STATE OF NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS
COUNCIL ON AFFORDABLE HOUSING
PETITION APPLICATION

This application is a guideline for creating a Housing Element and Fair Share Plan. A completed version of this application must be submitted as part of your petition for substantive certification to COAH. This application will be used by COAH staff to expedite review of your petition. This application can serve as your municipality's Fair Share Plan. A brief narrative component of the Fair Share Plan should be included with this application and can serve primarily to supplement the information included in the application form. Additionally, the narrative section of the Fair Share plan would include a description of any waivers being requested.

This form reflects COAH's newly adopted procedural and substantive rules and the amendments to those rules adopted on September 22, 2008. Footnotes and links to some helpful data sources may be found at the end of each section. To use this document electronically, use the TAB KEY to navigate from field to field. Enter data or use the Right Mouse Button to check boxes.

MUNICIPALITY	Town Of Kearny	**COUNTY PLANNING AREA(S)**	Hudson Planning Area 1
COAH REGION	1		
SPECIAL RESOURCE AREA(S)	The Meadowlands		
PREPARER NAME	Jeffrey Perlman	**TITLE**	Associate Planner
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MUNICIPAL HOUSING LIAISON	John P. Sarnas	**TITLE**	Health Officer
EMAIL	Jsarnas@Kearnynj.Org	**PHONE NO.**	(201)- 997-0600
ADDRESS	645 Kearny Avenue, Kearny, Nj	**FAX NO.**	(201)-997-9703

Enter the date(s) that COAH granted Substantive Certification or that the Court granted a Judgment of Compliance (JOC) on the Housing Element and Fair Share Plan.

History of Approvals	COAH	JOC	N/A
First Round			☒
Second Round			☒
Extended Second Round			☒

Does the Petition include any requests for a waiver from COAH Rules? ☒Yes ☐No
If Yes, Please note rule section from which waiver is sought and describe further in a narrative section: 5:97-6.2(g)

FILING/PETITION DOCUMENTS (N.J.A.C. 5:96-2.2/3.2 & N.J.A.C. 5:97-2.3/3.2)

All of the following documents must be submitted in order for your petition to be considered complete. Some documents may be on file with COAH. Please denote by marking the appropriate box if a document is attached to the Housing Element and Fair Share Plan or if you are using a document on file with COAH from your previous third round submittal to support this petition. Shaded areas signify items that must be submitted anew.

Included	On File	Required Documentation/Information
☒		Certified Planning Board Resolution adopting or amending the Housing Element & Fair Share Plan
☒		Certified Governing Body Resolution endorsing an adopted Housing Element & Fair Share Plan and either (check appropriate box): ☒Petitioning ☐Filing ☐Re-petitioning ☐Amending Certified Plan
☒		Service List (in the new format required by COAH)
☒		Adopted Housing Element & Fair Share Plan narrative (including draft and/or adopted ordinances necessary to implement the Plan)
☐ ☒N/A		If applicable, Implementation Schedule(s) with detailed timetable for the creation of units and for the submittal of all information and documentation required by N.J.A.C. 5:97-3.2(a)4
☐ ☒N/A	☐	If applicable, Litigation Docket No., OAL Docket No., Settlement Agreement and Judgment of Compliance or Court Master's Report
☒	☐	Municipal Master Plan (most recently adopted; if less than three years old, the immediately preceding, adopted Master Plan)
☒	☐	Municipal Zoning Ordinance (most recently adopted)[1] Date of Last Amendment: ____ Date of Submission to COAH: ____
☒	☐	Municipal Tax Maps (most up-to-date, electronic if available) Date of Last Revision: ____ Date of Submission to COAH: ____
☒	☐	Other documentation pertaining to the review of the adopted Housing Element & Fair Share Plan(list): _____

FOR OFFICE USE ONLY

Date Received _____ Affidavit of Public Notice _____ Date Deemed Complete/Incomplete _____ Reviewer's Initials _____

[1] Pursuant to N.J.S.A. N.J.S.A. 52:27D-307, as amended by PL 2008 c.46, any residential development resulting from a zoning change made to a previously non-residentially-zoned property, where the change in zoning precedes or follows the application for residential development by no more than 24 months, shall require that a percentage be reserved for occupancy by low or moderate income households.

HOUSING ELEMENT
(N.J.A.C. 5:97-2 & N.J.S.A. 40:55D-1 et seq.)

The following issues and items must be addressed in the Housing Element for completeness review. Where applicable, provide the page number(s) on which each issue and/or item is addressed within the narrative Housing Element.

1. The plan includes an inventory of the municipality's housing stock by[1]:

   ☒ Age;
   ☒ Condition;
   ☒ Purchase or rental value;
   ☒ Occupancy characteristics; and
   ☒ Housing type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated

   ☒ Yes, Page Number: 12 - 16 ☒ No (incomplete)

2. The plan provides an analysis of the municipality's demographic characteristics, including, but not necessarily limited to[2]:

   ☒ Population trends
   ☒ Household size and type
   ☒ Age characteristics
   ☒ Income level
   ☒ Employment status of **residents**

   ☒ Yes, Page Number: 7 - 11 ☐ No (incomplete)

3. The plan provides an analysis of existing and future employment characteristics of the **municipality**, including but not limited to[3]:

   ☒ Most recently available in-place employment by industry sectors and number of persons employed;
   ☒ Most recently available employment trends; and
   ☒ Employment outlook

   ☒ Yes, Page Number: 17 - 21 ☐ No (incomplete)

4. The plan includes a determination of the municipality's present and prospective fair share for low and moderate income housing and an analysis of how existing or proposed changes in zoning will provide adequate capacity to accommodate residential and non-residential growth projections. AND

The analysis covers the following:

- ☒ The availability of existing and planned infrastructure;
- ☒ The anticipated demand for the types of uses permitted by zoning based on present and anticipated future demographic characteristics of the municipality;
- ☒ Anticipated land use patterns;
- ☒ Municipal economic development policies;
- ☒ Constraints on development including State and Federal regulations, land ownership patterns, presence of incompatible land uses or sites needing remediation and environmental constraints; and
- ☒ Existing or planned measures to address these constraints.

☒ Yes, Page Number: 24 - 36 ☐ No (incomplete)

5. The plan includes a consideration of lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

   ☒ Yes, Page Number: 24 - 36 ☐ No (incomplete)

6. The plan relies on household and employment projections for the municipality as provided in Appendix F of COAH's rules (if yes check the yes box below and check no in lines 6a-8).

   ☒ Yes, Page Number: 23 ☐ No (go to 6a)

   6a. The Plan relies on higher household and employment projections for the municipality as permitted under N.J.A.C. 5:97-2.3(d) (optional - see Fair Share Plan section starting on page 7 of this application).

   ☐ Yes (go to 7 and 8) ☒ No (go to 6b)

   6b. The Plan relies on a request for a downward adjustment to household and employment projections for the municipality as provided in N.J.A.C. 5:97-5.6 (optional - see Fair Share Plan section starting on page 7 of this application).

   ☐ Yes, Page Number: _____ ☒ No

7. If the municipality anticipates higher household projections than provided by COAH in Appendix F, the plan projects the municipality's probable future construction of housing for fifteen years covering the period January 1, 2004 through December 31, 2018 using the following minimum information for residential development:

- ☐ Number of units for which certificates of occupancy were issued since January 1, 2004;
- ☐ Pending, approved and anticipated applications for development;
- ☐ Historical trends, of at least the past 10 years, which includes certificates of occupancy issued; and
- ☐ The worksheet for determining a higher residential growth projection provided by COAH. (Worksheets are available at www.nj.gov/dca/affiliates/coah/resources/gsworksheets.html)

☐ Yes, Page Number: _____

☐ No (incomplete)

☒ Not applicable (municipality accepts COAH's projections)

8. If the municipality anticipates higher employment projections than provided by COAH in Appendix F, the plan projects the probable future jobs based on the use groups outlined in Appendix D for fifteen years covering the period January 1, 2004 through December 31, 2018 for the municipality using the following minimum information for non-residential development:

   - ☐ Square footage of new or expanded non-residential development authorized by certificates of occupancy issued since January 1, 2004;
   - ☐ Square footage of pending, approved and anticipated applications for development;
   - ☐ Historical trends, of at least the past 10 years, which shall include square footage authorized by certificates of occupancy issued;
   - ☐ Demolition permits issued and projected for previously occupied non-residential space; and
   - ☐ The worksheet for determining a higher non-residential growth projection provided by COAH.

   ☐ Yes, Page Number: _____ ☐ No (incomplete)

   ☒ Not applicable (municipality accepts COAH's projections)

9. The plan addresses the municipality's :

   - ☒ Rehabilitation share (from Appendix B);
   - ☒ Prior round obligation (from Appendix C); and
   - ☒ Projected growth share in accordance with the procedures in N.J.A.C. 5:97-2.4.

☒ Yes, Page Number: 41 - 47 ☐ No (incomplete)

10. If applicable, the plan includes status of the municipality's application for plan endorsement from the State Planning Commission.

☐ Yes, Page Number: _____ ☐ No (incomplete) ☒ Not Applicable

Petition date:_____ Endorsement date:_____

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[1] Information available through the U.S. Census Bureau at http://factfinder.census.gov/servlet/ACSSAFFHousing?_sse=on&_submenuId=housing_0

[2] Information available through the U.S. Census Bureau at http://factfinder.census.gov/home/saff/main.html.

[3] Information available through the New Jersey Department of labor at http://www.wnjpin.net/OneStopCareerCenter/LaborMarketInformation/lmi14/index.html

FAIR SHARE PLAN (N.J.A.C. 5:97-3)

Please provide a summary of the Fair Share Plan by filling out all requested information. Enter N/A where the information requested does not apply to the municipality. A fully completed application may serve as the actual Fair Share Plan. A brief narrative should be attached to supplement the information included in the application form. Additionally, the narrative section of the Fair Share plan would fully describe, under a separate heading, any waivers that are being requested.

Determining the 1987-2018 Fair Share Obligation

The following tables will assist you in determining your overall 1987-2018 fair share obligation. For each cycle of the affordable housing need and rehabilitation share, please use the "need" column to enter the number of units addressed in the municipal petition. Where the municipality has received and/or is proposing any adjustments to its rehabilitation share, prior round and/or growth share obligation, use the footnotes providing rule references and follow the procedures for determining the municipal need and/or for calculating any adjustments applicable to the municipality. Enter the affordable housing need as provided by COAH or that results from the adjustment under the "Need" column.

Line		Need
1	○Rehabilitation Share (From N.J.A.C. 5:97 Appendix B) **OR**	442
2	○Optional Municipally Determined Rehabilitation Share (If a municipally determined rehabilitation share is being used, attach the survey results as an exhibit to this application and indicate that it is attached as Exhibit_____.)	_____
		Need
3	○Prior Round (1987-1999) Affordable Housing Obligation (From N.J.A.C. 5:97 Appendix C)	211
	○Prior Round Adjustments:	
	○20% Cap Adjustment	0
	○1000 Unit Cap Adjustment	0
4	Total Prior Round Adjustments	0
5	**Adjusted Prior Round Obligation:** (Number in Appendix C **minus** Total Prior Round Adjustment(s))	211
	○Prior Round Vacant Land Adjustment (Unmet Need)	0
6	Realistic Development Potential(RDP)[1]	211

[1] RDP = Adjusted Prior Round Obligation minus Vacant Land Adjustment

Determining the Growth Share Obligation

All municipalities must complete the "COAH projections" table below. Only municipalities that anticipate higher projections or that are seeking a growth projection adjustment based on a demonstration that insufficient land capacity exists to accommodate COAH projections need complete the corresponding additional table. COAH has published three workbooks in Excel format to assist with preparing this analysis. All municipalities must complete Workbook A. Workbook B must be used when the municipality anticipates that its growth through 2018 is likely to exceed the growth through 2018 that has been projected by COAH and the municipality wants to plan accordingly. Workbook C must be used by municipalities seeking a downward adjustment to the COAH-generated growth projections based on an analysis of municipal land capacity. Workbooks may be found at the following web location:
www.nj.gov/dca/affiliates/coah/resources/gsworksheets.html.

The applicable workbook has been completed and is attach to this application as Exhibit _____.

Line	○ ***Required 2004-2018 COAH Projections and Resulting Projected Growth Share***				
	Household Growth (From Appendix F)	12	Employment Growth (From Appendix F)	209	
	Household Growth After Exclusions (From Workbook A)	_____	Employment Growth After Exclusions (From Workbook A)	_____	
	Residential Obligation (From Workbook A)	_____	Non-Residential Obligation (From Workbook A)	_____	
7	Total 2004-2018 Growth Share Obligation				221.00
	○ ***Optional 2004-2018 Municipal Projections Resulting in Higher Projected Growth Share***				
	Household Growth After Exclusions (From Workbook B)	_____	Employment Growth After Exclusions (From Workbook B)	_____	
	Residential Obligation (From Workbook B)	_____	Non-Residential Obligation (From Workbook B)	_____	
8	Total 2004-2018 Projected Growth Share Obligation				_____
	○ ***Optional Municipal Adjustment to 2004-2018 Projections and Resulting Lower Projected Growth Share***				
	Household Growth After Exclusions (From Workbook C)	_____	Employment Growth After Exclusions (From Workbook C)	_____	
	Residential Obligation (From Workbook C)	_____	Non-Residential Obligation (From Workbook C)	_____	
9	Total 2004-2018 Growth Share Obligation				_____
10	**Total Fair Share Obligation** (Line 1 or 2 + Line 5 or 6 + Line 7, 8 or 9)				221.00

Summary of Plan for Total 1987-2018 Fair Share Obligation

(For each mechanism, provide a description in the Fair Share Plan narrative. In the table below, specify the number of completed or proposed units associated with each mechanism.)

	Completed	Proposed	Total
Rehabilitation Share			442
Less: Rehabilitation Credits	12		12
Rehab Program(s)		99	99
Remaining Rehabilitation Share			231
Prior Round (1987-1999 New Construction) Obligation			211
Less: Vacant Land Adjustment (If Applicable)			
(Enter unmet need as the adjustment amount. Unmet need = Prior round obligation minus RDP):			
Unmet Need			
RDP			211
Mechanisms addressing Prior Round			
Prior Cycle Credits (1980 to 1986)			6
Credits without Controls			
Inclusionary Development/Redevelopment			
100% Affordable Units			
Accessory Apartments			
Market-to-Affordable			
Supportive & Special Needs			95
Assisted Living			
RCA Units previously approved			
Other			110
Prior Round Bonuses			
Remaining Prior Round Obligation			0
Third Round Projected Growth Share Obligation			221
Less: **Mechanisms addressing Growth Share**			
Inclusionary Zoning			47
Redevelopment			128
100% Affordable Development			
Accessory Apartments			
Market-to-Affordable Units			
Supportive & Special Need Units			10
Assisted Living: post-1986 Units			
Other Credits			14
Compliance Bonuses			
Smart Growth Bonuses			
Redevelopment Bonuses			40
Rental Bonuses			15
Growth Share Total			
Remaining (Obligation) or Surplus			33

PARAMETERS[1]

Prior Round 1987-1999			
RCA Maximum	105	RCAs Included	0
Age-Restricted Maximum	158	Age-Restricted Units Included	110
Rental Minimum	53	Rental Units Included	101

Growth Share 1999-2018			
Age-Restricted Maximum	55	Age-Restricted Units Included	14
Rental Minimum	56	Rental Units Included	71
Family Minimum	111	Family Units Included	126
Very Low-Income Minimum[2]	29	Very Low-Income Units Included	29

[1] Pursuant to the procedures in N.J.A.C. 5:97-3.10-3.12

[2] Pursuant to N.J.S.A. 52:27D-329.1, adopted on July 17, 2008, at least 13 percent of the housing units made available for occupancy by low-income and moderate income households must be reserved for occupancy by very low income households.

Summary of Built and Proposed Affordable Housing

Provide the information requested regarding the proposed program(s), project(s) and/or unit(s) in the Fair Share Plan. Use a separate line to specify any bonus associated with any program, project and/or unit in the Plan. As part of completeness review, all monitoring forms must be up-to-date (i.e. 2007 monitoring must have been submitted previously or included with this application) and all proposed options for addressing the affordable housing obligation must be accompanied by the applicable checklist(s) (found as appendices to this application). Enter whether a project is proposed or completed and attach the appropriate form or checklist for each mechanism as appendices to the plan. Please note that bonuses requested for the prior round must have been occupied after December 15, 1986 and after June 6, 1999 for the third round.

Please make sure that a corresponding mechanism checklist is submitted for each mechanism being employed to achieve compliance. Separate checklists for each mechanism are available on the COAH website at www.nj.gov/dca/affiliates/coah/resources/checklists.html.

Table 1. Projects and/or units addressing the Rehabilitation Share

Project/Program Name	Proposed (use Checklists) or Completed(use Rehabilitation Unit Survey Form)	Rental, Owner Occupied or Both	Checklist or Form Appendix Location[1]
1. County Progra	Completed	Owner-Occupied	On-File
2.			
3.			

[1] If all completed units have already been reported to COAH as part of 2007 monitoring or subsequent CTM updates, there is no need to re-submit Rehabilitation Unit Survey Forms. If additional units have been completed subsequent to 2007 monitoring, the municipality may submit updated forms. If the plan relies only on completed units previously reported via 2007monitoring, enter "on file" in this column.

Table 2. Programs, Projects and/or units addressing the Prior Round.

Project/Program Name	Mechanism or Bonus Type	Proposed (use checklists) or Completed (use Project/Unit Program Information Forms)	Units Addressing Obligation (Note with "BR" where Special Needs bedrooms apply)	Number Addressing Rental Obligation)	Number Subject to Age-Restricted Cap	Checklist or Form Appendix Location[1]
1. Hudson Milestones	Alternative Living	Completed	6	6		On-file
2. Scattered Sites Boarding Homes	Alternative Living	Completed	95	95		On-file
3. Schuyler Avenue Senior Housing		Completed	36		36	On-file
4. Spruce Terrace Senior Housing		Completed	74		74	On-file
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						
13.						
14.						
15.						

Subtotal from any additional pages used	0
Total units (proposed and completed)	211
Total rental	111
Total age-restricted	110
Total very-low	111
Total bonuses	0

Please add additional sheets as necessary.

[1] If all completed units have already been reported to COAH as part of 2007 monitoring or subsequent CTM updates, there is no need to re-submit monitoring forms. If additional units have been completed subsequent to 2007 monitoring, the municipality may submit updated forms. If the plan relies only on completed units previously reported via 2007monitoring, enter "on file" in this column.

Table 3. Programs, Projects and/or Units Addressing the Third Round.

Project Name	Mechanism or Bonus Type	Proposed (use checklist(s)) or Completed (use Project/Unit Program Information Form)	Units Addressing Obligation (Note with "BR" where Special Needs bedrooms apply	Units Addressing Rental Obligation	Units Addressing Family Obligation	Units Subject to Age-restricted Cap	Checklist or Form Appendix Location[1]
16. Schuyler Crossing	Growth Share Zoning	Proposed	47	47	47	0	Appendix G
17. Schuyler Ave Red Area - T.O.D.	Growth Share Zoning	Proposed	53		53	0	Appendix G
18. Passaic Ave Red Area	Growth Share Zoning	Proposed	75		75	0	Appendix G
19. Hudson Milestones	Alternative Living	Completed	10	10		0	On-file
20. Schuyler Avenue Senior Housing		Completed	14	14		14	On-file
21.							
22.							
23.							
24.							
25.							
26.							
27.							
28.							
29.							
30.							

Subtotal from any additional pages used	0	**Total units (proposed and completed)**	254
Total family units	175	Total rental units	71
Total age-restricted units	14	Total family rental units	57
Total Supportive/Special Needs units	10	Total very-low units	29
Total Special Needs bedrooms	10	Total bonuses	55

Please add additional sheets as necessary.

[1] If all completed units have already been reported to COAH as part of 2007 monitoring or subsequent CTM updates, there is no need to re-submit monitoring forms. If additional units have been completed subsequent to 2007 monitoring, the municipality may submit updated forms. If the plan relies only on completed units previously reported via 2007monitoring, enter "on file" in this column.

Please answer the following questions necessary for completeness review regarding the municipality's draft and/or adopted implementing ordinances.

AFFORDABLE HOUSING TRUST FUND (N.J.A.C. 5:97-8)

1. Does the municipality have an affordable housing trust fund account? **(Note: Pursuant to P.L. 2008 c.46, municipalities that do not submit a fully executed escrow agreement will forfeit the ability to retain development fees.)**

   ☒ Yes, Bank Name Provident and Valley Savings Banks

   (Choose account type) ☒ Separate interest-bearing account

   ☐ State of New Jersey cash management fund

   ☐ No (**Skip to the Affordable Housing Ordinance section**)

2. Has an escrow agreement been executed? ☒Yes ☐No
   (If no, petition is incomplete. Submit an executed escrow agreement.)

3. Is all trust fund monitoring up-to-date as of December 31, 2007? ☒Yes ☐ No
   (If no, petition is incomplete. Submit an updated trust fund monitoring report.)

DEVELOPMENT FEE ORDINANCES (N.J.A.C. 5:97-8.3)

1. Does the Fair Share Plan include a proposed or adopted development fee ordinance? **(Note: Pursuant to P.L. 2008 c.46, municipalities that do not submit a development fee ordinance will forfeit the ability to retain non-residential development fees)**

   ☒ Yes,

   ☐ Adopted **OR** ☒Proposed

   ☐ No **Skip to the next category; Payments-in-Lieu**

2. If adopted, specify date of COAH/Court approval here:_____

   - Have there been any amendments to the ordinance since COAH or the Court approved the ordinance?

     ☐Yes, Ordinance Number._____ Adopted on[1]_____

     ☒ No (**Skip to the next category; Payments-in-Lieu**)

   - If yes, is the amended ordinance included with your petition?

     ☐ Yes

     ☐ No, (**Petition is incomplete. Submit ordinance with governing body resolution requesting COAH approval of amended ordinance**)

3. Does the ordinance follow the ordinance model **updated September 2008** and available at www.nj.gov/dca/affiliates/coah/resources/planresources.html? If yes, skip to question 5.

☒ Yes ☐ No

4. If the answer to 3. above is no, indicate that the necessary items below are addressed before submitting the Development Fee ordinance to COAH:

Information and Documentation

The ordinance imposes a residential development fee of 1% and a Non-residential fee of 2.5 %

☐ 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);

☐ A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(e)

☐ A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(c) and (d)

☐ A description of collection procedures per N.J.A.C. 5:97-8.3(f)

☐ A description of development fee appeals per N.J.A.C. 5:97-8.3(g)

☐ A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h)

☐ If part of a court settlement, submit court ordered judgment of compliance, implementation ordinances, information regarding period of time encompassed by the judgment of compliance and a request for review by the court

5. Does the ordinance include an affordability assistance provision per N.J.A.C. 5:97-8.8 (**Note: must be at least 30 percent of all development fees plus interest**)?

☒ Yes (Specify actual or anticipated amount) $991,416

☐ No **Submit an amended ordinance with provisions for affordability assistance along with a governing body resolution requesting COAH approval of the amended ordinance.**)

- If yes, what kind of assistance is offered?

monies are to be dedicated to funding of units from low income to very-low income units

- Has an affordability assistance program manual been submitted? ☐ Yes ☒ No

[1] Any amendment to a previously approved and adopted development fee ordinance must be submitted to COAH along with a resolution requesting COAH's review and approval of the amendment prior to the adoption of said amendment by the municipality.

PAYMENTS-IN-LIEU OF CONSTRUCTING AFFORDABLE UNITS ON SITE (N.J.A.C. 5:97-8.4)

1. Does the Fair Share Plan include an inclusionary zoning ordinance that provides for payments-in-lieu as an option to the on-site construction of affordable housing?

   ☐ Yes ☒ No (**Skip to the next category; Barrier Free Escrow**)

2. Does the plan identify an alternate site and/or project for the payment-in-lieu funds? **(Optional)**

   ☐ Yes (**attach applicable checklist**)
   ☐ No (identify possible mechanisms on which payment in lieu will be expended in narrative section of plan.)

3. Does the ordinance include minimum criteria to be met before the payments-in-lieu becomes an available option for developers? **(Optional)**

   ☐ Yes (indicate ordinance section)_____
   ☐ No

BARRIER FREE ESCROW/OTHER FUNDS (N.J.A.C. 5:97-8.5/8.6)

1. Has the municipality collected or does it anticipate collecting fees to adapt affordable unit entrances to be accessible in accordance with the Barrier Free Subcode, N.J.A.C. 5:23-7?

   ☐ Yes ☒ No

2. Does the municipality anticipate collecting any other funds for affordable housing activities?

☐ Yes (specify funding source and amount) _____

☒ No

SPENDING PLANS (N.J.A.C. 5:97-8.10)

1. Does the petition include a Spending Plan? **(Note: Pursuant to P.L. 2008 c.46, municipalities that do not submit a Spending Plan will forfeit the ability to retain development fees.)**

   ☒ Yes ☐ No

2. Does the Spending Plan follow the Spending Plan model **updated October 2008** and available at www.nj.gov/dca/affiliates/coah/resources/planresources.html? If yes, skip to next section - Affordable Housing Ordinance.

   ☒ Yes ☐ No

3. If the answer to 1. above is no, indicate that the necessary items below are addressed before submitting the spending plan to COAH:

Information and Documentation

☐ A projection of revenues anticipated from imposing fees on development, based on actual proposed and approved developments and historical development activity;

☐ A projection of revenues anticipated from other sources (specify source(s) and amount(s));

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

☐ A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7;

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

☐ A schedule for the creation or rehabilitation of housing units;

☐ If the municipality envisions being responsible for public sector or non-profit construction of housing, a detailed pro-forma statement of the anticipated costs and revenues associated with the development, consistent with standards required by HMFA or the DCA Division of Housing in its review of funding applications;

☐ If the municipality maintains an existing affordable housing trust fund, a plan to spend the remaining balance as of the date of its third round petition within four years of the date of petition;

☐ 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;

☐ 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; and

☐ If not part of the petition, a resolution of the governing body requesting COAH review and approval of spending plan or an amendment to an approved spending plan.

AFFORDABLE HOUSING ORDINANCE (N.J.A.C. 5:80-26.1 *et seq.*)

1. Does the Fair Share Plan include an Affordable Housing Ordinance?

   ☐ Yes ☒ No

2. Does the ordinance follow the ordinance model available at www.nj.gov/dca/affiliates/coah/resources/planresources.html? ☐ Yes ☒ No

3. If the answer to 1. or 2. above is no, indicate that the required items below are addressed before submitting to COAH. If the required items are addressed in ordinances other than an Affordable Housing Ordinance, please explain in a narrative section of the Fair Share Plan.

Required Information and Documentation

- ☐ Affordability controls
- ☐ Bedroom distribution
- ☐ Low/moderate-income split and bedroom distribution
- ☐ Accessible townhouse units
- ☐ Sale and rental pricing
- ☐ Municipal Housing Liaison
- ☐ Administrative Agent
- ☐ Reference to the Affirmative marketing plan or ordinance (N.J.A.C. 5:80-26.15)

AFFORDABLE HOUSING ADMINISTRATION (As Applicable)

Items that must be submitted with the petition:

- ☐ Governing body resolution designating a municipal housing liaison (COAH must approve)

Items that must be submitted prior to COAH's grant of Substantive Certification:

- ☐ Operating manual for rehabilitation program
- ☐ Operating manual for affordability assistance
- ☐ Operating manual for an Accessory Apartment program
- ☐ Operating manual for a Market-to-Affordable program
- ☐ COAH approved administrative agent if municipal wide

Items that must be submitted prior to any time prior to marketing completed units:

- ☐ COAH approved administrative agent(s) is project specific
- ☐ Operating manual for sale units
- ☐ Operating manual for rental units
- ☐ Affirmative marketing plan or ordinance (N.J.A.C. 5:80-26.15)

CERTIFICATION

I, Jeffrey Perlman, have prepared this petition application for substantive certification on behalf of the Town of Kearny, Hudson Cty. I certify that the information submitted in this petition is complete, true and accurate to the best of my knowledge. I understand that knowingly falsifying the information contained herein may result in the denial and/or revocation of the municipality's substantive certification.

Jeffrey Perlman 12/29/08

Signature of Preparer (affix seal if applicable) Date

Associate Planner

Title

N.J.S.A. 2C:21-3, which applies to the certifications, declares it to be a disorderly person offense to knowingly make a false statement or give false information as part of a public record.

Narrative Section

1) The Town of Kearny Housing Element and Fair Share Plan requests a waiver under 5:97-6.2(g) of the COAH 3rd round rules. As stated more fully in the housing plan, the fiscal impact associated with completing Kearny's entire rehabilitation share would far exceed the amount of development fees collected over as ten year period. And as the Town of Kearny is an urban aid community, it is eligible to seek a waiver from the rehabilitation share under COAH regulations.

2) The Schuyler Crossing Project is an inclusionary site within the Schuyler Avenue Redevelopment Area. The mechanism selected on page 13 is "Growth Share Zoning" and presume that a rezoning to encourage affordable housing meets the definition of "Growth Share Zoning". The checklist for this project, and the inclusionary areas in the Schuyler Avenue and Passaic Avenue Redevelopment Areas, are provided in Appendix G of the Housing Element and Fair Share Plan.

3) The submitted petition application does not currently include an Affordable Housing Ordinance as a model ordinance was not available at the time this plan was adopted by the Town. As stated on page 46 of the Housing Element and Fair Share Plan, the Town will be adopting an affordable housing ordinance in conformity with COAH requirements.

4) The Town named Joe Sarnas as the municipal housing liaison in 2008. The Council of Affordable Housing received notification of the appointment and Mr. Sarnas is listed as the Kearny housing liaison on the Municipal Housing Liaisons and RCA Administrators List dated October 31, 2008.