*insert municipality*]'s Affordable Housing Ordinance in accordance with N.J.A.C. 5:97-8.5.

[***Reference section of Affordable Housing Ordinance that explains the collection and distribution of barrier free funds.***]

SUMMARY

Borough of Oradell intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in the housing element and fair share plan dated *[insert date]*.

Borough of Oradell has a balance of $ *[insert balance]* as of July 17, 2008 and anticipates an additional $ *[insert total projected revenue]* in revenues before the expiration of substantive certification for a total of $*[insert total of balance and projections]*. The municipality will dedicate $ *[insert amount of revenue for housing activities]* towards *[insert types of housing programs]*, $ *[insert amount of revenue for affordability assistance]* to render units more affordable, and $*[insert amount of revenue for administrative costs]* to administrative costs. Any shortfall of funds will be offset by *[insert source of funds]*. The municipality will dedicate any excess funds toward *[insert types of housing programs]*.

SPENDING PLAN SUMMARY	
Balance as of July 17, 2008	$
PROJECTED REVENUE July 18, 2008-2018	
Development fees	+ $
Payments in lieu of construction	+ $
Other funds	+ $
Interest	+ $
TOTAL REVENUE	= $
EXPENDITURES	
Funds used for Rehabilitation	- $
Funds used for New Construction	
1. *[list individual projects/programs]*	- $
2.	- $
3.	- $
4.	- $
5.	- $
6.	- $
7.	- $
8.	- $
9.	- $
10.	- $
Affordability Assistance	- $
Administration	- $
Excess Funds for Additional Housing Activity	= $
1. *[list individual projects/programs]*	- $
2.	- $
3.	- $
TOTAL PROJECTED EXPENDITURES	= $
REMAINING BALANCE	= $0.00

A- 6: Draft Resolution Forwarding the Spending Plan to COAH for Review (to be prepared)

Borough of Oradell

Governing Body Resolution Requesting Review and Approval of a Municipal Affordable Housing Trust Fund Spending Plan (DRAFT)

[select only one of the following:]

WHEREAS, the Governing Body of *Borough of Oradell, Bergen County* petitioned the Council on Affordable Housing (COAH) for substantive certification on *(insert date)*; and

OR

WHEREAS, *Borough of Oradell, Bergen County* was granted substantive certification by the Council on Affordable Housing (COAH) on *(insert date)*; and

WHEREAS, *Borough of Oradell* received approval from COAH on *[insert date]* of its development fee ordinance; and

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

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from COAH prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;

2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;

3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;

4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;

5. A schedule for the expenditure of all affordable housing trust funds;

6. If applicable, a schedule for the creation or rehabilitation of housing units;

7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and

8. A plan to spend the trust fund balance as of July 17, 2008 within four years of the Council's approval of the spending plan, or in accordance with an implementation schedule approved by the Council;

9. A plan to spend and/or contractually commit all development fees and any payments in lieu of construction within three years of the end of the calendar year in which funds are collected, but no later than the end of third round substantive certification period;

10. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and

11. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, *Borough of Oradell* has prepared a spending plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.

NOW THEREFORE BE IT RESOLVED that the Governing Body of *[insert name of municipality, county]* requests that COAH review and approve *Borough of Oradell*'s spending plan.

_____

[insert name]
Municipal Clerk

A- 7: Draft Fair Share Ordinance

Fair Share Ordinance

This section sets forth regulations governing the manner in which low and moderate income housing units shall be required to adhere to COAH's provision.

1. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units and the remainder may be moderate-income units.

2. Except for inclusionary developments constructed pursuant to low income tax credit regulations:

   a. at least half of all units within inclusionary development will be affordable to low income households; and

   b. at least half of all rental units will be affordable to low income households; and

3. Affordable developments that are not age-restricted will be structured in conjunction with realistic market demands so that:

   a. the combination of efficiency and one bedroom units is no greater than 20 percent of the total low and moderate income units; and

   b. at least 30 percent of all low and moderate income units are two bedroom units; and

   c. at least 20 percent of all low and moderate income units are three bedroom units; and

   d. low and moderate-income units restricted to senior citizens may utilize a modified bedroom distribution. At a minimum, the number of bedrooms will equal the number of senior citizen low and moderate income units within the inclusionary development.

4. In conjunction with realistic market information, the following criteria will be used in determining maximum rents and sale prices:

   a. studio units will be affordable to one person households; and

   b. one bedroom units will be affordable to one and one-half person households; and

   c. two bedroom units will be affordable to three person households; and

   d. three bedroom units will be affordable to four and one-half person households; and

   e. median income by household size will be established by a regional weighted average of the uncapped Section 8 income limits published by HUD as per N.J.A.C. 5:94-7.2(b); and

f. the maximum rent for affordable units within each affordable development shall be affordable to households earning no more than 60 percent of median income.

g. the average rent for low- and moderate-income units must be affordable to households earning no more than 52 percent of median income. 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 10 percent of all low- and moderate-income units shall be affordable to households earning no more than 35 percent of median income

h. the maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income.

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

j. for both owner-occupied and rental units, the low and moderate income units will utilize the same heating source as market units within an affordable development; and

k. low income units will be reserved for households with a gross household income less than or equal to 50 percent of the median income approved by COAH; moderate income units will be reserved for households with a gross household income less than 80 percent of the median income approved by COAH; and

l. the regulations outlined in N.J.A.C. 5:80-26.6 and 5:80-26.12 will be applicable for purchased and rental units.

5. For rental units, developers and/or municipal sponsors may:

   a. establish at least one rent for each bedroom type for both moderate- and low-income units; and

   b. the initial rent, including an allowance for utilities, will be established so as not to exceed 30 percent of the gross monthly income of the appropriate household size as per N.J.A.C. 5:80-26.4(a). The tenant-paid utility allowance will be consistent with the utility allowance published by DCA for its Section 8 program.

6. For sale units:

   a. The initial purchase price for all restricted ownership units except those financed under UHORP or MONI shall be calculated so that the monthly carrying costs of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do

not exceed 28 percent of the eligible monthly income of an appropriate household size as determined under N.J.A.C. 5:80-26.4; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3.

b. The master deeds of affordable 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. Notwithstanding the foregoing sentence, condominium units subject to a municipal ordinance adopted before October 1, 2001, which provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection shall have such fees and assessments governed by said ordinance; and

c. the Borough will follow the general provisions concerning control periods for ownership units as per N.J.A.C. 5:80-26.5; and

d. eligible capital improvements prior to the expiration of controls on sale units will be consistent with N.J.A.C. 5:80-26.9; and

7. In zoning for inclusionary developments the following is required:

a. low and moderate-income units will be built in accordance with N.J.A.C. 5:94-4.4:

Minimum % of Low/Moderate Income Units Completed	% of Market Housing Units Completed
0	25
10	25+1 unit
50	50
75	75
100	100

b. a design of inclusionary developments that integrates low and moderate-income units with market units is encouraged.

8. To provide assurances that low- and moderate-income units are created with controls on affordability over time and that low- and moderate-income households occupy these units, the Borough will designate an administrative agency or municipal authority with the responsibility of ensuring this is maintained. The administrative agency or municipal authority will be responsible for those activities detailed in N.J.A.C. 5:80-26.14.

a. In addition, the administrative or municipal authority will be responsible for utilizing the verification and certification procedures outlined in N.J.A.C. 5:80-26.7 and 5:80-26.13 in placing households in low and moderate income units; and

b. Restricted sales units will remain affordable to low and moderate income households for at least 30 years. The administrative or municipal authority will require all

conveyances of newly constructed units to contain the deed restriction and restrictive covenants adopted by COAH and referred to as Appendices A, B, C, D, L, M, N, O, P and Q as found in N.J.A.C. 5:80-26; and

9. Regarding rental units: Newly constructed low and moderate-income rental units will remain affordable to low and moderate income households for at least 30 years. The administrative agency or municipal authority will require an appropriate deed restriction adopted by COAH and referred to as Appendix A.

10. Section 14(b) of the Fair Housing Act N.J.S.A. 52:27D-301 et seq. incorporates the need to eliminate unnecessary cost generating features from Oradell's land use ordinances. Accordingly, Oradell will eliminate development standards that are not essential to protect the public welfare and to expedite or fast track municipal approvals/denials on inclusionary development applications. The Borough will adhere to the components of N.J.A.C. 5:93-10.1 - 10.3.

A- 8: Draft Affirmative Marketing Ordinance

Draft Affirmative Marketing Ordinance

The Borough's 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 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 and covers the period of deed restriction. The Plan will address the requirements of N.J.A.C. 5:80-26.15. In addition, the Plan prohibits discrimination in the sale, rental, financing or other services related to housing on the basis of race, color, sex, religion, handicap, age, familial status/size or national origin. The Borough of Oradell is in the housing region consisting of Bergen, Passaic, Hudson, and Sussex Counties. The affirmative marketing program is a continuing program and will meet the following requirements:

1. All newspaper articles, announcements and requests for applications for low and moderate income units will appear in the following newspapers/publications: The Record.

2. The primary marketing will take the form of at least one press release sent to the above publications and a paid display advertisement in each of the above newspapers. Additional advertising and publicity will be on an "as needed" basis.

3. The advertisement will include a description of the street address of units, direction to housing units, number of bedrooms per unit, range of prices/rents, size of units, income information, and location of applications including business hours, where/how applications may be obtained and application fees, if any.

4. All newspaper articles, announcements and requests for applications for low- and moderate-income housing will appear in publications such as neighborhood oriented weekly newspapers, religious publications and organizational newsletters within the region. Regional radio and/or cable television station(s) may also be used.

5. The following is the location of applications, brochure(s), sign(s) and/or poster(s) used as part of the affirmative marketing program including specific employment centers within the region: posting of notices in the Borough Hall, and delivery of notices to the municipal clerks of all municipalities in the region.

6. The following is a listing of community contact persons and/or organizations in Tenafly that will administer the program and will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for housing within the region: Borough Administrator, local housing authority, County housing office, and houses of worship.

7. Quarterly flyers and applications will be sent to each of the following agencies for publication in their journals and for circulation among their members: Board of Realtors in Bergen, Hudson, Passaic, and Sussex Counties.

8. Applications will be mailed to prospective applicants upon request.

9. Additionally, quarterly informational circulars and applications will be sent to the chief

administrative employees of each of the following agencies in the counties within the Borough's region: welfare or social service board, rental assistance office (local office of DCA), Office on Aging, libraries, and housing agency or authority in each of the counties within the Borough's housing region.

10. A random selection method will be used to select occupants of low- and moderate-income housing.

11. The Borough's administrative management service shall administer the affirmative marketing program for for-sale units. The Borough's land use administrator will administer the affirmative marketing program for rental units until such time as the Borough appoints an administrative management service for rental units. The land use administrator, or administrative management service, has the responsibility to income qualify low and moderate income households; to place income eligible households in low and moderate income units upon initial occupancy; to provide for the initial occupancy of low and moderate income units with income qualified households; to continue to qualify households for reoccupancy of units as they become vacant during the period of affordability controls; to assist with advertising and outreach to low- and moderate-income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26.

12. Households who live or work in the COAH-established housing region may be given preference for sales and rental units constructed within that housing region. Applicants living outside the housing region will have an equal opportunity for units after regional applicants have been initially serviced. The Borough of Oradell intends to comply with N.J.A.C. 5:94-7.3 and N.J.A.C. 5:80-26.15.

13. All developers of low- and moderate-income housing units will be required to assist in the marketing of the affordable units in their respective developments.

14. The marketing program will commence at least 120 days before the issuance of either temporary or permanent certificates of occupancy. The marketing program will continue until all low- and moderate-income housing units are initially occupied and for as long as affordable units are deed restricted and occupancy or re-occupancy of units continues to be necessary.