



# **BURGIS ASSOCIATES, INC.**

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Community Planning  
Land Development and Design  
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## **HOUSING ELEMENT AND FAIR SHARE PLAN**

**BOROUGH OF BLOOMINGDALE  
PASSAIC COUNTY, NEW JERSEY**

### **PREPARED FOR:**

**BOROUGH OF BLOOMINGDALE PLANNING BOARD  
BA# 2235.02**

**May 20, 2010  
ADOPTED June 1, 2010**


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The original document was appropriately signed and sealed on June 1st, 2010 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

  
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## INTRODUCTION

In 1975 the New Jersey Supreme Court decided in So. Burlington Cty. NAACP v. Township of Mount Laurel that every developing municipality in New Jersey had an affirmative obligation to provide for its fair share of affordable housing. In a subsequent decision 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.

The Borough of Bloomingdale has prepared a number of Housing Elements and Fair Share Plan over the years to address its affordable housing need. The Borough previously received certification from COAH for the first round on July 25, 1988, and for the second round on December 6, 1995. Certification expired on July 27, 2005. Since this time, Bloomingdale has been before the Court and has entered into two judgments granting builder's remedies. The details of these judgments are provided in the body of this document.

COAH has prepared a number of estimates of housing-need over the years. For Bloomingdale, these have included the following:

1. COAH initially adopted a "fair share" methodology to determine the State's low and moderate income housing needs in 1986, and adopted combined first and second round housing-need numbers in 1994.
2. In December 2004, COAH adopted new substantive (N.J.A.C. 5:94) and procedural (N.J.A.C. 5:95) rules for the period beginning December 20, 2004.
3. As a result of an Appellate Division ruling, new substantive and procedural rules were adopted on June 2, 2008 (now NJAC 5:97 and NJAC 5:96, respectively). Additionally, the Legislature adopted A-500 which affected COAH's regulations. The new third round rules implemented a new "growth share" approach to affordable housing and thus represent a significant departure from the Council's first and second round rules in that the new rules link the production of affordable housing with actual development and projected growth within the community. 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.

The Appellate Division ruling also re-adjusted the Borough's first and second round housing-need numbers back to pre-2004 levels. That is, COAH's re-adjusted 'new construction' obligation for Bloomingdale went back to 168 units and the 'rehabilitation' share was set at 16 units. These numbers, combined with COAH's June 2008 estimated growth share component for the Borough of 76 units, indicates that Bloomingdale has a 260 unit total third round affordable housing obligation. (For the third round COAH estimates that by 2018 the Borough will have an additional 300 dwellings, which translates to 60 units of affordable housing, and 259 additional jobs, which translates to an additional 16 units of affordable housing.)

There is another aspect to the Borough's affordable housing saga that merits attention. At the same time all of the above was occurring, and subsequent to the Appellate Division ruling, the Highlands Council on July 17, 2008 adopted the Highlands Regional Master Plan (RMP). The RMP provides the basis to determine the capacity of the Highlands Region to accommodate appropriate economic growth while ensuring the sustainability of the resources in the Region. Because Bloomingdale is located within the Highlands Region, it participated in the 2009 Plan Conformance Grant Program intended to assist municipalities in bringing their planning programs into conformance with the RMP. As a result of this process, the Borough elected to petition the Highlands Council for RMP Plan Conformance on December 8, 2009 for both the Preservation Area and Planning Area portions of the community. This enables the Borough to rely upon the results of the Highlands Municipal Build-Out Report to determine Bloomingdale's growth share housing need, which they projected to be 7.4 affordable housing units. This becomes the new growth share number for the Borough of Bloomingdale.

This document is designed to address the Borough's housing obligation, inclusive of a determination of the third round obligation and the plan to achieve this obligation. It has been prepared pursuant to the provisions of the Municipal Land Use Law (MLUL) and the applicable regulations of COAH and the Highlands Council as they pertain to the provision of affordable housing within the community for the period 1987 through 2018.

This document 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 and the Municipal Land Use Law (MLUL), and a discussion of the relationship of the Highlands Element to the RMP as required by the Highlands Council.
2. The second section calculates the Borough's fair share obligation for the provision of affordable housing in accordance with the procedures identified in COAH's third round rules and the Highlands Council's instructions.
3. The third section contains the Borough's Fair Share Plan for meeting its affordable housing obligation.

**SECTION I**  
**HOUSING ELEMENT**

## 1. COMMUNITY OVERVIEW

The Borough of Bloomingdale is located in northern half of Passaic County. It adjoins six municipalities including West Milford, Ringwood, Wanaque and Pompton Lakes, all in Passaic County, and Riverdale and Butler in Morris County. The Borough is located at the foothills of the New Jersey Highlands, which are part of a broad mountainous ridge extending from New England to Virginia.

Access to Bloomingdale is provided by a number of county and regional highways. Paterson-Hamburg Turnpike (Route 694) is the principal roadway in Bloomingdale, extending in an east-west direction through the southernmost portion of the community. Union Avenue (Route 511) and Macopin Road (Route 693) are secondary roadways also providing access into the community. The roads both generally run in a north-south direction. Paterson-Hamburg Turnpike and Union Avenue both connect with Interstate 287 just outside of Bloomingdale. State Highway 23, located just to the south of Bloomingdale in Butler also provides access to the community.

Comprising 5,884 acres (9.1 square miles), the bulk of development in the community is dedicated to residential uses, primarily single-family homes. Approximately two-thirds of the northern portion of Bloomingdale is within the NJ Highlands Preservation Area and is characterized by open space. The primary business area historically has been along Paterson-Hamburg Turnpike.

## 2. INVENTORY OF MUNICIPAL HOUSING STOCK

This section of the housing element provides an inventory of the community's housing stock, as required by the Municipal Land Use Law. It 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.

- a. Number of Dwelling Units. As shown in the table below, the Borough saw the addition of 24 dwelling units in the 1990's.

**Table 1**  
**Dwelling Units: 1990-2000**  
**Bloomingdale, New Jersey**

<b>Year</b>	<b>Total Units</b>
1990	2,916
2000	2,940

Source: U.S. Census

Table 2 provides additional detail regarding the tenure and occupancy of the Borough's housing stock. As shown below, 72 percent of the Borough's housing stock in 2000 was owner-occupied. Most of the remaining occupied units were renter-occupied. There were 93 vacant units in 2000.



**Table 2**  
**Housing Characteristics: 1990 and 2000**  
**Bloomingtondale, New Jersey**

Category	1990		2000	
	No. Units	Percent	No. Units	Percent
Owner-Occupied Units	2,018	69	2,127	72
Renter-Occupied Units	729	25	720	25
Vacant Units	169	6	93	3
<b>Total Units</b>	<b>2,916</b>	<b>100</b>	<b>2,940</b>	<b>100</b>

Source: U.S. Census, 1990 and 2000

- b. Housing Characteristics. The following tables provide information on the characteristics of the Borough's housing stock, including data on the number of units in the structure and the number of bedrooms. The majority of the units are single family detached units. Approximately half of the units are three bedroom structures.

**Table 3**  
**Units in Structure: 1990 and 2000**  
**Bloomingtondale, New Jersey**

Units in Structure	1990		2000	
	Number	Percent	Number	Percent
One Unit Detached	2,096	72	2,180	74
One Unit Attached	75	3	111	4
2 Units	221	8	172	6
3 to 4 Units	120	4	42	1
5 to 9 Units	130	4	136	5
10 or More	249	9	291	10
Other	25	<1	8	<1
<b>Total</b>	<b>2,916</b>	<b>100</b>	<b>2,940</b>	<b>100</b>

Source: U.S. Census, 1990 and 2000

**Table 4**  
**Number of Bedrooms in Housing Units: 1990 and 2000**  
**Bloomingtondale, New Jersey**

Bedrooms	1990		2000	
	Number	Percent	Number	Percent
None	0	0	32	1
One	437	15	432	15
Two	794	27	605	21
Three	1,137	39	1,360	46
Four	470	16	462	16
Five or More	78	3	49	1
<b>Total</b>	<b>2,916</b>	<b>100</b>	<b>2,940</b>	<b>100</b>

Source: U.S. Census, 1990 and 2000

- c. Housing Age. Approximately half of the Borough's housing units were constructed between 1950 and 1970.

**Table 5**  
**Year Structure Built**  
**Bloomingtondale, New Jersey**

<b>Year Units Built</b>	<b>Units</b>	<b>Percent</b>
1999 to March 2000	19	1
1990 to 1998	81	3
1980 to 1989	218	7
1970 to 1979	422	14
1960 to 1969	723	25
1950 to 1959	651	22
1940 to 1949	334	11
1939 or earlier	492	17
<b>Total</b>	<b>2,940</b>	<b>100</b>

Source: U.S. Census, 2000

- d. Housing Conditions. An inventory of the Borough's housing conditions is represented in the following tables. Table 6 identifies the extent of overcrowding in the Borough, represented by housing units with more than 1 occupant per room. In 2000, approximately two percent of the Borough's occupied housing units were overcrowded according to this standard.

**Table 6**  
**Occupants Per Room: 2000**  
**Bloomingtondale, New Jersey**

<b>Occupants Per Room</b>	<b>Number</b>	<b>Percent</b>
0.50 or less	1,955	69
0.51 to 1.00	826	29
1.01 to 1.50	51	2
1.51 to 2.00	0	0
2.01 or more	15	<1
<b>Total</b>	<b>2,847</b>	<b>100</b>

Source: U.S. Census, 2000

Table 7 presents additional characteristics of housing conditions, including the presence of complete plumbing and kitchen facilities and the type of heating equipment used.

**Table 7**  
**Equipment and Plumbing Facilities: 1990 and 2000**  
**Bloomingtondale, New Jersey**

Facilities	1990		2000	
	Number	Percent	Number	Percent
<b>Kitchen:</b>				
Lacking Complete Facilities	12	<1	7	<1
With Complete Facilities	2,904	99	2,933	99
<b>Plumbing:</b>				
Lacking Complete Facilities	0	0	0	0
With Complete Facilities	2,916	100	2,940	100
<b>Heating Equipment:</b>				
Standard Heating Facilities	2,731	99	2,847	100
Other Means, No Fuel Used	16	<1	0	0

Source: U.S. Census, 1990 and 2000

- e. Purchase and Rental Values. The Borough has seen a rise in purchase and rental housing prices between 1990 and 2000, as shown in the following tables. This reflects regional increases in housing prices. As shown below, the median gross rent for the Borough's rental housing stock rose 17 percent between 1990 and 2000, from \$771 to \$899.

**Table 8**  
**Gross Rent of Specified Renter-Occupied Housing Units: 1990 and 2000**  
**Bloomingtondale, New Jersey**

Value Range	1990		2000	
	Units	%	Units	%
Less than \$300	6	1	10	1
\$300 to \$399	17	2	8	1
\$400 to \$499	27	4	0	0
\$500 to \$599	82	11	0	0
\$600 to \$699	67	9	43	6
\$700 to \$749	138	19	39	6
\$750 to \$999	286	39	402	57
\$1,000 or more	99	14	188	27
No Cash Rent	7	1	17	2
<b>Total</b>	<b>729</b>	<b>100</b>	<b>707</b>	<b>100</b>
<b>Median Rent</b>	<b>\$771</b>		<b>\$899</b>	

Source: U.S. Census, 1990 and 2000

The median value of owner-occupied housing units rose at a much lower rate of 1.5 percent between 1990 and 2000, from \$174,600 to \$177,000. As shown below, in 2000, 12 percent of the Borough's specified housing units were valued over \$250,000.

**Table 9**  
**Value of Specified Owner-Occupied Housing Units: 1990 and 2000**  
**Bloomingtondale, New Jersey**

Value Range	1990		2000	
	Units	%	Units	%
Less than \$50,000	11	1	0	0
\$50,000 to \$99,999	44	2	30	1
\$100,000 to \$149,999	328	18	382	19
\$150,000 to \$199,999	956	54	1,090	53
\$200,000 to \$249,999	298	17	319	15
\$250,000 to \$299,999	125	7	121	6
\$300,000 to \$399,999	10	1	77	4
\$400,000 to \$499,999	0	0	8	0
\$500,000 or more	9	1	36	2
<b>Total</b>	<b>1,781</b>	<b>100</b>	<b>2,063</b>	<b>100</b>
<b>Median Value</b>	<b>\$174,600</b>		<b>\$177,000</b>	

Source: U.S. Census, 1990 and 2000

- f. 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, Bloomingtondale’s housing region comprising Passaic, Hudson, Passaic and Sussex Counties, is \$72,536. A three-person moderate-income household, established at no more than 80 percent of the median income, would have an income not exceeding \$58,029.

An affordable sales price for a three person moderate income household earning 80 percent of the median income, is estimated at approximately \$113,000. This estimate is based on the UHAC affordability controls outlined in N.J.A.C. 5:80-26.1. Approximately 20 percent of the Borough’s housing units were valued at less than \$150,000 in 2000, according to the Census data above. Approximately 1 percent was valued at less than \$100,000.

For renter occupied housing, an affordable monthly rent for a three person household is estimated at \$1,088. Approximately 71 percent of the Borough’s renter-occupied housing units in 2000 had a gross rent below \$1,000.

- g. Substandard Housing Capable of being Rehabilitated. COAH assigned Bloomingtondale a rehabilitation share of 16 units which represents deficient housing units occupied by low- and moderate-income households which are not likely to experience “spontaneous rehabilitation.” This item is further explained in the Fair Share Plan section of this document.

### 3. POPULATION ANALYSIS

The MLUL requires that a Housing Element provide data on the Borough’s population, including population size, age and income characteristics.

- a. Population Size. As seen in the table below, the Borough's population has experienced an overall decline since 1970. The population has decreased by 343 persons.

**Table 10**  
**Rate of Population Growth: 1970-2007**  
**Bloomingtondale, New Jersey**

Year	Population	Population Change	Percent Change
1970	7,797	--	--
1980	7,867	70	<1.0
1990	7,530	-337	-4.0
2000	7,610	80	1.0
2008*	7,454	-156	-2.0

\* NJ Department of Labor and Workforce Development (LWD) estimate  
Sources: 2003 Passaic County Data Book; NJ Department of LWD, U.S. Census.

Data on births and deaths is shown in the following table. As shown, the Borough experienced a natural increase of 400 persons from 1996 to 2005.

**Table 11**  
**Number of Births and Deaths: 1996-2005**  
**Bloomingtondale, New Jersey**

Year	Births	Deaths	Difference
1996	102	60	42
1997	118	52	66
1998	114	63	51
1999	98	77	21
2000	125	74	51
2001	101	60	41
2002	109	63	46
2003	91	71	20
2004	106	73	33
2005	103	74	29
<b>Total</b>	<b>1,067</b>	<b>667</b>	<b>400</b>

Source: NJ Department of Health, Center for Health Statistics

- b. Age Characteristics. The Borough's age characteristics are represented in the table below. The data suggests that recent high school and college graduates are not staying within the community.

**Table 12**  
**Age Characteristics: 1990 and 2000**  
**Bloomingtondale, New Jersey**

Age Group	1990		2000	
	Total	Percent	Total	Percent
Under 5	522	7	487	6
5-14	862	11	970	13
15-24	1,094	15	711	9
25-34	1,514	20	1,221	16
35-44	1,143	15	1,461	19
45-54	964	13	1,058	14
55-64	722	10	813	11
65-74	427	6	479	6
75-84	234	3	272	4
85+	48	1	138	2
<b>Total</b>	<b>7,530</b>	<b>100</b>	<b>7,610</b>	<b>100</b>

Source: U.S. Census, 1990 and 2000

- c. Average Household Size. The average household size for the Borough has been decreasing in recent years. This is consistent with trends at the state and national levels.

**Table 13**  
**Average Household Size: 1980-2000**  
**Bloomingtondale, New Jersey**

Year	Total Population	Number of Households	Household Size
1980	7,867	2,591	3.04
1990	7,530	2,747	2.74
2000	7,610	2,847	2.63

Source: U.S. Census.

- d. Household Income. The Borough's median household income increased from 1990 to 2000. The county's rate of increase was 31 percent, while the Borough increased at a rate of 38 percent.

**Table 14**  
**Household Income: 1989 and 1999**  
**Bloomingtondale, New Jersey**

Income Category	1989		1999	
	Total	Percent	Total	Percent
Less than \$10,000	159	6	43	2
\$10,000 to \$14,999	127	5	63	2
\$15,000 to \$24,999	243	9	121	4
\$25,000 to \$34,999	360	13	256	9
\$35,000 to \$49,999	496	18	452	16
\$50,000 to \$74,999	784	29	734	26
\$75,000 to \$99,999	364	13	554	19
\$100,000 to \$149,999	135	5	425	15
\$150,000 or more	52	2	194	7
<b>Total</b>	<b>2,720</b>	<b>100</b>	<b>2,842</b>	<b>100</b>
<b>Median Household</b>	<b>\$49,306</b>		<b>\$67,885</b>	
<b>Passaic County</b>	<b>\$37,596</b>		<b>49,210</b>	

Source: U.S. Census, 1990 and 2000

**4. 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.

- a. Covered Employment. The following table provides information on private sector covered employment within the Borough.

**Table 15**  
**Covered Employment Trends (Private Sector): Selected Years**  
**Bloomingtondale, New Jersey**

Year	Number of Jobs
1997	1,008
1998	954
1999	895
2003	1,036
2004	1,099
2005	1,029
2006	1,017
2007	1,023
2008	1,049

<sup>3</sup>rd Quarter (September) numbers shown.  
Source: NJ Department of LWD

- b. Employment Characteristics of Employed Residents. The following two tables detail information on the employment characteristics of employed Bloomingtondale residents. Table 16 details occupation characteristics, while Table 17 details industry characteristics.

**Table 16**  
**Employed Residents Age 16 & Over, By Occupation: 2000**  
**Bloomingtondale, New Jersey**

Occupation	2000	
	Number	Percent
Management, professional, and related occupations	1,649	37
Service occupations	589	13
Sales and office occupations	1,243	28
Farming, fishing, and forestry occupations	0	0
Construction, extraction, and maintenance occupations	325	7
Production, transportation, and material moving occupations	599	14
<b>Total</b>	<b>4,405</b>	<b>100</b>

Source: U.S. Census, 2000

**Table 17**  
**Employed Residents Age 16 & Over, By Industry: 2000**  
**Bloomingtondale, New Jersey**

Industry	2000	
	Number	Percent
Agriculture, forestry, fishing and hunting, and mining	0	0
Construction	296	7
Manufacturing	686	16
Wholesale trade	326	7
Retail trade	605	14
Transportation and warehousing, and utilities	251	6
Information	213	5
Finance, insurance, real estate, and rental and leasing	194	4
Professional, scientific, management, administrative, and waste management services	437	10
Educational, health and social services	845	19
Arts, entertainment, recreation, accommodation and food services	209	5
Other services (except public administration)	207	5
Public administration	136	3
<b>Total</b>	<b>4,405</b>	<b>100</b>

Source: U.S. Census, 2000

## **5. HOUSING AND EMPLOYMENT PROJECTIONS**

The Fair Share Obligation section of this document will include housing and projections pursuant to COAH and the Highlands Council's rules for establishing the "growth share" component of the fair share obligation. This section will also identify historical and projected growth trends.



## **6. RELATIONSHIP TO REGIONAL MASTER PLAN (RMP)**

The overriding policy of the Housing Element is to ensure provision of a variety of housing opportunities sufficient to address the needs of the community and the region, including the need for affordable housing, while at the same time respecting the density limits of the Highlands Element Land Use Plan, the resource constraints applicable to the Highlands Area, and the numerous other policies, goals and objectives set forth by the Borough Master Plan.

In furtherance of the Borough's efforts to ensure sound planning, this Plan incorporates the following goals and objectives with respect to future housing in the Highlands Area:

1. To the extent feasible, the zone plan will guide anticipated new residential development into compact, center-based projects incorporating a mix of housing types.
2. To provide a realistic opportunity for the provision of the municipal share of the region's present and prospective needs for housing for low- and moderate-income families.
3. To the maximum extent feasible, to incorporate affordable housing units into any new residential construction that occurs within the Highlands Area including any mixed use, redevelopment, and/or adaptive reuse projects.
4. To preserve and monitor existing stocks of affordable housing.
5. To reduce long term housing costs through:
  - a. The implementation of green building and energy efficient technology in the rehabilitation, redevelopment and development of housing. Recent innovations in building practices and development regulations reflect significant energy efficiency measures, and therefore cost reductions, through building materials, energy efficient appliances, water conservation measures, innovative and alternative technologies that support conservation practices, and common sense practices such as recycling and re-use.
  - b. The promotion of the use of sustainable site design, efficient water management, energy efficient technologies, green building materials and equipment, and retrofitting for efficiencies.
  - c. Maximizing the efficient use of existing infrastructure, through such means as redevelopment, infill and adaptive reuse.
6. To use a smart growth approach to achieving housing needs:

- a. Use land more efficiently to engender economically vibrant communities, complete with jobs, houses, shopping, recreation, entertainment and multiple modes of transportation.
- b. Support a diverse mix of housing that offers a wide range of choice in terms of value, type and location. In addition, seek quality housing design that provides adequate light, air, and open space.
- c. Target housing to areas with existing higher densities and without environmental constraints, within walking distance of schools, employment, services, transit and community facilities with sufficient capacity to support them.

**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 and includes existing housing units as of April 1, 2000 that are both deficient and occupied by households of low or moderate income. A municipality's Total Rehabilitation Share is equal to the sum of its overcrowded and dilapidated units, multiplied by its regional Low-/Moderate-Income Deterioration Share, minus its Rehabilitation Share Credit. The rehabilitation share essentially replaces what was known as indigenous need in the previous rounds. As detailed herein, COAH has assigned a new rehabilitation share of 16 units to Bloomingdale.
2. Prior Round Obligation: The Prior Round Obligation is the total Fair Share Obligation for the period 1987 to 1999. As noted in Appendix C, COAH is adopting municipalities' unadjusted 1987 to 1999 obligations, first published in 1993. Accordingly, Bloomingdale's Prior Round Obligation is 168 units.
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. Growth share is defined 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.”

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, a 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. According to Appendix B of COAH’s third round substantive rules, the Borough has a rehabilitation share of 16 units.
2. Remaining Prior Round Obligation. Appendix C indicates a prior round new construction obligation of 168 units for Bloomingdale.

The following table presents the manner in which the Borough will address its prior round obligation. The Borough has entered judgments granting builder’s remedies, which provide for the construction of two inclusionary developments. Both of these projects have received final site plan approval. The Borough is also seeking approval for an existing assisted living facility,

**Table 18: Prior Round Plan Components and Status  
Bloomingdale, New Jersey**

Plan Component	# Affordable Units	Units Applied to Prior Round Obligation	Status
<u>Inclusionary Development</u> Meer Tract  Union Avenue (BLC One)	126 72 units  27 rental units 27 rental bonus	126 72 units  27 rental units 27 rental bonus	Prelim & Final Approval (Judgments of Compliance)  Prelim & Final Approval (Judgments of Compliance)
<u>Assisted Living</u> The Health Center at Bloomingdale	60 60	42 32 rental units 10 rental bonus 18 excess	Completed
<u>Supportive and Special Needs Housing</u> Center for Humanistic Change	5 5	None 5 Excess	Completed
<u>Affordable Housing Zoning</u>	**	**	Ordinance adopted
<b>Total</b>	<b>191</b>	<b>168</b>	

\*\* B1-A Zone, applied to 86 parcels, permits affordable residential units over commercial uses. A copy of the ordinance creating this zone is provided in the Appendix.

As shown above, the Borough has 168 credits to meet its 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. Under the third round regulations, this projected growth is provided by COAH under NJAC 5:97 Appendix F. However, municipalities within the Highlands Region that are conforming to the Highlands Regional Master Plan (RMP) for both the Preservation and Planning Areas are subject to adjusted growth projections. These RMP Adjusted Growth Projections are based on an analysis of actual growth from 2004 to 2008 and the results of the Highlands Municipal Build-Out Report, as outlined below and as presented in Workbook D in the appendix of this document.

Once the analysis is complete, this growth is translated into an affordable housing obligation, based on a standard of one affordable unit among five units that are projected and one affordable unit for every 16 jobs that are projected to be created.

a. RMP Adjusted Projections of Residential Growth.

- i. Actual Residential Growth. First, actual residential growth in the municipality is presented for the period between January 1, 2004 and December 31, 2008. This growth is evidenced solely by certificates of occupancy (COs). For purposes of calculating residential growth, demolitions cannot be factored into the projection. As shown, actual growth between 2004 and 2008 in Bloomingdale totaled 13 units.

**Table 19: Actual Growth in Residential Development  
Analysis of Certificates of Occupancy, 2004-2008  
Bloomingdale, New Jersey**

	2004	2005	2006	2007	2008	Total
<b>COs Issued</b>	4	3	1	4	1	<b>13</b>

Source: NJ DCA, The NJ Construction Reporter: <http://www.state.nj.us/dca/codes/cr/conrep.shtml>

- ii. Projected Residential Growth. In this step, residential growth between 2009 and 2018 is projected based on the results of the Highlands Municipal Build-Out Report for Bloomingdale. This report, released by the Highlands Council in September 2009, provides estimates of the capacity for growth in the entire municipality based on potential developable lands and existing municipal conditions, including water availability, septic system yield, and water and sewer utility capacity.

The following table presents the results of the Highlands Municipal Build-Out Report for Bloomingdale. As shown, the Highlands Council projects that Bloomingdale's potential for new residential development is 24 units.

**Table 20: Highlands Municipal Build-Out Results  
Projected Residential Development  
Bloomingdale, New Jersey**

	<b>Preservation Area</b>	<b>Planning Area</b>	<b>Totals</b>
Residential Units – Sewered	0	6	<b>6</b>
Septic System Yield	4	14	<b>18</b>
Total Residential Units	4	20	<b>24</b>

Source: Bloomingdale Borough Municipal Build-Out Report, July 2009

iii. Total Residential Growth. Actual residential growth between 2004 and 2008 is then added back to the projected residential growth based on the results of the Highlands Municipal Build-Out Report. As shown in the table below, this results in a total residential growth for the 2004-2018 period of 37 units.

**Table 21: Total Residential Growth, 2004-2018  
Bloomingdale, New Jersey**

<b>2004-2008 Actual Growth</b>	+	<b>Projected Growth Per Highlands Build-Out</b>	=	<b>Total Residential Growth</b>
13		24		37

- iv. Determining the Residential Growth Share Obligation. The municipality shall have an obligation of one affordable housing unit among five residential units projected to be constructed. Accordingly, the Borough’s residential growth share obligation is 7.4 units.
- b. RMP Adjusted Projections of Non-Residential Growth.
- i. Actual Non-Residential Growth. The following table presents actual non-residential growth in the municipality for the period between January 1, 2004 and December 31, 2008. Non-residential growth is indicated by certificates of occupancy and demolition permits issued. The table presents this information based on the total square footage by type of non-residential development (i.e. office, retail, etc.), which is then translated into employment growth, based on the multipliers provided in Appendix D of COAH’s substantive rules. As shown, actual growth between 2004 and 2008 in Bloomingdale totaled 25 jobs.

**Table 22: Actual Growth in Non-Residential Development  
Analysis of Certificates of Occupancy and Demolition Permits, 2004-2008  
Bloomington, New Jersey**

	2004		2005		2006		2007		2008		Total Jobs
	SF	Jobs	SF	Jobs	SF	Jobs	SF	Jobs	SF	Jobs	
<b>Certificates of Occupancy</b>											
Office	1,136	3.2	960	2.7	0	0	9,336	26.1	0	0	32
<b>Subtotal Jobs</b>	<b>3.2</b>		<b>2.7</b>		<b>0</b>		<b>26.1</b>		<b>0</b>		<b>32</b>
<b>Demolition Permits</b>											
Storage	0	0	0	0	0	0	0	0	7,058	-7.1	-7.1
<b>Subtotal Demos</b>	<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>-7.1</b>		<b>-7.1</b>
<b>Total Jobs</b>	<b>3.2</b>		<b>2.7</b>		<b>0</b>		<b>26.1</b>		<b>-7.1</b>		<b>24.9</b>

Source: NJ DCA, The NJ Construction Reporter: <http://www.state.nj.us/dca/codes/cr/conrep.shtml>.

- ii. Projected Non-Residential Growth. In this step, non-residential growth between 2009 and 2018 is projected based on the results of the Highlands Municipal Build-Out Report for Bloomington. As already noted, this report provides estimates of the capacity for growth in the entire municipality based on potential developable lands and existing municipal conditions, including water availability, septic system yield, and water and sewer utility capacity.

The following table presents the results of the Highlands Municipal Build-Out Report for Bloomington. As shown, the Highlands Council projects that Bloomington has no potential for new non-residential development.

**Table 23: Highlands Municipal Build-Out Results  
Projected Non-Residential Development  
Bloomington, New Jersey**

	Preservation Area	Planning Area	Totals
Non-Residential Jobs – Sewered	0	0	0

Source: Bloomington Borough Municipal Build-Out Report, July 2009

- iii. Total Non-Residential Growth. Actual non-residential growth between 2004 and 2008 is then added back to the projected non-residential growth based on the results of the Highlands Municipal Build-Out Report. As shown in the table below, this results in a total non-residential growth for the 2004-2018 period of 25 jobs.



**Table 24: Total Non-Residential Growth, 2004-2018  
Bloomingdale, New Jersey**

<b>2004-2008 Actual Growth</b>	+	<b>Projected Growth Per Highlands Build-Out</b>	=	<b>Total Non- Residential Growth</b>
25		0		25

iv. Determining the Non-Residential Growth Share Obligation. After calculating the total non-residential growth above, the municipality shall have an obligation of one affordable housing unit for every 16 jobs projected. For the purpose of calculating the growth share obligation, the municipality shall divide the resulting total jobs by 16. The projected non-residential growth share obligation shall not go below zero.

Applying the standard of one affordable housing unit for every 16 jobs created to the total non-residential growth of 25 jobs results in a non-residential growth share obligation of 1.56 affordable housing units.

c. Total Growth Share Obligation: Residential and Non-Residential. The complete growth share obligation, consisting of the residential growth share and non-residential growth share, is shown in the table below. As indicated, Bloomingdale has a total growth share obligation of 9 units.

**Table 25: Total Growth Share Obligation  
Bloomingdale, New Jersey**

	<b>Total</b>
Residential Growth Share	7.4
Non-Residential Growth Share	1.56
<b>Total Growth Share Obligation</b>	<b>9</b>

4. Total Fair Share Obligation. As indicated previously, the total fair share obligation is the sum of the rehabilitation share, remaining prior round obligation, and the growth share. As shown below, Bloomingdale has a total fair share obligation of 63 units.

**Table 26: Total Fair Share Obligation  
Bloomingdale, New Jersey**

<b>Component</b>	<b>Obligation</b>
Rehabilitation Share	16
Remaining Prior Round Obligation	0
Growth Share	9
<b>Total Fair Share Obligation</b>	<b>25</b>

**SECTION III**  
**FAIR SHARE PLAN**

## A. PLAN SUMMARY

This section of the plan details the projects, mechanisms and funding sources which will be used to meet the Borough's affordable housing obligation. It is broken down into three subsections: (1) rehabilitation share, (2) remaining prior round obligation and (3) growth share obligation.

1. Rehabilitation Share. COAH has assigned the Borough a rehabilitation share of 16 units. The Borough's proposal for addressing its rehabilitation obligation is set forth later in this section.
2. Remaining Prior Round Obligation. As detailed in the previous section of this plan, the Borough has satisfied its 168 unit remaining prior round obligation.
3. Growth Share Obligation. As detailed in the previous section of this plan, Bloomingdale's growth share obligation is 9 units. The rules governing the growth share obligation relate to Bloomingdale as follows:
  - a. Rental Component. COAH regulations stipulate in NJAC 5:97-3.10(b)3 that at least 25 percent of a municipality's growth share obligation must be addressed with rental housing. Therefore, the Borough is obligated to provide 2 affordable rental units. Per NJAC 5:97-3.4(b), a minimum of 50 percent of these affordable rental units (equal to 1 unit) shall be family housing.
  - b. Age-Restricted Units. COAH regulations stipulate in NJAC 5:97-3.10(c)2 that up to 25 percent of a municipality's growth share obligation may be addressed with age-restricted housing. Therefore, the Borough may provide two age-restricted units for its growth share obligation.
  - c. Bonus Caps. COAH regulations stipulate in NJAC 5:97-3.20(b) that the total number of bonuses for the growth share obligation granted in a fair share plan shall not exceed 25 percent of the projected growth share obligation. Therefore, the Borough may be granted up to 2 bonus credits. It is noted that, per NJAC 5:97-3.6(a), a municipality may only receive rental bonus credits for units in excess of its growth share rental obligation.

## B. PLAN COMPONENTS

1. Rehabilitation Program. The Borough's rehabilitation share is 16 units. Municipalities are required to set aside sufficient funds to address half of their rehabilitation obligation at the time of certification of their plan. A minimum of \$10,000 per unit is required. In Bloomingdale's case, this means that \$80,000 must be set aside for this purpose. The Borough will utilize its development fee monies for this purpose and will appropriate funds or authorize the issuance of debt if necessary to address any shortfalls in funding, in accordance with COAH regulations.

2. Growth Share Obligation Plan Components. The Borough has a 9 unit growth share obligation. This obligation will be addressed as follows:
- a. Assisted Living: The Borough is seeking credit for an assisted living facility containing 60 units (120 beds). This facility is known as The Health Center at Bloomingdale, located at 255 Union Avenue. The project has already been built. Forty-two units from this project are being applied to the Prior Round obligation. Due the caps on credits noted above, the Borough can only seek credit for two of the excess units from the Prior Round. Therefore, 16 units are in excess of the Third Round Obligation.
  - b. Supportive/Special Needs Housing: The Borough is seeking credit for the units in the Center for Humanistic Change project, which is located at 17 Grove Street. This facility provides community residential services for adults with developmental disabilities. Since the Borough can only provide up to 50% of its obligation with supportive, or special needs housing, the Borough seeks credit for two of these units. Therefore, three units are in excess of the Third Round Obligation.
  - c. Affordable Housing Zoning: The Borough has rezoned 86 parcels into a new B-1-A Commercial Zone which amount to 71 acres of land, to permit residential development above commercial uses. These residential units must provide affordable housing. It is anticipated that this zone will provide the minimum five family units the Borough needs to satisfy its growth share obligation. Assuming these units are rental, the zoning would provide 2 bonus credits and an excess of units, which could be applied to any future obligation.

**C. CONCLUSION**

The table below provides a summary of how this obligation will be met within the Borough.

**Table 27: Summary of Plan Components  
Bloomingdale, New Jersey**

<b>Plan Component</b>	<b>Number of Credits</b>
Assisted Living (Health Center)	2 (+ 16 excess)
Alternative Living (Ctr for Humanistic Change)	2 (+ 3 excess)
Affordable Housing Zoning	5 (+ 2 rental bonus)
<b>Total</b>	<b>9 (+21 excess)</b>

## **APPENDICES**

1. COAH Service List
2. COAH Workbook D
3. Draft Development Fee Ordinance
4. Draft Governing Body Resolution Requesting Approval of Development Fee Ordinance Spending Plan
5. Draft Spending Plan
6. Draft Resolution Requesting Approval of the Spending Plan
7. Draft Affordable Housing Ordinance
8. Ordinance to Provide for the Appointment of a Municipal Housing Liaison
9. Draft Resolution Appointing a Municipal Housing Liaison
10. Ordinance Creating the B-1-A Commercial Zone





**MUNICIPALITY, COUNTY  
SERVICE LIST**

N.J.A.C. 5:96-3.7



A municipality that petitions the Council on Affordable Housing (COAH) for substantive certification or is otherwise participating in COAH's substantive certification process must include an updated service list in order for COAH to review its submittal. At the time it files or petitions for substantive certification a municipality must provide COAH with a Service List which includes the following information (Please print clearly):

1. Current names and addresses of owners of sites included in previously certified or court settled plans that were zoned for low- and moderate-income housing and/or were to pay a negotiated fee(s). Owners of sites that have been completely developed may be excluded;

<b>PROJECT NAME</b>	<u>BLC One, LLC</u>	<b>BLOCK</b>	<u>57</u>
		<b>LOT</b>	<u>43</u>
<b>PROPERTY OWNER</b>	<u>BLC, One, LLC</u>	<b>TITLE</b>	_____
<b>EMAIL</b>	_____	<b>PHONE NO.</b>	_____
<b>ADDRESS</b>	<u>1114 Wynwood Avenue</u>	<b>FAX NO.</b>	_____
	<u>Cherry Hill, NJ 08002</u>		

<b>PROJECT NAME</b>	<u>Bloomington Joint Venture</u>	<b>BLOCK</b>	<u>59 (L1.04) 60</u>
		<b>LOT</b>	<u>9.02, 16.01, 16.02, 21.02, 21.03, 45, 46, 47, 48.02, 60.01, 60.02</u>
<b>PROPERTY OWNER</b>	<u>Meer Ventures Inc</u>	<b>TITLE</b>	_____
<b>EMAIL</b>	_____	<b>PHONE NO.</b>	_____
<b>ADDRESS</b>	<u>241 Truman Drive</u>	<b>FAX NO.</b>	_____
	<u>Cresskill, NJ 07626</u>		

<b>PROJECT NAME</b>	_____	<b>BLOCK</b>	_____
		<b>LOT</b>	_____
<b>PROPERTY OWNER</b>	_____	<b>TITLE</b>	_____
<b>EMAIL</b>	_____	<b>PHONE NO.</b>	_____
<b>ADDRESS</b>	_____	<b>FAX NO.</b>	_____
	_____		

<b>PROJECT NAME</b>	_____	<b>BLOCK</b>	_____
		<b>LOT</b>	_____
<b>PROPERTY</b>	_____	<b>TITLE</b>	_____





**Summary of Adjusted Growth Share Projection Based On Land Capacity**  
**(Introduction to Workbook D)**

**Municipality Code: 1601**

**Municipality Name: Bloomingdale Borough**

[Muni Code Lookup](#)

This workbook is to be used for determining the projected Municipal Growth Share Obligation by comparing growth projected by COAH with actual growth based on certificates of occupancy that have been issued from 2004 through 2008 and the RMP build-out analysis conducted under Module 2 of the Highlands RMP conformance process. Data must be entered via the "tabs" found at the bottom of this spreadsheet which may also be accessed through the highlighted links found throughout the spreadsheet. This workbook consists of five worksheets that, when combined on this introduction page, provide a tool that allows the user to enter exclusions permitted by N.J.A.C. 5:97-2.4 to determine the projected Growth Share Obligation. COAH-generated Growth Projections included in Appendix F(2) of the revised Third Round Rules, Highlands Council build-out figures based on Mod 2 Reports and actual growth based on COs as published by the DCA Division of Codes and Standards in The Construction Reporter are imported automatically upon entry of the Municipal Code.

[Click Here to enter COAH and Highlands Council data](#)

Municipalities seeking to request a revision to the COAH-generated growth projections based on opting in to the Highlands RMP may do so by providing this comparative analysis of COAH and RMP build-out projections. After completing this analysis, the growth projections may be revised based on the Highlands RMP build-out analysis. Actual growth must first be determined using the Actual Growth worksheet. The RMP adjustment applies only to RMP capacity limitations that are applied to growth projected from 2009 through 2018.

[Click Here to Enter Actual Growth to Date](#)

[Click Here to Enter Permitted Exclusions](#)

[Click Here to View Detailed Results from Analysis](#)

**Summary Of Worksheet Comparison**

	<b>COAH Projected Growth Share</b>	<b>Growth Share Based on Highlands RMP</b>
Residential Growth	300	37
Residential Exclusions	533	533
Net Residential Growth	-233	-496
Residential Growth Share	0.00	0.00
Non-Residential Growth	259	25
Non-Residential Exclusions	0	0
Net Non- Residential Growth	259	25
Non-Residential Growth Share	16.19	1.56
Total Growth Share	16	2

**The Highlands RMP analysis results in a revision to the COAH-generated growth projection. Bloomingdale Borough may file this Workbook and use a Residential Growth Share of 0 plus a Non-residential Growth Share of 1.56 for a total Highlands Adjusted Growth Share Obligation of 2 affordable units**

## Growth Projection Adjustment - Actual Growth

Actual Growth 01/01/04 to 12/31/08

**Municipality Name: Bloomingdale Borough**

### Residential COs Issued

As Published by D C S	13
Per Municipal Records (if different)	13

### Qualified Residential Demolitions

**Note:** To qualify as an offsetting residential demolition, the unit must be the primary residence of the household for which the demolition permit has been issued, it had to be occupied by that owner for at least one year prior to the issuance of the demolition permit, it has to continue to be occupied by that household after the re-build and there can be no change in use associated with the property. (See N.J.A.C. 5:97-2.5(a)1.v.) A Certification Form must be completed and submitted for each qualifying demolition.

### Get Demolition Certification Form

Non-residential CO's by Use Group	<u>Get Demolition Certification Form</u>		Square Feet Lost Demolition Permits Issued)	Jobs Per 1,000 SF	Total Jobs
	Square Feet Added (COs Issued) As Published by D C S	Square Feet Added (COs Issued) per Municipal Records (if different)			
B	11,432	11,432		2.8	32.01
M	0	0		1.7	0.00
F	0	0		1.2	0.00
S	0	0	7,058	1.0	-7.06
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	0	0		0.0	0.00
I	0	0		2.6	0.00
R1	0	0		1.7	0.00
<b>Total</b>	<b>11,432</b>	<b>11,432</b>	<b>7,058</b>		<b>24.95</b>

Return to Main Page (Workbook D Intro)

Proceed to COAH Data and RMP Module 2 Build-out Data

Proceed to Exclusions Tab

# Affordable and Market-Rate Units Excluded from Growth

Municipality Name: Bloomingdale Borough

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	
<b>Total</b>	<b>0</b>

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 affordable units are rentals)

Development Name	Rentals? (Y/N)	Total Units	Market Units	Affordable Units	Market Units Excluded
DR Horton	N	360	288	72	288
BLC One	Y	174	148	26	147
		0			0
		0			0
		0			0
<b>Total</b>		<b>534</b>	<b>436</b>	<b>98</b>	<b>435</b>

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
<b>Total</b>	<b>0</b>	<b>0</b>

- [Return to Main Page \(Workbook D Intro\)](#)
- [Return to COAH Data and RMP Module 2 Build-out Data](#)
- [Return to Actual Growth](#)
- [View Detailed Results from Analysis](#)

## COAH Growth Projections and Highlands Buildout Data

Must be used in all submissions

### Municipality Name: **Bloomington Borough**

The COAH columns have automatically been populated with growth projections from Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. The Highlands RMP Build-out columns have automatically been populated with residential and non-residential build-out figures from the municipal build-out results with resource and utility constraints found in Table 4 of the RMP Module 2 report. Always check with the Highlands Council for updates. If figures have been updated, enter updated build-out results. Use the Tabs at the bottom of this page or the links within the page to toggle to the exclusions worksheet of this workbook. After entering all relevant exclusions, toggle back to the introduction page to view the growth share obligation that has been calculated based on each approach.

#### COAH Projections

From Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq.  
Allocating Growth To Municipalities

Residential	Non-Residential
300	259

#### Highlands RMP Buildout Analysis

From Module 2  
Table 4 – Municipal Build-Out Results With Resource and Utility Constraints  
Updated as of October 2, 2009

	Preservation Area	Planning Area	Totals
<b>Residential units – Sewered</b>	0	6	6
<b>Septic System Yield</b>	4	14	18
<b>Total Residential Units</b>	4	20	24
<b>Non-Residential Jobs – Sewered</b>	0	0	0

Note: Always check with the Highlands Council for updated municipal Build-out numbers. Enter build-out figures in the appropriate boxes only if revised figures have been provided by the Highlands Council.

[Click Here to link to current Mod 2 Build-Out Reports](#)

[Proceed to Enter Prior Round Exclusions](#)  
[Retrun to Enter Actual Growth](#)  
[Return to Main Page \(Workbook D Intro\)](#)

## Comparative Analysis Detail For Bloomingdale Borough

The following chart applies the exclusions permitted pursuant to N.J.A.C 5:97-2.4 to both the COAH growth projections and the projected growth that results from the Highlands RMP build-out analysis plus actual growth for the period January 1, 2004 through December 31, 2008.

	COAH		Highlands	
	Residential	Non-Residential	Residential	Non-Residential
<b>Projected Growth From COAH Appendix F(2)</b>	300	259		
<b>Residential Exclusions per 5:97-2.4(a) from "Exclusions" tab</b> COs for prior round affordable units built or projected to be built				
Inclusionary Development Supportive/Special Needs Housing	98		98	
Accessory Apartments Municipally Sponsored or 100% Affordable	0		0	
Assisted Living	0		0	
Other	0		0	
Market Units in Prior Round Inclusionary development built post 1/1/04	435		435	
<b>Subtract the following Non-Residential Exclusions per 5:97-2.4(b) from "Exclusions" tab</b>				
Affordable units	0		0	
Associated Jobs		0		0
<b>Net Growth Projection</b>	-233	259	-496	25
<b>Projected Growth Share</b> (Residential divided by 5 and jobs divided by 16)	0.00	16.19	0.00	1.56
<b>Total Projected Growth Share Obligation</b>		16 Affordable Units		2 Affordable Units

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[Return to COAH Data and RMP Module 2 Build-out Data](#)  
[Return to Actual Growth](#)  
[Return to Exclusions](#)



# DRAFT DEVELOPMENT FEE ORDINANCE

## 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 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- 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 a COAH-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 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) This ordinance shall not be effective until approved by COAH pursuant to *N.J.A.C. 5:96-5.1*.
- b) The Borough of Bloomingdale shall not spend development fees until COAH 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 consideration in the State.
- iii. **“Development fee”** means money paid by a developer for the improvement of property as permitted in *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 the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

#### 4. Residential Development fees

- a) Imposed fees
  - i. Within the Borough of Bloomingdale district(s), residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of *[insert number - maximum of one and a half percent]* percent 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 may be required to pay a development fee of *[insert specific number – maximum of six percent]* percent of the equalized assessed value for each additional unit that 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, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, 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. Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.
- iv. *[optional]* 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.
- v. *[optional]* Developers of *[specific types of residential development, for example developments with one or two owner-occupied dwelling units, green buildings etc.]* shall be *[select only one of the following: exempt from paying a development fee, or subject to a reduced fee of X percent]*.
- vi. *[optional]* Within the *[name of zoning district(s) or area(s), e.g. TOD District, Revenue Allocation District, Historic District, etc.]*, residential developers 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 (2.5) percent 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 (2.5) percent 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 a 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 a half (2.5) percent 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 the 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 Bloomingdale as a lien against the real property of the owner.

## **6. Collection procedures**

- a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official [**OR** *insert title of designated municipal 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 notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- g) Should the Borough of Bloomingdale 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) *[select one of the following paragraphs:]*

The developer shall pay 100 percent of the calculated development fee amount prior to the municipal issuance of a final certificate of occupancy for the subject property.

**OR**

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 Bloomingdale. 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 Bloomingdale. 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) *[select one of the following paragraphs:]*

There is hereby created a separate, interest-bearing housing trust fund to be maintained by the *[chief financial officer or insert municipal employee title]* for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.

**OR**

Upon approval by COAH and by the Division of Local Government Services, the Borough of Bloomingdale shall invest development fee revenue and proceeds from the sale of units with extinguished controls into the State of New Jersey Cash Management Fund, provided that the funds in the Cash Management account that comprise the deposits and income attributable to such deposits shall at all times be identifiable.

- 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 adaptable entrances in a townhouse or other multistory attached development accessible;
  - 3. rental income from municipally operated units;
  - 4. repayments from affordable housing program loans;
  - 5. recapture funds;
  - 6. proceeds from the sale of affordable units; and
  - 7. any other funds collected in connection with the Borough of Bloomingdale's affordable housing program.
  
- c) Within seven days from the opening of the trust fund account, the Borough of Bloomingdale shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, [*select one: the bank or the bank linked to the Cash Management Fund*], 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.

**8 Use of funds**

- a) The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the Borough of Bloomingdale'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 Bloomingdale 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 Bloomingdale 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 Bloomingdale shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, 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 Bloomingdale's housing program, as well as to the expenditure of revenues and implementation of the plan [*select appropriate one: certified by COAH or approved by the court*]. All monitoring reports shall be completed on forms designed by COAH.

## 10. Ongoing collection of fees

- a) The ability for the Borough of Bloomingdale to impose, collect and expend development fees shall expire with its [*select appropriate one: substantive certification or judgment of compliance*] unless the Borough of Bloomingdale has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If the Borough of Bloomingdale fails to renew its ability to impose and collect development fees prior to the expiration of [*pick one: 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 Bloomingdale 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 judgment of compliance, nor shall the Borough of Bloomingdale retroactively impose a development fee on such a development. The Borough of Bloomingdale shall not expend development fees after the expiration of its substantive certification or judgment of compliance.





## **DRAFT Governing Body Resolution Requesting Review and Approval of Development Fee Ordinance**

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

**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**, the Borough of Bloomingdale 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 the Borough of Bloomingdale, Passaic County, requests that COAH review and approve the Borough of Bloomingdale's development fee ordinance.

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Jane McCarthy  
Municipal Clerk



## DRAFT SPENDING PLAN

### INTRODUCTION

The Borough of Bloomingdale 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 Bloomingdale's affordable housing trust fund for which this spending plan is prepared.

As of December 31, 2008, the Borough of Bloomingdale] has collected \$ *[insert amount of revenue already collected]*, expended \$ *[insert amount of funds already expended]*, resulting in a balance of \$ *[insert balance as of December 31, 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.

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

To calculate a projection of revenue anticipated during the period of third round substantive certification, the Borough of Bloomingdale 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 - 2009 THROUGH 2018										
	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											
<b>Total</b>											

The Borough of Bloomingdale projects a total of \$ [insert total of all revenue listed above] in revenue to be collected between January 1, 2009 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 the Borough of Bloomingdale:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with the Borough of Bloomingdale'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)**

The Borough of Bloomingdale 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, 2008 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, 2009 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, 2009 through December 31, 2018. Municipalities will receive credit against this projected minimum for affordability assistance activity from January 1, 2009 to the present.]*

Projected minimum affordability assistance requirement:

Actual development fees through 12/31/2008		\$
Actual interest earned through 12/31/2008	+	\$
Development fees projected 2009-2018	+	\$
Interest projected 2009-2018	+	\$
Less housing activity expenditures through 6/2/2008	-	\$
<b>Total</b>	=	
30 percent requirement	x 0.30 =	\$
Less Affordability assistance expenditures through 12/31/2008	-	\$
<b>PROJECTED MINIMUM Affordability Assistance Requirement 1/1/2009 through 12/31/2018</b>	=	\$
<b>PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 1/1/2009 through 12/31/2018</b>	÷ 3 =	\$

The Borough of Bloomingdale 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, 2008. The outcome of this calculation will be the total remaining funds that will be available to defray administrative expenses for the period January 1, 2009 through December 31, 2018.]*

The Borough of Bloomingdale 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**

The Borough of Bloomingdale 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.]*



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

Pursuant to the Housing Element and Fair Share Plan, the governing body of the Borough of Bloomingdale 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, the Borough of Bloomingdale 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 the Borough of Bloomingdale'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**

The Borough of Bloomingdale 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]*.

The Borough of Bloomingdale has a balance of \$ *[insert balance]* as of December 31, 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]*.

<b>SPENDING PLAN SUMMARY</b>	
Balance as of December 31, 2008	\$
<b>PROJECTED REVENUE 2009-2018</b>	
Development fees	+ \$
Payments in lieu of construction	+ \$
Other funds	+ \$
Interest	+ \$
<b>TOTAL REVENUE</b>	<b>= \$</b>
<b>EXPENDITURES</b>	
Funds used for Rehabilitation	- \$
Funds used for New Construction	
1. <i>[list individual projects/programs]</i>	- \$
2.	- \$
3.	- \$
4.	- \$
5.	- \$
6.	- \$
7.	- \$
8.	- \$
9.	- \$
10.	- \$
Affordability Assistance	- \$
Administration	- \$
Excess Funds for Additional Housing Activity	= \$
1. <i>[list individual projects/programs]</i>	- \$
2.	- \$
3.	- \$
<b>TOTAL PROJECTED EXPENDITURES</b>	<b>= \$</b>
<b>REMAINING BALANCE</b>	<b>= \$0.00</b>

## DRAFT RESOLUTION REQUESTING APPROVAL OF THE SPENDING PLAN

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

**WHEREAS**, the Borough of Bloomingdale 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**, the Borough of Bloomingdale 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 the Borough of Bloomingdale, Passaic County, requests that COAH review and approve the Borough of Bloomingdale's spending plan.

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Jane McCarthy  
Municipal Clerk

## **DRAFT Affordable Housing Ordinance**

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE TO ADDRESS THE REQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING (COAH) REGARDING COMPLIANCE WITH THE MUNICIPALITY'S PRIOR ROUND AND THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS

### **Section 1. Affordable Housing Obligation**

- (a) This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.
- (b) The Borough of Bloomingdale Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways the Borough of Bloomingdale shall address its fair share for low- and moderate-income housing as determined by the Council on Affordable Housing (COAH) and documented in the Housing Element.
- (c) This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:97, as may be amended and supplemented.
- (d) The Borough of Bloomingdale shall file monitoring reports with COAH in accordance with N.J.A.C. 5:96, tracking the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by COAH in accordance with N.J.A.C. 5:96 shall be available to the public at the Borough of Bloomingdale Municipal Building, Municipal Clerk's Office, 101 Hamburg Turnpike, Bloomingdale, New Jersey, or from COAH at 101 South Broad Street, Trenton, New Jersey and on COAH's website, [www.nj.gov/dca/affiliates/coah](http://www.nj.gov/dca/affiliates/coah).

### **Section 2. Definitions**

The following terms when used in this Ordinance shall have the meanings given in this Section:

"Accessory apartment" means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

"Act" means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

“Adaptable” means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

“Administrative agent” means the entity responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

“Affordability average” means the average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable development” means a housing development all or a portion of which consists of restricted units.

“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.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.

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

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

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

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).



“DCA” means the State of New Jersey Department of Community Affairs.

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

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

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

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the median household income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

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

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable county, as adopted annually by COAH.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

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

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one

applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by COAH’s adopted Regional Income Limits published annually by COAH.

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

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

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

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

“Very low-income household” means a household with a total gross annual household income equal to 30 percent or less of the median household income.

“Very low-income unit” means a restricted unit that is affordable to a very low-income household.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

### **Section 3. Affordable Housing Programs**

The Borough of Bloomingdale has determined that it will use the following mechanisms to satisfy its affordable housing obligations:

- (a) A Rehabilitation program.
  1. Bloomingdale’s rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
  2. Both owner occupied and renter occupied units shall be eligible for rehabilitation funds.

**\*\*NOTE:** If there is a County rehabilitation program that the community is participating in, it must be identified in this ordinance. The basic framework of the county program should be provided, including contact information for the public, any agreements as to the number of units the County will assist and any other parameters not otherwise included in this ordinance.

3. All rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner occupied units the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.
4. The Borough of Bloomingdale shall dedicate a minimum of \$10,000 for each unit to be rehabilitated through this program, reflecting the minimum hard cost of rehabilitation for each unit.
5. The Borough of Bloomingdale shall adopt a resolution committing to fund any shortfall in the rehabilitation programs for the Borough of Bloomingdale.
6. The Borough of Bloomingdale shall designate, subject to the approval of COAH, one or more Administrative Agents to administer the rehabilitation program in accordance with N.J.A.C. 5:96 and N.J.A.C. 5:97. The Administrative Agent(s) shall provide a rehabilitation manual for the owner occupancy rehabilitation program and a rehabilitation manual for the rental occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of COAH. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
7. Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9 and Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
  - i. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:97-9 and UHAC.
  - ii. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.
  - iii. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.
  - iv. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:97-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

**Section 4. Reserved**

**Section 5. Reserved**

**Section 6. Reserved**

**Section 7. Inclusionary Zoning**

- (a) **Presumptive densities and set-asides.** To ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of

affordable housing, inclusionary zoning permits minimum presumptive densities and presumptive maximum affordable housing set-asides as follows:

1. For Sale Developments

- i. Inclusionary zoning in Planning Area 1 permits residential development at a presumptive minimum gross density of eight units per acre and a presumptive maximum affordable housing set-aside of 25 percent of the total number of units in the development;

The zoning of the *[insert name of zone]* zone provides for a *[insert the percentage indicated in the Fair Share Plan]* percent set-aside for restricted units and a density of *[insert the density indicated in the Fair Share Plan]* units per acre. *[List specific zones in this Planning Area and the specific density and set-aside for each zone.]*

- ii. Inclusionary zoning in Planning Area 2 and designated centers permits residential development at a presumptive minimum gross density of six units per acre and a presumptive maximum affordable housing set-aside of 25 percent of the total number of units in the development;

The zoning of the *[insert name of zone]* zone provides for a *[insert the percentage indicated in the Fair Share Plan]* percent set-aside for restricted units and a density of *[insert the density indicated in the Fair Share Plan]* units per acre. *[List specific zones in this Planning Area and the specific density and set-aside for each zone.]*

- iii. Inclusionary zoning in existing or proposed sewer service areas outside of Planning Areas 1 or 2 permits residential development at a presumptive minimum gross density of four units per acre and a presumptive maximum affordable housing set-aside of 25 percent of the total number of units in the development;

The zoning of the *[insert name of zone]* zone provides for a *[insert the percentage indicated in the Fair Share Plan]* percent set-aside for restricted units and a density of *[insert the density indicated in the Fair Share Plan]* units per acre. *[List specific zones in these Planning Areas and the specific density and set-aside for each zone.]*

- iv. Inclusionary zoning outside of a sewer service area in Planning Areas 3, 4 and 5 permits a presumptive density increase of 40 percent over the existing zoning. The presumptive maximum affordable housing set-aside shall be 20 percent of the total number of units in the development; and

The zoning of the *[insert name of zone]* zone provides for a *[insert the percentage indicated in the Fair Share Plan]* percent set-aside for restricted units and a density of *[insert the density indicated in the Fair Share Plan]* units per acre. *[List specific zones in these Planning Areas and the specific density and set-aside for each zone.]*

- v. Inclusionary zoning in Urban Centers, as designated or identified by the State Planning Commission, permits residential development at a presumptive

minimum gross density of 22 units per acre and a presumptive maximum affordable housing set-aside of 20 percent of the total number of units in the development.

The zoning of the *[insert name of zone]* zone provides for a *[insert the percentage indicated in the Fair Share Plan]* percent set-aside for restricted units and a density of *[insert the density indicated in the Fair Share Plan]* units per acre. *[List specific zones in these areas and the specific density and set-aside for each zone.]*

## 2. Rental Developments

- i. Inclusionary zoning permits a presumptive minimum density of 12 units per acre and a presumptive maximum affordable housing set-aside of 20 percent of the total number of units in the development and the zoning provides for at least 10 percent of the affordable units to be affordable to households earning 30 percent or less of the area median income for the COAH region.

The zoning of the *[insert name of zone]* zone provides for a *[insert the percentage indicated in the Fair Share Plan]* percent set-aside for restricted units and a density of *[insert the density indicated in the Fair Share Plan]* units per acre. *[List specific zones and the specific density and set-aside for each zone.]*

- ii. In Urban Centers and Workforce Housing Census Tracts, inclusionary zoning permits a presumptive minimum of 25 units per acre and a presumptive maximum affordable housing set-aside of 15 percent of the total number of units in a mixed-income development.

The zoning of the *[insert name of zone]* zone provides for a *[insert the percentage indicated in the Fair Share Plan]* percent set-aside for restricted units and a density of *[insert the density indicated in the Fair Share Plan]* units per acre. *[List specific zones in these areas and the specific density and set-aside for each zone.]*

3. Where an executed development agreement exists for affordable housing on a specific site or sites, list the sites below and identify the density and set-aside for each.

*[List each affordable housing development and its density and set-aside.]*

4. Additional incentives to subsidize the creation of affordable housing available to very-low income households may be included in the zoning section of this ordinance or specified in a developer's or redeveloper's agreement.

*[Describe additional incentives to subsidize the creation of affordable housing available to very low income households here.]*

- (b) **Phasing.** In inclusionary developments the following schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0

25+1	10
50	50
75	75
90	100

- (c) **Design.** In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- (d) **Payments-in-lieu and off-site construction.** The standards for the collection of Payments-in-Lieu of constructing affordable units or standards for constructing affordable units off-site, shall be in accordance with N.J.A.C. 5:97-6.4.
- (e) **Utilities.** Affordable units shall utilize the same type of heating source as market units within the affordable development.

**Section 8. New Construction**

The following general guidelines apply to all newly constructed developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

- (a) Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:
  1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit.
  2. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
  3. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
    - i. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
    - ii. At least 30 percent of all low- and moderate-income units shall be two bedroom units;
    - iii. At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
    - iv. The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
  4. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.
- (b) Accessibility Requirements:

1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.
2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
  - i. An adaptable toilet and bathing facility on the first floor;
  - ii. An adaptable kitchen on the first floor;
  - iii. An interior accessible route of travel on the first floor;
  - iv. An interior accessible route of travel shall not be required between stories within an individual unit;
  - v. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
  - vi. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, or evidence that the Borough of Bloomingdale has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
    - A. Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
    - B. To this end, the builder of restricted units shall deposit funds within the Borough of Bloomingdale's affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
    - C. The funds deposited under paragraph B. above shall be used by the Borough of Bloomingdale for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
    - D. The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Borough of Bloomingdale.
    - E. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough of Bloomingdale's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that

the funds are deposited into the affordable housing trust fund and appropriately earmarked.

- F. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

(c) Maximum Rents and Sales Prices

1. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and in COAH, utilizing the regional income limits established by COAH.
2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income, and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.
3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
  - i. At least 10 percent of all low- and moderate-income rental units shall be affordable to households earning no more than 30 percent of median income.

\*\*NOTE: N.J.S.A. 52:27D-329.1 (P.L. 2008, C. 46) includes the requirement that all municipal fair share plans provide for the reservation of at least 13% of the affordable units for very low income households, i.e. households earning 30% or less of the median income. The new statute states that the requirement is not project-specific. Each municipality's version of this ordinance must reflect the determinations made in the Fair Share Plan as to the percentage of units necessary for very low income units in rental projects. Additional incentives to subsidize the creation of affordable housing available to very-low income households may be included in the zoning section of this ordinance or specified in a developer's or redeveloper's agreement.
4. 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, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, 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.
5. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
  - i. A studio shall be affordable to a one-person household;



- ii. A one-bedroom unit shall be affordable to a one and one-half person household;
  - iii. A two-bedroom unit shall be affordable to a three-person household;
  - iv. A three-bedroom unit shall be affordable to a four and one-half person household; and
  - v. A four-bedroom unit shall be affordable to a six-person household.
6. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
  - i. A studio shall be affordable to a one-person household;
  - ii. A one-bedroom unit shall be affordable to a one and one-half person household; and
  - iii. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 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 the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
9. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
10. The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.
11. **Utilities.** Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

**The following general guidelines apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.**

**Section 9. Affirmative Marketing Requirements**

- (a) The Borough of Bloomingdale shall adopt by resolution an Affirmative Marketing Plan, subject to approval of COAH, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- (b) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 1 and covers the period of deed restriction.
- (c) *Optional.* The affirmative marketing plan shall provide a regional preference for all households that live and/or work in COAH Housing Region [*insert number*] comprised of [*insert counties*].
- (d) The Administrative Agent designated by the Borough of Bloomingdale shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- (e) In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (f) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- (g) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Borough of Bloomingdale.

**Section 10. Occupancy Standards**

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

- (b) Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

### **Section 11. Control Periods for Restricted Ownership Units and Enforcement Mechanisms**

- (a) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance until the Borough of Bloomingdale elects to release the unit from such requirements however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- (c) Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.
- (d) At the time of the first sale of the unit, the purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the requirements of this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- (e) The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- (f) A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

### **Section 12. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices**

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

- (a) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- (b) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.

- (c) The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- (d) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

### **Section 13. Buyer Income Eligibility**

- (a) Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.
- (b) The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's certified monthly income.

### **Section 14. Limitations on indebtedness secured by ownership unit; subordination**

- (a) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- (b) With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C.5:80-26.6(b).

### **Section 15. Control Periods for Restricted Rental Units**

- (a) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance until the Borough of Bloomingdale elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and

the deed restriction shall be filed by the developer or seller with the records office of the County of the Borough of Bloomingdale. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.

- (c) A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
  1. Sublease or assignment of the lease of the unit;
  2. Sale or other voluntary transfer of the ownership of the unit; or
  3. The entry and enforcement of any judgment of foreclosure.

### **Section 16. Price Restrictions for Rental Units; Leases**

- (a) A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.
- (b) No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- (c) Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

### **Section 17. Tenant Income Eligibility**

- (a) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
  1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
  2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
  3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
- (b) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
  2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
  3. The household is currently in substandard or overcrowded living conditions;
  4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
  5. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- (c) The applicant shall file documentation sufficient to establish the existence of the circumstances in (b)1 through 5 above with the Administrative Agent, who shall counsel the household on budgeting.

### **Section 18. Administration**

- (a) The position of Municipal Housing Liaison (MHL) for the Borough of Bloomingdale is established by this ordinance. The Mayor and Council shall make the actual appointment of the MHL by means of a resolution.
1. The MHL must be either a full-time or part-time employee of the Borough of Bloomingdale.
  2. The person appointed as the MHL must be reported to COAH for approval.
  3. The MHL must meet all COAH requirements for qualifications, including initial and periodic training.  
 \*\*NOTE: if the MHL position is one that will always be included in the job description for a particular position in the local staff, e.g. Township Clerk, that position can be named in this ordinance.
  4. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of Bloomingdale, including the following responsibilities which may not be contracted out to the Administrative Agent:
    - i. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
    - ii. The implementation of the Affirmative Marketing Plan and affordability controls.
    - iii. When applicable, supervising any contracting Administrative Agent.

- iv. Monitoring the status of all restricted units in the Borough of Bloomingdale's Fair Share Plan;
  - v. Compiling, verifying and submitting annual reports as required by COAH;
  - vi. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
  - vii. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by COAH.
- (b) The Borough of Bloomingdale shall designate by resolution of the Mayor and Council, subject to the approval of COAH, one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC.
- (c) An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of COAH. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
- \*\*NOTE:** If it is decided that an employee of the municipality will act as administrative agent or if the Housing Affordability Service (HAS) of the Agency is selected, the determination of such can be included in this ordinance.
- (d) The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
- 1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
  - 2. Affirmative Marketing;
  - 2. Household Certification;
  - 3. Affordability Controls;
  - 4. Records retention;
  - 5. Resale and re-rental;
  - 6. Processing requests from unit owners; and
  - 7. Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
  - 8. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

**Section 19. Enforcement of Affordable Housing Regulations**

- (a) Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- (b) After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:
    - i. A fine of not more than [*insert amount*] or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;
    - ii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Bloomingdale Affordable Housing Trust Fund of the gross amount of rent illegally collected;
    - iii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
  2. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.
- (c) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.



- (d) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.
- (e) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.
- (f) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- (g) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (h) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

**Section 20. Appeals**

Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed in writing with the Executive Director of COAH.

**REPEALER**

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

**SEVERABILITY**

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

**EFFECTIVE DATE**

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

ADOPTED: December 22, 2009  
PROV'T: William J. ...  
MAYOR: ...  
TEST: ...  
MUNICIPAL CLERK: ...

**ORDINANCE NO. 18-2009**

**AN ORDINANCE TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT.**

**BE IT ORDAINED** by the Borough of Bloomingdale in the County of Passaic and State of New Jersey that the following amendments be made to Chapter XII of the Revised General Ordinances of the Borough of Bloomingdale to create a new Code Section 12-7, "Municipal Housing Liaison," to provide as follows:

**Section 1. Purpose.**

The purpose of this article is to create the administrative mechanisms needed for the execution of Bloomingdale's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

**Section 2. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**MUNICIPAL HOUSING LIAISON** – The employee charged by the governing body with the responsibility for oversight and administration of the affordable housing program for the Borough of Bloomingdale.

**ADMINISTRATIVE AGENT** – The entity responsible for administering the affordability controls of some or all units in the affordable housing program for Bloomingdale to ensure that the restricted units under administration are affirmatively marketed and sole or rented, as applicable, only to low-and moderate-income households.

**Section 3. Establishment of Municipal Housing Liaison position and compensation; powers and duties.**

- A. Establishment of position of Municipal Housing Liaison. There is hereby established the position of Municipal Housing Liaison for Bloomingdale
- B. Subject to the approval of the Council on Affordable Housing (COAH), the Municipal Housing Liaison shall be appointed by the Governing Body and may be a full or part time municipal employee.
- C. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for Bloomingdale,

including the following responsibilities which may not be contracted out, exclusive of item 6 which may be contracted out:

- (1) Serving as Bloomingdale's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents, and interested households;
  - (2) Monitoring the status of all restricted units in Bloomingdale's fair Share Plan;
  - (3) Compiling, verifying, and submitting annual reports as required by COAH;
  - (4) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;
  - (5) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
  - (6) If applicable, serving as the Administrative Agent for some or all of the restricted units in Bloomingdale as described in F. below.
- D. Subject to approval by COAH, Bloomingdale may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body, which entity shall have the responsibility of administering the affordable housing program of Bloomingdale, except for those responsibilities which may not be contracted out pursuant to subsection C above. If Bloomingdale contracts with another entity to administer all or any part of the affordable house program, including the affordability controls and Affirmative Marketing Plan, the Municipal Housing Liaison shall supervise the contracting Administrative Agent.
- E. Compensation. Compensation shall be fixed by the Governing Body at the time of the appointment of the Municipal Housing Liaison.
- F. Administrative powers and duties assigned to the Municipal Housing Liaison.
- (1) Affirmative Marketing
    - (a) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with

the Affirmative Marketing Plan of Bloomingdale and the provisions of N.J.A.C. 5:80-26.15; and

- (b) Providing counseling or contracting to provide counseling services to low and moderate income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.

(2) Household Certification

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

(3) Affordability Controls

- (a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;

- (b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;
  - (c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit.
  - (d) Communicating with lenders regarding foreclosures; and
  - (e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.
- (4) Resale and rental
- (a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and
  - (b) Instituting and maintaining an effective means of communicating information to low-and moderate-income households regarding the availability of restricted units for resale or re-rental.
- (5) Processing request from unit owners
- (a) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;
  - (b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems; and
  - (c) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.

(6) Enforcement

- (a) Securing annually lists of all affordable housing units for which tax bills are mailed to absentee owners and notifying all such owners that they must either move back to their unit or sell it;
- (b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;
- (c) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;
- (d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d)4;
- (e) Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;
- (f) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls; and
- (g) Providing annual reports to COAH as required.

(7) The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.

**Section 4. Severability.**

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

**Section 5. Inconsistent Ordinances Repealed.**

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

**Section 6. Effective Date.**

This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

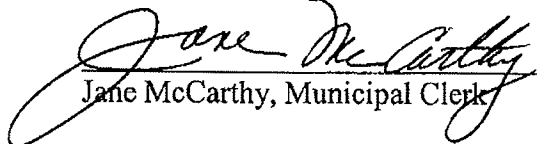
WILLIAM STEENSTRA, MAYOR

ATTEST:

  
JANE McCARTHY, RMC, CLERK

**NOTICE**

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Work Session Meeting of the Governing Body of the Borough of Bloomingdale held in the Municipal Building on the 13th day of October, 2009, and the same shall come up for final passage at the Regular Business Meeting of the Governing Body to be held on the 22<sup>nd</sup> day of December, 2009, at 7:30 P.M., at which time any persons interested shall be given the opportunity to be heard concerning said Ordinance

  
Jane McCarthy, Municipal Clerk



**LEGAL NOTICE**

**BOROUGH OF BLOOMINGDALE  
PASSAIC COUNTY, NEW JERSEY  
ORDINANCE NO. 18-2009**

***AN ORDINANCE TO CREATE THE POSITION OF MUNICIPAL  
HOUSINGLIAISON FOR THE PURPOSE OF ADMINISTERING AFFORDABLE  
HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT***

Notice is hereby given that the above entitled ordinance was regularly, duly and finally passed at an Official Meeting of the Governing Body of the Borough of Bloomingdale on December 22, 2009, and approved by the Mayor.

Jane McCarthy, RMC  
Municipal Clerk  
Borough of Bloomingdale

BLOOMINGDALE, BOROUGH OF 2760006  
BORO CLERK-JANE MCCARTHY  
101 HAMBURG TPKE  
BLOOMINGDALE NJ 07403-1236

# HERALD NEWS

STATE OF NEW JERSEY  
COUNTY OF PASSAIC SS:



Of full age, being duly sworn according to law, on his/her oath says that he/she is employed at North Jersey Media Group Inc., publisher of Herald News. Annexed hereto is a true copy of the notice that was published on the following date(s):

\_\_\_\_\_  
12/26/09  
\_\_\_\_\_  
\_\_\_\_\_

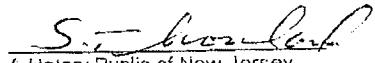
**ORDINANCE NO. 18-2009**  
AN ORDINANCE TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT.  
Notice is hereby given that the above entitled ordinance was regularly, duly and finally passed at an Official Meeting of the Governing Body of the Borough of Bloomingdale on December 22, 2009, and approved by the Mayor.  
Jane McCarthy, RMC  
Municipal Clerk  
Borough of Bloomingdale  
Herald News-2760006  
Fee: \$10.11  
December 26, 2009

in Herald News, a newspaper of general circulation and published in West Paterson, in the county of Passaic and circulated in Bergen, Passaic and Essex Counties. Said newspaper is published seven days a week.

Subscribed and sworn before me this

29 day of

Dec 2009  
at West Paterson, NJ

  
A Notary Public of New Jersey

SONJA THORSLAND  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
Commission Expires 3, 2012

DRAFT RESOLUTION APPOINTING A MUNICIPAL HOUSING LIAISON  
BOROUGH OF BLOOMINGDALE, PASSAIC COUNTY

**WHEREAS**, the Governing Body of the Borough of Bloomingdale petitioned the Council on Affordable Housing (COAH) for substantive certification of its Housing Element and Fair Share Plan on *[insert date]*; and

**WHEREAS**, the Borough of Bloomingdale's Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1, et. seq.); and

**WHEREAS**, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq., the Borough of Bloomingdale is required to appoint a Municipal Housing Liaison for the administration of the Borough of Bloomingdale's affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq.; and

**WHEREAS**, the Borough of Bloomingdale has amended Chapter XII entitled 'Revised General Ordinance' to provide for the appointment of a Municipal Housing Liaison to administer the Borough of Bloomingdale's affordable housing program.

**NOW THEREFORE BE IT RESOLVED**, by the Governing Body of the Borough of Bloomingdale in the County of Passaic, and the State of New Jersey that Ted M. Ehrenburg is hereby appointed by the Governing Body of the Borough of Bloomingdale as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with Section 12-7 of the Borough of Bloomingdale's Revised General Ordinance.

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Jane McCarthy  
Municipal Clerk



ORDINANCE #7-2008

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING  
CHAPTER 92, THE ZONING ORDINANCE OF THE  
BOROUGH OF BLOOMINGDALE, PASSAIC COUNTY, NEW JERSEY TO CHANGE A  
DESIGNATED PORTION OF MAIN STREET TO THE B-1 ZONE

WHEREAS, properties fronting on the North side of Hamburg Turnpike from Macopin Road to the intersection of Hamburg Turnpike and Main Street predominantly are located within the B-1 Zone; and

WHEREAS, a portion of the North side of Hamburg Turnpike running from Vreeland Avenue to Bailey Avenue presently is zoned as either R-M-O or R-10-O, with properties on either side of this portion along the North side of Hamburg Turnpike being located in the B-1 Zone; and

WHEREAS, Block 25, Lot 36, zoned as R-10-0, is in substantial part located behind existing residential properties because of the depth of the lot and, as such, is not particularly suited for uses permitted in the B-1 Zone; and

WHEREAS, the Borough Council desires to move forward on the re-zoning of the properties fronting on the North side Hamburg Turnpike and running in an Easterly direction from Vreeland Avenue to Bailey Avenue, exclusive of Block 25, Lot 36 as aforesaid; and

WHEREAS, the Borough Council has determined that creating additional opportunities for B-1 use and development along the North side of Hamburg Turnpike from Vreeland Avenue to Bailey Avenue will encourage the appropriate use of land in the Borough and thereby promote the general welfare; and

WHEREAS, the Borough Council also desire to re-zone that portion of Hamburg Turnpike currently occupied by the United States Post Office and a pharmacy from the R-10-O Zone to the B-1 Zone so as to have the zoning be consistent with the properties' actual beneficial use;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Bloomingdale, in the County of Passaic, State of New Jersey as follows:

**SECTION 1.** Amend Chapter 92, Section 92-5, the Zoning Map of the Borough of Bloomingdale, to provide as follows:

- a. Block 22, Lot 5 – Change from the R-M-O Zone to the B-1 Zone
- b. Block 22, Lot 6.01 – Change from the R-M-O Zone to the B-1 Zone
- c. Block 22, Lot 6.09 – Change from the R-M-O Zone to the B-1 Zone
- d. Block 22, Lot 6.10 – Change from the R-M-O Zone to the B-1 Zone
- e. Block 24, Lot 1 & 2A – Change from the R-10-O Zone to the B-1 Zone
- f. Block 24, Lot 2 & 3 – Change from the R-10-0 Zone to the B-1 Zone
- g. Block 24, Lot 4 – Change from the R-10-O Zone to the B-1 Zone
- h. Block 25, Lot 1D – Change from the R-10-O Zone to the B-1 Zone

RECEIVED

JUL 09 2008

BURGH

FILED May 27 2008  
PRO T. WILSON T. STUNT  
MAYOR  
ATTEST: Jane M. Carthy  
MUNICIPAL CLERK

- i. Block 25, Lot 1C – Change from the R-10-O Zone to the B-1 Zone
- j. Block 25, Lot 1 – Change from the R-10-O Zone to the B-1 Zone
- k. Block 25, Lot 39 – Change from the R-10-O Zone to the B-1 Zone
- l. Block 89, Lot 36 – Change from the R-10-O Zone to the B-1 Zone
- m. Block 89, Lot 35.02 – Change from the R-10-O Zone to the B-1 Zone
- n. Block 89, Lot 35.01 – Change from the R-10-O Zone to the B-1 Zone
- o. Block 89, Lot 34 – Change from the R-10-O Zone to the B-1 Zone
- p. Block 89, Lot 33 – Change from the R-10-O Zone to the B-1 Zone
- q. Block 89, Lot 29 & 30 – Change from the R-10-O Zone to the B-1 Zone
- r. Block 89, Lot 28 – Change from the R-10-O Zone to the B-1 Zone
- s. Block 89, Lot 27 – Change from the R-10-O Zone to the B-1 Zone
- t. Block 89, Lot 26.01 – Change from the R-10-O Zone to the B-1 Zone
- u. Block 89, Lot 26.04 – Change from the R-10-O Zone to the B-1 Zone
- v. Block 89, Lot 25, - Change from the R-10-O Zone to the B-1 Zone
- w. Block 89, Lot 24 - Change from the R-10-O Zone to the B-1 Zone

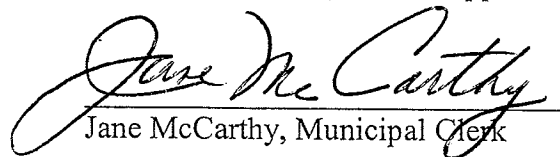
**SECTION 2.** Severability. If any portion, paragraph, clause, sentence or phrase of this Ordinance is determined to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Ordinance.

**SECTION 3.** Effective Date. This Ordinance shall take effect immediately upon publication of Notice of Final Passage in the manner provided by law.

**SECTION 4.** Repealer. All ordinances or parts thereof inconsistent herewith are hereby repealed as to the extent of such inconsistency only.

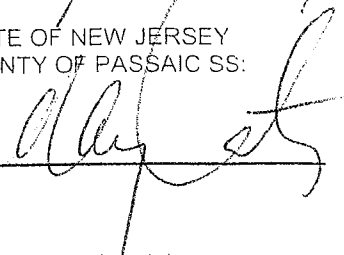
### NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Work Session Meeting of the Governing Body of the Borough of Bloomingdale held in the Municipal Building on the 8<sup>th</sup> day of April, 2008, and the same shall come up for final passage at the Regular Business Meeting of the Governing Body to be held on the 27<sup>th</sup> day of May, 2008, at 7:30 P.M., at which time any persons interested shall be given the opportunity to be heard concerning said Ordinance

  
Jane McCarthy, Municipal Clerk

**HERALD NEWS**

STATE OF NEW JERSEY  
COUNTY OF PASSAIC SS:



**ORDINANCE #7-2008**

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING CHAPTER 92, THE ZONING ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, PASSAIC COUNTY, NEW JERSEY TO CHANGE A DESIGNATED PORTION OF MAIN STREET TO THE B-1 ZONE

**WHEREAS**, properties fronting on the North side of Hamburg Turnpike from Macopin Road to the intersection of Hamburg Turnpike and Main Street predominantly are located within the B-1 Zone; and

**WHEREAS**, a portion of the North side of Hamburg Turnpike running from Vreeland Avenue to Bailey Avenue presently is zoned as either R-M-O or R-10-O, with properties on either side of this portion along the North side of Hamburg Turnpike being located in the B-1 Zone; and

**WHEREAS**, Block 25, Lot 36, zoned as R-10-O, is in substantial part located behind existing residential properties because of the depth of the lot and, as such, is not particularly suited for uses permitted in the B-1 Zone; and

**WHEREAS**, the Borough Council desires to move forward on the re-zoning of the properties fronting on the North side Hamburg Turnpike and running in an Easterly direction from Vreeland Avenue to Bailey Avenue, exclusive of Block 25, Lot 36 as aforesaid; and

**WHEREAS**, the Borough Council has determined that creating additional opportunities for B-1 use and development along the North side of Hamburg Turnpike from Vreeland Avenue to Bailey Avenue will encourage the appropriate use of land in the Borough and thereby promote the general welfare; and

**WHEREAS**, the Borough Council also desire to re-zone that portion of Hamburg Turnpike currently used by the United States Post Office and a pharmacy from the R-10-O Zone to the B-1 Zone so as to have the zoning be consistent with the properties' actual beneficial use;

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Bloomingdale, in the County of Passaic, State of New Jersey as follows:

**SECTION 1.** Amend Chapter 92, Section 92-5, the Zoning Map of the Borough of Bloomingdale, to provide as follows:

- a. Block 22, Lot 5 - Change from the R-M-O Zone to the B-1 Zone
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- c. Block 22, Lot 6.09 - Change from the R-M-O Zone to the B-1 Zone
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- g. Block 24, Lot 4 - Change from the R-10-O Zone to the B-1 Zone
- h. Block 25, Lot 1D - Change from the R-10-O Zone to the B-1 Zone
- i. Block 25, Lot 1C - Change from the R-10-O Zone to the B-1 Zone
- j. Block 25, Lot 1 - Change from the R-10-O Zone to the B-1 Zone
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- u. Block 89, Lot 26.04 - Change from the R-10-O Zone to the B-1 Zone
- v. Block 89, Lot 25 - Change from the R-10-O Zone to the B-1 Zone
- w. Block 89, Lot 24 - Change from the R-10-O Zone to the B-1 Zone

**SECTION 2.** Severability. If any portion, paragraph, clause, sentence or phrase of this Ordinance is determined to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Ordinance.

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**NOTICE**

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Work Session Meeting of the Governing Body of the Borough of Bloomingdale, held in the Municipal Building on the 8th day of April, 2008, and the same shall come up for final passage at the Regular Business Meeting of the Governing Body to be held on the 27th day of May, 2008, at 7:30 P.M., at which time any persons interested shall be given the opportunity to be heard concerning said Ordinance

Herald News - 2317067  
Fee: \$70.26  
April 26, 2008

Jane McCarthy, Municipal Clerk

Of full age, being duly sworn according to law, on his/her oath says that he/she is employed at North Jersey Media Group Inc., publisher of Herald News. Annexed hereto is a true copy of the notice that was published on the following date(s):

4/26/08

in Herald News, a newspaper of general circulation and published in West Paterson, in the county of Passaic and circulated in Bergen, Passaic and Essex Counties. Said newspaper is published seven days a week.

Subscribed and sworn before me this

28<sup>th</sup> day of

April 2008  
at West Paterson, NJ

S. J. [Signature]  
A Notary Public of New Jersey

**SONJA THORSLAND**  
**NOTARY PUBLIC**  
STATE OF NEW JERSEY  
My Commission Expires **March 3, 2011**

BLOOMINGDALE, BOROUGH OF 2342491  
BORO CLERK-JANE MCCARTHY  
101 HAMBURG TPKE  
BLOOMINGDALE NJ 07403-1236

# HERALD NEWS

STATE OF NEW JERSEY  
COUNTY OF PASSAIC SS:

*[Handwritten Signature]*

Of full age, being duly sworn according to law, on his/her oath says that he/she is employed at North Jersey Media Group Inc., publisher of Herald News. Annexed hereto is a true copy of the notice that was published on the following date(s):

5/31/08  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ORDINANCE #7-2008**

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE AMENDING CHAPTER 92, THE ZONING ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, PASSAIC COUNTY, NEW JERSEY TO CHANGE A DESIGNATED PORTION OF MAIN STREET TO THE B-1 ZONE

Notice is hereby given that the above entitled ordinance was regularly, duly and finally passed at a Regular Meeting of the Governing Body of the Borough of Bloomingdale on, May 27, 2008 and approved by the Mayor.  
Jane McCarthy, RMC  
Municipal Clerk  
Borough of Bloomingdale

Herald News-2342486  
Fee: \$11.07  
May 31, 2008

in Herald News, a newspaper of general circulation and published in West Paterson, in the county of Passaic and circulated in Bergen, Passaic and Essex Counties. Said newspaper is published seven days a week.

Subscribed and sworn before me this

2<sup>nd</sup> day of  
June 2008  
at West Paterson, NJ

*[Handwritten Signature]*  
A. Notary Public of New Jersey

SONJA WORSLAND  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
My Commission Expires 03/31/2012