



# The Township of Teaneck Bergen County

## Housing Element and Fair Share Plan Round Four (2025-2035)

Prepared For:



818 Teaneck Road  
Teaneck, NJ 07666

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## Acknowledgements

**Mayor**  
Mark Schwartz

**Township Council**  
Denise Belcher, Deputy Mayor  
Danielle Gee  
Hillary Goldberg  
Elie Katz  
Karen Orgen, Deputy Mayor  
Michael Pagan

**Planning Board**  
Class I, Mayor Mark Schwartz  
Class II, Deputy Police Chief Seth Kriegel  
Class III, Deputy Mayor Denise Belcher  
Class IV, Christopher Brown (Chair)  
Class IV, Shaun Evans  
Class IV, Yehuda Kohn  
Class IV, Alan Sohn  
Class IV, Yitz Stern  
Class IV, Howard Thompson (Vice Chair)  
Alternate, Duane Harley  
Alternate, Victoria Marino

**Township Administrator**  
Jaclyn Hashmat

**Township Clerk**  
Doug Ruccione

**Township Attorney**  
Scott Salmon, Esq.

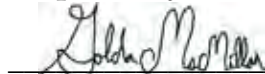
**Redevelopment Counsel**  
Michael Ash, Esq.

**Township Administrative Agent**  
Frank Piazza


**Planning Board Secretary**  
Rosiland Mclean

**Planning Board Attorney**  
Jessica Almeida, Esq.

**Prepared by:**



Golda MacMillan, AICP/PP  
Planner License No. 33LI00639400



Graham Petto, AICP/PP  
Planner License No. 33LI00633500

**Supporting Staff:** Marc Lincer, AICP, PP, CAPM, Planner III  
Julian Wexer, Planner I

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

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## I. 2026 Amendment

**2026 Amendment:** Content that has been replaced or is no longer applicable is shown in ~~strikethrough~~. New or revised content is indicated in *green italics*.

*This Housing Element and Fair Share Plan (“HEFSP”) was adopted by the Planning Board on June 16, 2025, and subsequently submitted to the Affordable Housing Dispute Resolution Program (the “Program”).*

*On August 27-28, 2025, multiple interested parties filed challenges to the Township’s HEFSP pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b), including 143 State Street LLC, Hill Street Realty LLC, 54 West Englewood Ave LLC, Mohammed Saddiquilla, Vision 23 LLC, and the Fair Share Housing Center (“FSHC”). The Township and all parties thereafter agreed to resolve the issues raised in the challenges through Settlement Agreements<sup>1</sup>. These agreements were submitted to the Program and referred to the Mount Laurel judge in accordance with N.J.S.A. 52:27D-304.1(f)(2)(b) and Administrative Directive #14-24. As a result of these settlements, the Township received Fourth Round compliance certification.*

*In its final decision, the Court ordered that, for consistency purposes, the Township’s HEFSP be amended to incorporate additional property identified in the Settlement Agreements, specifically 822 Palisade Avenue. Accordingly, this Amendment is required to implement the terms of those agreements.*

*This Amendment is limited to the following scope:*

- 1. (Required in the settlement agreements): Inclusion of 822 Palisade Avenue in the Township’s Fourth Round strategy.*
- 2. (Required in the settlement agreements): Updates to “remaining” undeveloped Round Three projects to reflect increasing the mandatory affordable housing set-aside from 15% to 20%.*
- 3. (Technical clarification since 2025 HEFSP): Update the 54 West Englewood project to include Block 4905, Lots 1 and 2 (previously only Lot 3 was identified).*
- 4. (Technical clarification since 2025 HEFSP): Updates to the appendices to incorporate newly adopted ordinances and supporting documents that were previously included as draft placeholders.*

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<sup>1</sup> BER-L-000776-25

## II. Introduction

This Housing Element and Fair Share Plan will exhibit the Township of Teaneck's (herein the "Township" or "Teaneck") commitment to providing affordable housing within the municipality. This document seeks to frame Teaneck's efforts based on the current best knowledge of the affordable housing framework created by the State, applicable past rules established by the Council on Affordable Housing (COAH), and the requirements of P.L.2024, c.2<sup>2</sup> (the "Law" or "Amended Law") which governs municipal responsibilities concerning provisions of affordable housing in the Fourth Round.

This Plan has three sections. The first section ("Introduction") includes a brief history of New Jersey Housing Policy. The second section ("Housing Element") includes a Demographic Analysis, Housing Inventory, Employment Analysis, and review of land uses and policies, as required by statute. The third section (Fair Share Plan) summarizes the Township's affordable housing obligations for 2025-2035 and its plan for complying with these obligations.

### A. History of New Jersey Affordable Housing Policy

#### 1975 – 1985 | Mount Laurel Doctrine and the Fair Housing Act

In 1975 the New Jersey Supreme Court decided *Southern Burlington County NAACP v. the Township of Mount Laurel*, more commonly referred to as "Mount Laurel I," wherein it interpreted the New Jersey Constitution to create an affirmative obligation for developing municipalities to provide a "realistic opportunity for the construction of low- and moderate-income housing in their communities." In 1983, the New Jersey Supreme Court expanded the obligation from only developing municipalities to all municipalities in a decision commonly referred to as "Mount Laurel II." In addition, the Supreme Court required the establishment of each municipality's fair share obligation and required each municipality, through its zoning, to provide a realistic opportunity for the construction of that established fair share obligation. Subject to several prerequisites, conditions and requirements, Mount Laurel II also created the "builder's remedy" as a mechanism to enforce the doctrine in instances where a developer successfully demonstrated a municipality's zoning failed to create the requisite realistic opportunity. Under such circumstances, a plaintiff may be entitled to have its site rezoned for an inclusionary development with an affordable set aside if the site is available, developable, approvable, and suitable for the proposed project and all other requirements for a successful builder's remedy are met and all defenses defeated.

In 1985, in response to Mount Laurel II and the flood of litigation stemming from it, the Legislature adopted the Fair Housing Act ("FHA") to discourage litigation and incentivize voluntary compliance (see N.J.S.A. 52-27D-303). The FHA established, among other things, the Council on Affordable Housing ("COAH") as an administrative alternative to litigation and

<sup>2</sup> [https://pub.njleg.state.nj.us/Bills/2024/PL24/2\\_.PDF](https://pub.njleg.state.nj.us/Bills/2024/PL24/2_.PDF)

judicial intervention. COAH was charged with establishing various housing regions in the state, estimating regional affordable housing obligations, and adopting criteria and guidelines for the municipal determination of housing need as well as guidelines for satisfying those obligations. The FHA also linked municipal planning and zoning powers to the satisfaction of affordable housing obligations. Under the FHA, a municipal zoning ordinance is presumptively invalid if a municipality fails to adopt a housing element as part of its master plan or enacts zoning regulations that are inconsistent with their housing plan.

#### 1987 – 2004 | Establishment and Administration of First Round and Second Round COAH Rules

After the adoption of the Fair Housing Act, COAH adopted procedural and substantive rules to effectuate the FHA's legislative intent in both the First Round (1987-1993) (N.J.A.C 5:91 and 5:92) and Second Round (1993-1999) (N.J.A.C. 5:93). The Second Round substantive regulations (Chapter 93) superseded the First Round substantive regulations (Chapter 92) and recalculated the First Round obligations. Under COAH's regulations, low-income households were defined as those with incomes no greater than 50 percent of the area median income (AMI), adjusted for household size, and moderate-income households were those with incomes no greater than 80 percent and no less than 50 percent of the median household income. AMI limits were calculated based upon housing regions as established by COAH.

#### 2004 – 2010 | Third Round Litigation and Revisions

In December 2004, COAH promulgated its Third Round "Growth Share" methodology, which adjusted prior round obligations and devised a new system for projecting future municipal housing obligations. Growth Share obligations were based upon municipal growth and the Third Round was defined as the period of 1999-2014. The initial Growth Share methodology required municipalities to provide one affordable housing unit for every eight market rate units and one affordable unit for every 25 jobs created. In January 2007, the Appellate Division invalidated the Growth Share Methodology and required COAH to revise its rules, which it did in May 2008 via the Third Round substantive regulations of Chapter 97.

The FHA was subsequently amended in July 2008. This round of amendments, among other things, eliminated Regional Contribution Agreements and reduced non-residential development fees. In September 2008, Executive Order #114 was which amended the COAH rules to ensure consistency with the Highlands Regional Master Plan.

#### 2010 – 2023 | COAH's Noncompliance and Resumption of Court Responsibility

During this period, there was inaction and increased uncertainty in the realm of affordable housing.

After taking office Governor Chris Christie signed Executive Order No. 12, establishing the Housing Opportunity Task Force and charging them with a full review of the Fair Housing Act, COAH, and COAH's regulatory structure. Ultimately, the task force recommended a model which included adjusted definitions of present and prospective need, a benchmark of 10 percent

growth predicted by the State Planning Commission to guide obligations, and transferring of procedural responsibility from COAH to the Home Mortgage Finance Agency (HMFA).

Further complicating matters, in October 2010, the Appellate Division invalidated a substantial portion of COAH's rules. Most notably, the Court invalidated the Third Round Growth Share methodology and ordered COAH to revise its rules in accordance with the decision. In addition, the Court prohibited certification of housing plans that rely upon municipally sponsored affordable housing projects without specified funding and required COAH to create an incentive structure for inclusionary developments.

In January 2011, the legislature passed S-1 / A-3447, which was subsequently vetoed. Then, in June Governor Christie issued a reorganization plan which transferred the administration of the State's affordable housing program from COAH to the New Jersey Department of Community Affairs. Upon challenge by the Fair Share Housing Center, the Appellate Court invalidated Governor Christie's Reorganization Plan in March 2012. The Supreme Court upheld this decision in July 2013.

In September 2013, the Supreme Court confirmed the invalidation of the previously adopted Third Round regulations, upholding that the methodology used for projecting housing needs in these rules was unconstitutional. In that ruling, the court established a February 2014 deadline for development and adoption of new COAH rules, which was eventually extended to November 2014. Significantly, no rules were adopted.

In March 2015, in the case entitled *In re: Adoption of N.J.A.C. 5:96 & 5:97, 221 N.J. 1 (2015)*, more commonly referred to as "Mount Laurel IV" the State Supreme Court determined that COAH was "moribund" and unable to carry out its duties as intended by the Fair Housing Act. The Court further held "that the courts may resume their role as the forum of first instance for evaluating municipal compliance with Mount Laurel obligations."

Thus, the Court designed a transitional process whereby municipalities could seek judicial approval of their HEFSPs. Those transitional procedures gave municipalities the choice whether to seek compliance voluntarily via a Declaratory Judgment (DJ) Action or to not file a DJ Action and risk being sued. During this period, and in the absence of COAH, many municipalities entered into court-mediated Settlement Agreements involving the Fair Share Housing Center.

#### 2024 – Present | Adoption of P.L.2024, c.2 and Fourth Round Methodology Changes and Department of Community Affairs

With the impending end of the Third Round in 2025, there was a push at the State level to implement new legislation that would reorganize the affordable housing process and end the transitional and court-oriented process initiated by Mount Laurel IV. The result of this effort was A-4 / S-50, which was signed into law by Governor Phil Murphy on March 20, 2024. This legislation created a framework to be used for the Fourth Round and beyond. In summary, the Law:

1. Abolishes the Council on Affordable Housing ("COAH") and transfers its duties to the DCA and the Administrative Office of the Courts ("AOC");
2. Enables the DCA to implement the judicial methodology provided by Judge Mary C. Jacobson, A.J.S.C. in her March 8, 2018 decision, *In re Application of Municipality of Princeton* (the "Princeton Case"), to calculate every municipality's affordable housing obligation for the Fourth Round;
3. Creates the Affordable Housing Dispute Resolution Program (the "Program") to oversee disputes and provide for mediation; and
4. Expands the availability of bonus credits, while eliminating the previously offered "rental bonus credit." Bonus credits are further described in this Housing Element and Fair Share Plan.
5. Modifies applicable data and calculations underlying the methodology for calculation of affordable housing obligations, eliminating the prior dependence of Courts and court-appointed Special Masters to deploy accepted methodologies to determine each municipality's affordable housing obligation.
6. Sets timeframes under which municipalities must act to preserve immunity from exclusionary zoning litigation.

Critically, the Amended Law requires that municipalities adopt a housing element and fair share plan no later than June 30, 2025 to maintain immunity from exclusionary zoning litigation.

## **B. Housing Plan Requirements**

### *Municipal Land Use Law ("MLUL") + Fair Housing Act ("FHA")*

The MLUL, through incorporation of the New Jersey FHA, requires municipalities to include a housing element in their master plans as a prerequisite to the zoning power. The principal purpose is to enumerate and provide the data, policies, and methods by which municipalities will meet housing needs, with particular attention to low- and moderate-income households.

Pursuant to Section 10 of P.L.1985, c.222 (C.52:27D-310) and as amended per Bill P.L.2024, c.2,<sup>3</sup> as amended, the required contents of the housing element shall contain at least:

- a. *An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;*

<sup>3</sup> [https://pub.njleg.state.nj.us/Bills/2024/PL24/2\\_.PDF](https://pub.njleg.state.nj.us/Bills/2024/PL24/2_.PDF)

- b. *A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;*
- c. *An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;*
- d. *An analysis of the existing and probable future employment characteristics of the municipality;*
- e. *A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing, as established pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1);*
- f. *A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing; and*
- g. *An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52:27D-329.20).*
- h. *For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and*
- i. *An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.*

In addition to the statutory components of the Housing Element and Fair Share Plan detailed in 52:27D-310, [Administrative Directive #14-24](#),<sup>4</sup> which promulgated the procedures and guidelines for implementing the Affordable Housing Dispute Resolution Program; contains a

<sup>4</sup> [https://www.njcourts.gov/sites/default/files/administrative-directives/2024/12/dir\\_14\\_24.pdf](https://www.njcourts.gov/sites/default/files/administrative-directives/2024/12/dir_14_24.pdf)

section entitled “Required Elements of Housing Element and Fair Share Plan.” In summary, the Directive requires four additional elements of the HEFSP to be included:

1. A site suitability analysis for any inclusionary zone and/or 100% affordable site
2. A concept plan for site development of any proposed inclusionary zone.
3. A detailed review of the credit worthiness of all existing units in the municipality
4. All ordinances and resolutions required to implement the plan attached as an Appendix to the HEFSP.

However, it should be noted that the requirement to adopt all implementing ordinances to effectuate the HEFSP as set forth in the Fair Housing Act is March 15, 2026. Given this discrepancy of the dates, the statutory necessity of implementing ordinances to be reviewed by the Planning Board and deemed consistent with this adopted HEFSP, and the potential for challenges to the HEFSP as adopted, such ordinance amendments will be prepared following adoption of this plan element.

### III. Housing Element: Municipal Summary

Teaneck Township is roughly 6.24 square miles in area and is in Bergen County. For regional and planning purposes, Teaneck Township is located in Housing Region 1, a region that consists of Bergen, Hudson, Passaic and Sussex counties.

In compiling the analysis for the Housing Element, this report utilizes the following data:

1. American Community Survey (“ACS”): The most up to date information is the ACS estimates, which are generated between the decennial censuses. ACS figures are based on data collected over a 5-year time period. The estimates represent the average characteristics of population and housing between 2018-2023 and DO NOT represent a single point in time. Comparisons will be made with the 2018-2023 ACS to show change over time. See URL link<sup>5</sup> utilized in this HEFSP.
2. Decennial Census: Every ten years, the Census conducts detailed data collection to create an image that is as accurate as possible of the conditions throughout the country in that year. Data from the decennial census is used for comparison when equivalent ACS information is unavailable, as well as for longitudinal analysis. See URL link<sup>6</sup> utilized in this HEFSP.
3. North Jersey Transportation Planning Authority (“NJTPA”): Every four years, the NJTPA updates its regional forecasts for population, households and employment as part of updating its long-range transportation plan (LRTP), the region’s blueprint for transportation investment. See URL link<sup>7</sup> utilized in this HEFSP.
4. State or Other Agency Sources: for select data types, State sources are used instead of the Census Bureau when equivalent Census data does not exist or the State data provides a more complete picture.

#### A. Housing Conditions

The analysis in this section shall satisfy Part A of P.L.1985, c.222 (C.52:27D-310), which requires:

- A) *“Inventory of housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards”*

<sup>5</sup><https://data.census.gov/table>

<sup>6</sup><https://data.census.gov/table?d=DEC%20Demographic%20Profile>

<sup>7</sup><https://www.njtpa.org/NJTPA/media/Documents/Planning/Plans-Guidance/Planning%20for%202050/draft%20final/E-2050-Demographic-Forecasts.pdf>

Housing Stock by Age and Condition

According to the 2023 ACS, there are an estimated 13,851 housing units in Teaneck Township which represented a 155 unit decrease since 2018 (14,006 units).

77.6% of Teaneck Township’s housing structures were built prior to 1960, suggesting that almost 3 out of 4 units are older than 65 years.

**Table 1: Year Structure Built**

|                       | UNITS  | PERCENT |
|-----------------------|--------|---------|
| Total housing units   | 13,851 |         |
| Built 2020 or later   | 0*     | 0.0*    |
| Built 2010 to 2019    | 365    | 2.6     |
| Built 2000 to 2009    | 294    | 2.1     |
| Built 1990 to 1999    | 364    | 2.6     |
| Built 1980 to 1989    | 671    | 4.8     |
| Built 1970 to 1979    | 267    | 1.9     |
| Built 1960 to 1969    | 1,141  | 8.2     |
| Built 1950 to 1959    | 3,741  | 27.0    |
| Built 1940 to 1949    | 2,190  | 15.8    |
| Built 1939 or earlier | 4,818  | 34.8    |

Source: American Community Survey [2023](#)

[DCA Reporter](#) was reviewed to verify number of COs issued during the 2020-2023 period to further analyze the “zero” structures built ACS data. A total of 395 COs were issued.

The table below details the condition of housing within Teaneck Township based on heating fuel, plumbing facilities, kitchen facilities. These factors help determine the number of inadequate housing units within the Township. According to the current ACS estimate, 320 housing units in Teaneck Township lacked either heating fuel, plumbing or kitchen facilities, which is more than 2018.

**Table 2: Housing Condition**

|   | 2023 | PERCENT | 2018 | PERCENT | PERCENT CHANGE |
|---|------|---------|------|---------|----------------|
| <b>Total</b>                                | 320  | 2.3     | 133  | 1       | 1.3            |
| <b>Lacking heating fuel</b>                 | 127  | 0.9     | 72   | 0.5     | 0.4            |
| <b>Lacking complete plumbing facilities</b> | 57   | 0.40    | 21   | 0.2     | 0.2            |
| <b>Lacking complete kitchen facilities</b>  | 136  | 1.00    | 40   | 0.3     | 0.7            |

Source: American Community Survey [2023](#) and [2018](#)

Housing Values and Costs

Since 2018, home values in the Township have increased by \$99,900 (25.2%). This change is accompanied by an increase in homes worth between \$ 500,000 and \$499,999 and a decrease in homes worth between \$200,000 and \$299,000.

**Table 3: Value for Owner-Occupied Housing Units**

|                                   | 2023      | PERCENT | 2018      | PERCENT | PERCENT CHANGE |
|-----------------------------------|-----------|---------|-----------|---------|----------------|
| <b>Total Owner-occupied units</b> | 10,307    | -       | 9,840     | -       | 4.74           |
| <b>Less than \$50,000</b>         | 253       | 2.5     | 73        | 0.7     | 1.8            |
| <b>\$50,000 to \$99,999</b>       | 101       | 1.0     | 46        | 0.5     | 0.5            |
| <b>\$100,000 to \$149,999</b>     | 58        | 0.6     | 48        | 0.5     | 0.1            |
| <b>\$150,000 to \$199,999</b>     | 147       | 1.4     | 233       | 2.4     | -1             |
| <b>\$200,000 to \$299,999</b>     | 500       | 4.9     | 1,012     | 10.3    | -5.4           |
| <b>\$300,000 to \$499,999</b>     | 4,191     | 40.7    | 6,120     | 62.2    | -21.5          |
| <b>\$500,000 to \$999,999</b>     | 4,168     | 40.4    | 1,855     | 18.9    | 21.5           |
| <b>\$1,000,000 or more</b>        | 889       | 8.6     | 453       | 4.6     | 4              |
| <b>Median (dollars)</b>           | \$496,400 | -       | \$396,500 | -       | 25.2           |

*Source: American Community Survey [2023](#) and [2018](#)*

The table below shows the housing expenditures for those who own and rent in Teaneck. The general affordability standard is that no more than 30% of gross income should be allocated for housing costs.

A cost burden is the ratio of housing costs to household income. For renters, housing cost is the gross rent (lease rent plus utilities). For owners, housing cost is the monthly owner costs, which may include mortgage, utilities, association fees, insurance, and real estate taxes.

**Table 4: Housing Cost Burden  
Monthly Costs as Percentage of Household Income)**

| RANGES                 | OWNER       |         |              |         | RENTER |         |
|------------------------|-------------|---------|--------------|---------|--------|---------|
|                        | W/ MORTGAGE |         | W/O MORTGAGE |         | TOTAL  | PERCENT |
|                        | TOTAL       | PERCENT | TOTAL        | PERCENT |        |         |
| Less than 20.0 percent | 2,399       | 37.2    | 2,610        | 67.8    | 3,307  | 27.4    |
| 20.0 to 24.9 percent   | 1,278       | 19.8    | 165          | 4.30    | 281    | 16.5    |
| 25.0 to 29.9 percent   | 433         | 6.7     | 223          | 5.80    | 466    | 12.8    |
| 30.0 to 34.9 percent   | 507         | 7.9     | 66           | 1.70    | 361    | 9.4     |
| 35.0 percent or more   | 1,836       | 28.5    | 783          | 20.40   | 264    | 33.9    |
| Not computed           | 0           | (X)     | 7            | (X)     | 955    | (X)     |

*Source: American Community Survey [2023](#)*

Occupancy Characteristics and Type of Housing

As of 2023, the Township is predominately comprised of owner-occupied households, which comprise 76.9% of the Township’s households. A total of 23.1% of households are renters, and 3.2% of the Township’s housing units are vacant. Since 2018, the Township has seen a shift towards owner-occupied households, coming from a 3.1% decrease in renters and a 1.6% increase in the Township's vacancy rate.

**Table 5: Housing Tenure and Occupancy**

|                        | 2023   | PERCENT | 2018   | PERCENT | PERCENT CHANGE |
|------------------------|--------|---------|--------|---------|----------------|
| <b>Total</b>           | 13,851 |         | 14,006 |         |                |
| <b>Owner Occupied</b>  | 10,307 | 76.9*   | 9,840  | 73.8**  | 3.1            |
| <b>Renter Occupied</b> | 3,099  | 23.1*   | 3,490  | 26.2**  | -3.1           |
| <b>Vacant Units</b>    | 445    | 3.2     | 676    | 4.8     | -1.6           |

*Source: American Community Survey [2023](#) and [2018](#); and [County](#)*  
 \*Compared to 65.4% owner-occupied and 34.6% in Bergen County (353,307 units)  
 \*\* Compared to 64.4% owner-occupied and 35.6% in Bergen County (338,249 units)

Housing units with more than one occupant per room are considered overcrowded. Overcrowded households in the Township rose 1% since 2018.

**Table 6: Occupants Per Room + Inadequate Units in Occupied Housing Units**

| OCCUPANTS PER ROOM  | 2023   | PERCENT | 2018   | PERCENT |
|---------------------|--------|---------|--------|---------|
| <b>Total</b>        | 13,406 |         | 13,330 |         |
| <b>1.00 or less</b> | 12,924 | 96.4    | 12,984 | 97.4    |
| <b>1.01 to 1.50</b> | 338    | 2.5     | 231    | 1.7     |
| <b>1.51 or more</b> | 144    | 1.1     | 115    | 0.9     |

*Source: American Community Survey [2023](#) and [2018](#)*

Since 2018, the share of Township’s single-family housing stock decreased from 14,006 units to 13,851 units.

**Table 7: Housing Type and Size**

| HOUSING UNITS              | 2023   | PERCENT | 2018   | PERCENT | PERCENT CHANGE |
|----------------------------|--------|---------|--------|---------|----------------|
| <b>Total housing units</b> | 13,851 |         | 14,006 |         |                |
| <b>1-unit, detached</b>    | 10,219 | 73.8    | 10,188 | 72.7    | 1.1            |

|  |     |     |     |     |      |
|--|-----|-----|-----|-----|------|
| <b>1-unit, attached</b>  | 430 | 3.1 | 464 | 3.3 | -0.2 |
| <b>2 units</b>   | 683 | 4.9 | 696 | 5.0 | -0.1 |
| <b>3 or 4 units</b>  | 277 | 2.0 | 518 | 3.7 | -1.7 |
| <b>5 to 9 units</b>  | 862 | 6.2 | 868 | 6.2 | 0    |
| <b>10 to 19 units</b>  | 332 | 2.4 | 498 | 3.6 | -1.2 |
| <b>20 or more units</b>  | 981 | 7.1 | 752 | 5.4 | 1.7  |
| <b>Mobile home</b>   | 67  | 0.5 | 22  | 0.2 | 0.3  |
| <b>Boat, RV, van, etc.</b>   | 0   | 0.0 | 0   | 0.0 | 0    |
| <i>Source: American Community Survey <a href="#">2023</a> and <a href="#">2018</a></i> |     |     |     |     |      |

Since 2018, the bedroom typology of Township’s has remained the same in “family” sized 3+ bedroom type (70.1%) in 2023.

**Table 8: Number of Bedrooms Per Unit**

| <b>ROOMS</b>   | <b>2023 TOTAL</b> | <b>PERCENT</b> | <b>2018 TOTAL</b> | <b>PERCENT</b> | <b>PERCENT CHANGE</b> |
|--|-------------------|----------------|-------------------|----------------|-----------------------|
| <b>Total</b>   | 13,851            |                | 14,006            |                |                       |
| <b>No Bedroom</b>  | 227               | 1.6            | 199               | 1.4            | 0.2                   |
| <b>1 Bedroom</b>   | 1,164             | 8.4            | 1,436             | 10.3           | -1.9                  |
| <b>2 Bedrooms</b>  | 2,736             | 19.8           | 2,557             | 18.3           | 1.5                   |
| <b>3 Bedrooms</b>  | 5,198             | 37.5           | 5,904             | 42.2           | -4.7                  |
| <b>4 Bedrooms</b>  | 3,317             | 23.9           | 2,734             | 19.5           | 4.4                   |
| <b>5 or more Bedrooms</b>  | 1,209             | 8.7            | 1,176             | 8.4            | 0.3                   |
| <i>Source: American Community Survey <a href="#">2023</a> and <a href="#">2018</a></i> |                   |                |                   |                |                       |

Existing Low- and Moderate-Income Housing Units

Teaneck reviewed all property tax assessment records and information in the assessor's office, including but not limited to the property record cards, to determine the number of existing low- and moderate-income housing units. Based on this review, there are 351LMI units in the Township of Teaneck. The Township is following the applicable requirements regarding unit monitoring and reporting.

**B. Housing Projections**

The analysis in this section shall satisfy Part B of P.L.1985, c.222 (C.52:27D-310), which requires:

- B) “A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily

*limited to, construction permits issued, approvals of applications for development and probable residential development of lands."*

Projection of Housing Stock

Below is a general prediction by NJTPA of Teaneck Township’s household population growth to 15,461 households in 2050. This increase in 1,960 households would require available units to accommodate and may be a prediction indicator of new projected housing stock.

**Table 9: Housing Unit Projection**

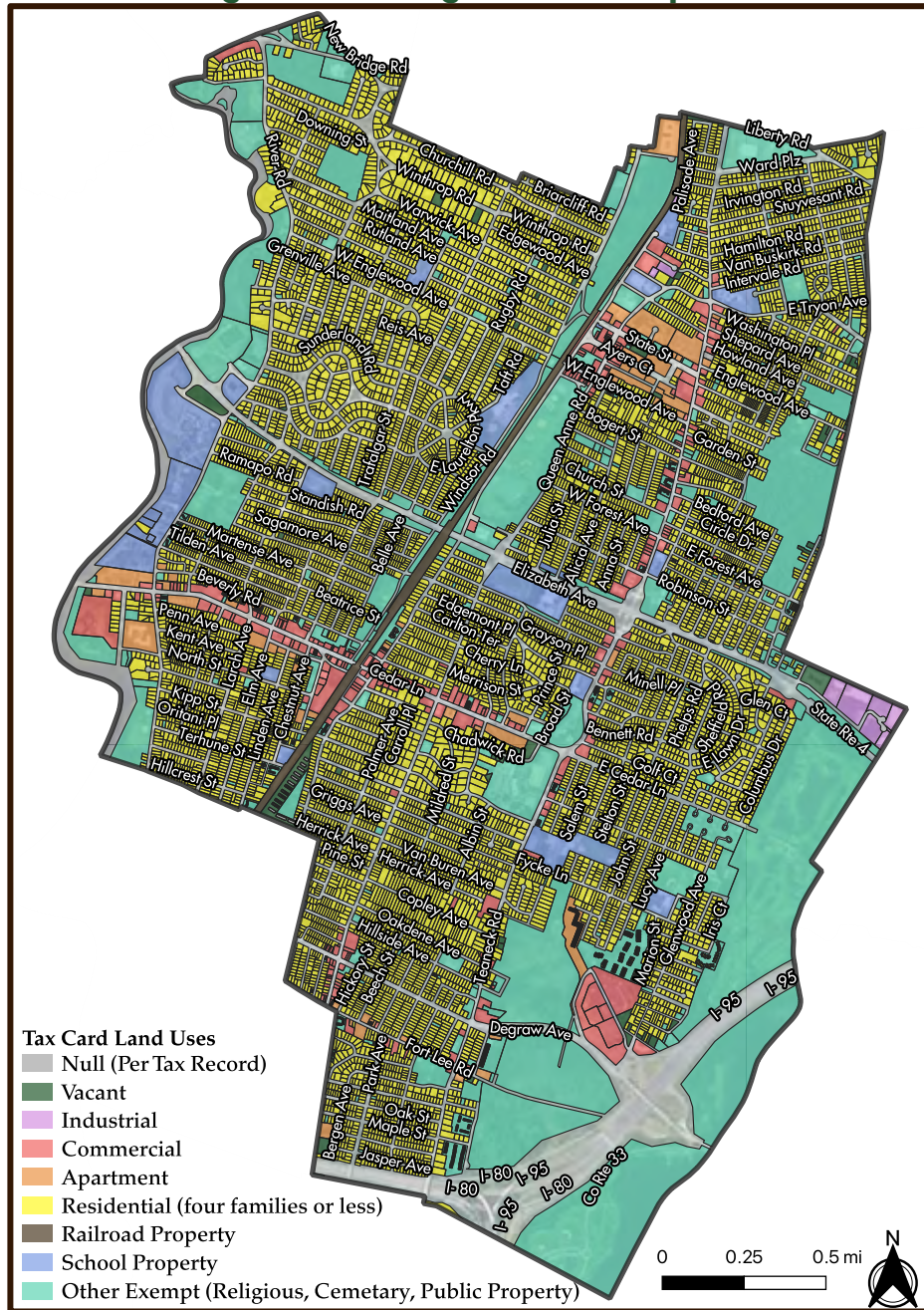
| YEAR             | POPULATION | ANNUALIZED % CHANGE |
|------------------|------------|---------------------|
| 2015             | 13,501     | -                   |
| 2050 (Predicted) | 15,461     | 0.4%                |

*Source: NJTPA, "[Appendix E - 2050 Demographic Forecasts](#)"*

Zoning regulations and existing capital infrastructure may help determine where growth is expected and where new housing units are likely to be developed in the future.

Teaneck Township expects new developments to bear the cost that such development puts upon the existing infrastructure, including its sewer and water systems, road infrastructure, school facilities, and emergency services. This includes the addition of capacity necessitated by the new development, as well as associated maintenance costs. New development should not be a burden on the Township’s infrastructure.

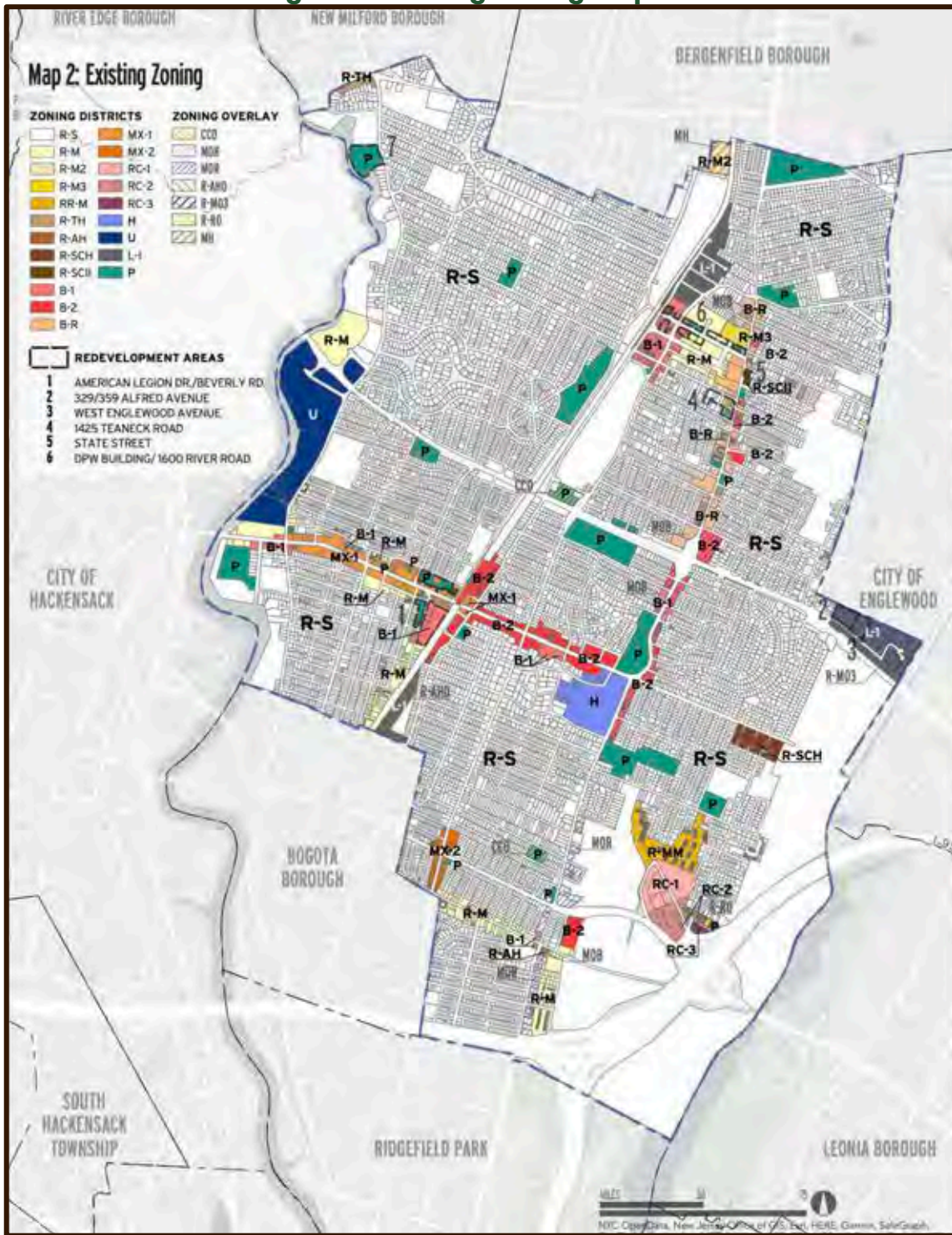
**Figure 1: Existing Land Use Map**



*Teaneck Township Land Use Map<sup>8</sup>*

<sup>8</sup> Map Note: Classifications are based on assessor records. "Vacant land" as depicted on this map should not be construed to limit or supersede any conclusions made in the Vacant Land Adjustments.

**Figure 2: Existing Zoning Map**



Teaneck Township [Master Plan](#) (Page 27)

### C. Demographic Characteristics

The analysis in this section shall satisfy Part C of P.L.1985, c.222 (C.52:27D-310), which requires:

- C) "An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age."

#### Population General

The population estimate for Teaneck Township in 2023 was 41,126 which represents a decrease of 120 from the 2020 Census. Despite this trend, the NJTPA predicts Teaneck Township's population to grow to 46,885 people in 2050.

**Table 10: Historic Population Growth**

| YEAR             | POPULATION | CHANGE       |
|------------------|------------|--------------|
| 1940             | 25,275     | N/A          |
| 1950             | 33,772     | 8,497        |
| 1960             | 42,085     | 8,313        |
| 1970             | 42,355     | 270          |
| 1980             | 39,007     | -3,348       |
| 1990             | 37,825     | -1,182       |
| 2000             | 39,260     | 1,435        |
| 2010             | 39,776     | 516          |
| 2020             | 41,246     | 1,470        |
| 2023             | 41,126     | -120         |
| 2050 (Predicted) | 46,885     | 5,759 (est.) |

Source: [NJ State Data Center, New Jersey Population Trends 1790 to 2000](#), [US Census Bureau; NJTPA, "Appendix E - 2050 Demographic Forecasts"](#)

#### Population Composition by Age

The estimated current median age in Teaneck Township is 37.9, compared to 42.1 for Bergen County and 40.1 for New Jersey.

**Table 11: Population by Age**

| AGE RANGE      | TEANECK TOWNSHIP | PERCENT | BERGEN COUNTY | PERCENT |
|----------------|------------------|---------|---------------|---------|
| Under 5 years  | 2,215            | 5.3     | 48,738        | 5.1     |
| 5 to 9 years   | 2,189            | 5.3     | 52,770        | 5.5     |
| 10 to 14 years | 3,054            | 7.4     | 61,465        | 6.4     |
| 15 to 19 years | 3,458            | 8.3     | 59,276        | 6.2     |

| AGE RANGE         | TEANECK TOWNSHIP | PERCENT | BERGEN COUNTY | PERCENT |
|-------------------|------------------|---------|---------------|---------|
| 20 to 24 years    | 3,529            | 8.5     | 54,219        | 5.7     |
| 25 to 34 years    | 4,685            | 11.3    | 109,077       | 11.4    |
| 35 to 44 years    | 4,698            | 11.3    | 128,544       | 13.5    |
| 45 to 54 years    | 5,169            | 12.5    | 133,870       | 14.0    |
| 55 to 59 years    | 2,931            | 7.1     | 69,969        | 7.3     |
| 60 to 64 years    | 2,111            | 5.1     | 66,441        | 7.0     |
| 65 to 74 years    | 4,253            | 10.2    | 96,442        | 10.1    |
| 75 to 84 years    | 2,369            | 5.7     | 50,615        | 5.3     |
| 85 years and over | 838              | 2.0     | 23,291        | 2.4     |
| Median Age        | 37.9             | (X)     | 42.1          | (X)     |

*Source: American Community Survey [2023](#)*

Households

According to the US Census Bureau’s classification system, people either live in a household, housing unit, or in “group quarters.” Two types of “households” exist: family and non-family. A “household” consists of one or more persons living and eating together separately from other persons who may be in the same building. A “family” is a household with two or more related persons living together in the same housing unit.

**Table 12: Population by Housing Type**

|                                 | TEANECK TOWNSHIP | BERGEN COUNTY |
|---------------------------------|------------------|---------------|
|                                 | 2023             | 2023          |
| Total Housing Units             | 13,851           | 368,535       |
| Average Household Size (Owner)  | 3.20             | 2.7           |
| Average Household Size (Renter) | 2.49             | 2.7           |
| Householders Living Alone       | 3,758            | 92,860        |

*Source: American Community Survey [2023](#); [Census Reporter](#); U.S. [Census Bureau QuickFacts](#)*

Immigration

Foreign born residents make up 26.6% percent of Teaneck Township’s population, which is lower than County (31.4%) and higher than State (23.5%) levels. Less than half of Teaneck Township’s foreign-born residents are not U.S. citizens, comprising 29.5% of the Township’s foreign born population, a smaller share than that of Bergen County (33.6%) and the State (43.1%).

**Table 14: Residents Place of Birth**

|                              | TEANECK TOWNSHIP |         | BERGEN COUNTY |         | NEW JERSEY |         |
|------------------------------|------------------|---------|---------------|---------|------------|---------|
|                              | COUNT            | PERCENT | COUNT         | PERCENT | COUNT      | PERCENT |
| <b>Total</b>                 | 41,499           |         | 954,717       |         | 9,267,014  |         |
| <b>Born in United States</b> | 29,132           | 70.2    | 634,008       | 66.4    | 6,849,548  | 73.9    |
| <b>Foreign Born</b>          | 11,056           | 26.6    | 300,087       | 31.4    | 2,181,755  | 23.5    |
| <b>Naturalized Citizen</b>   | 7,789            | 70.5    | 199,247       | 66.4    | 1,241,100  | 56.9    |
| <b>Not a Citizen</b>         | 3,267            | 29.5    | 100,840       | 33.6    | 940,655    | 43.1    |

*Source: American Community Survey [2023](#)*

Income and Poverty Status

The median household income for Teaneck Township grew from 2023 to 2018, growing 22.5% and outpacing the County (16.3%) and the State (22.2%).

**Table 15: Household Median Income**

|                         | 2023    | 2018    | CHANGE | % CHANGE |
|-------------------------|---------|---------|--------|----------|
| <b>Teaneck Township</b> | 134,311 | 109,677 | 24,634 | 22.5     |
| <b>Bergen County</b>    | 116,709 | 100,361 | 16,348 | 16.3     |
| <b>New Jersey</b>       | 99,781  | 81,740  | 18,041 | 22.1     |

*Source: American Community Survey [2023](#) and [2018](#); [ACS County Financial Characteristics](#)*

In Teaneck Township, 2,249 residents (5.5%) live below the poverty line, same as 5.5% in 2018. In this regard, the Township had a different trajectory than Bergen County, which experienced a decrease from 6.9% to 6.6% in 2023.

**Table 16: Poverty Status**

| TEANECK TOWNSHIP           | 2023    | PERCENT | 2018    | PERCENT | CHANGE |
|----------------------------|---------|---------|---------|---------|--------|
| <b>Total Persons</b>       | 40,734  |         | 39,512  |         | 1,222  |
| <b>Total Below Poverty</b> | 2,249   | 5.5     | 2,165   | 5.5     | 0      |
| BERGEN COUNTY              | 2023    | PERCENT | 2018    | PERCENT | CHANGE |
| <b>Total Persons</b>       | 946,205 |         | 927,422 |         | 18,783 |
| <b>Total Below Poverty</b> | 61,987  | 6.6     | 64,303  | 6.9     | -0.3   |

*Source: American Community Survey [2023](#) and [2018](#); [ACS County for Bergen and Teaneck](#)*

## D. Multigenerational Housing Continuity

The analysis in this section shall satisfy Part G of P.L.1985, c.222 (C.52:27D-310), which requires:

- G) *“An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52:27D-329.20).”*

On November 8, 2021, the Senate and General Assembly of the State of New Jersey adopted C.52:27D-329.20<sup>9</sup>, which establishes the “Multigenerational Family Housing Continuity Commission” for the purpose of conducting research, obtaining public input, and adopting recommendations on how to most effectively advance the goal of enhancing multigenerational family housing continuity, which can be defined broadly as the degree to which senior citizens are able to reside at the homes of their extended families.

In short, the bill requires a municipal housing plan element to provide an analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity, as expressed in the recommendations of the commission.

Teaneck is committed to promoting intergenerational harmony through the provision of diverse housing options in a manner consistent with the regulation. As demonstrated in the above demographic and housing analysis, Teaneck is diversifying its housing stock as the size of owner-occupied households increases and housing units containing 20+ units increases, too. The municipality is employing a variety of approaches to accomplish this task, such as redevelopment plans that convert former commercial properties into housing. Strategies proposed or already implemented include the creation of family housing. The municipality, in setting forth its compliance plan, is abiding by the limitations included in the statute.

## E. Employment Data

The analysis in this section shall satisfy Part D of P.L.1985, c.222 (C.52:27D-310), which requires:

- C) *“An analysis of the existing and probable future employment characteristics of the municipality.”*

Below is a general growth prediction by NJTPA of Teaneck’s employment forecast in 2050.

**Table 17: Employment Projection**

| YEAR             | LABOR FORCE | CHANGE | ANNUALIZED % CHANGE |
|------------------|-------------|--------|---------------------|
| 2015             | 14,724      |        |                     |
| 2050 (Predicted) | 16,877      | 2,153  | 14.6                |

Source: [NJTPA](#)

<sup>9</sup> <https://pub.njleg.gov/Bills/2020/AL21/273..HTM>

## IV. Fair Share Plan: Obligations and Compliance Plan

### A. Introduction

As noted, on March 20, 2024, Governor Murphy signed P.L. 2024, c.2 into law, which established a new framework for determining and enforcing municipalities' affordable housing obligations under the Mount Laurel doctrine and the Fair Housing Act. The Act sets forth the procedures for how New Jersey municipalities are assigned affordable housing obligations and how they may meet those obligations over a series of affordable housing "rounds." On July 1, 2025, the "Fourth Round" will begin and run for a ten-year period ending on June 30, 2035.

The Act required the Department of Community Affairs (the "DCA") to prepare a report with the calculation of the regional and municipal Prospective Need and the municipal Present Need for the Fourth Round in accordance with the formula required by the Amended Act. The DCA released a report entitled "Affordable Housing Obligations for 2025-2035 (Fourth Round)" on October 18, 2024 and concluded that Teaneck's fair share obligations for the Fourth Round included a Present Need of 214 units and a Prospective Need of 431 units.

In accordance with N.J.S.A. 52:27D-301 et seq. and the implementation schedule set forth in Directive #1424, the Township adopted Resolution 42-2025 on January 30, 2025 (See Appendix A), as part of its participation in the Affordable Housing Dispute Resolution Program (the "Program").

Resolution 42-2025 revised the Fourth Round affordable housing Prospective Need from 431 units to 384 units. These figures were derived from an analysis applying DCA's Land Capacity Factor methodology, which updated properties deemed unavailable for development due to environmental constraints, existing structural improvements, highway rights-of-way, and similar limitations not making the land "developable."

In response, the New Jersey Builders Association ("NJBA") filed a formal objection to the proposed adjustment. A case management conference was held on March 26, 2025 (Docket No. BER-L-776-25), during which the ruling favored adherence to the original DCA-issued obligation of 431 credits. As of the time of this Housing Element, no formal order has been issued from such decision, and the Township continues to reserve its right to appeal the determination.

As such, the Housing Element and Fair Share Plan is based on the original obligation of 431 affordable housing credits, as outlined by the New Jersey Department of Community Affairs (DCA) in its non-binding release of obligation figures in October 2024.

The purpose of the following sections is to set forth the Township of Teaneck's proposed approach to satisfying its Fourth Round obligation, where the Township Present Need or "Rehabilitation Obligation" is 214 credits, and the "Prospective Need" is 431 credits.

## B. Prior Round Need Compliance “Look Back” (2015-2025)

Teaneck has a history of fulfilling its affordable housing obligation. Most recently, on February 1, 2019, the Township received a Final Judgment of Compliance and Repose (“JCR”) relating to its Third Round obligation. The JCR was issued after a period of negotiation and settlement, primarily between the Township and Fair Share Housing Center (“FSHC”). During this period of negotiation, the Township adopted a [Third Round Housing Element](#) on February 6, 2019. The HEFSP and settlement agreements set forth the Township’s Third Round obligation and identified the actions required by the Township to fulfill these obligations. As demonstrated in the tables below and supported by the issuance of the JCR, the Township fully satisfied its obligations under the Third Round as articulated in its settlement with the FSHC. As such, no obligation is carried forward to the Fourth Round.

**Table 18: Projects Cited to Satisfy Third Round Realistic Development Potential (“RDP”)**

| ROUND 3 RDP PROJECT<br>(SEE ROUND 3 HEFSP, PG. 23-26)    | LMI UNITS | STATUS   |
|--|-----------|--|
| Surplus Units Carried from Prior Round                   | 22        | On-Going   |
| Supportive Shared Housing                                | 28        | Completed  |
| Teaneck Senior Citizens Addition                         | 18        | Completed  |
| Single-Family Homes<br>(Bergen County Housing Authority) | 8         | Completed  |
| The Brookdale  | 26        | Completed  |
| 227 Teaneck Road   | 5         | Completed  |
| 1775 Windsor Road (Avalon Bay)                           | 25        | Completed  |
| 1500 Teaneck Road  | 23        | Completed  |
| 1475 Palisade Avenue                                     | 10        | Completed  |
| 140 State Street   | 5         | On December 13, 2022 the Township adopted <a href="#">Ordinance 49-2022</a> which adopted a Redevelopment Plan for 140 State Street for multifamily.<br><br>On February 11, 2025 the Township amended the Redevelopment Plan ( <a href="#">Ordinance 15-2025</a> ) which creates a concept for 10 affordable units (i.e. 5 surplus). |
| 764 New Bridge Road                                      | 2         | Completed  |
| Bonus Credits  | 44        | On-Going   |

**Table 19: Zoning Actions to Satisfy Third Round Unmet Need Requirements**

| ROUND 3 UNMET NEED MECHANISM | REQUIREMENT (SUMMARY BELOW. SEE FULL TEXT PER ROUND 3 HEFSP, PG. 27-30)  | CREDITS SUPPLIED / MADE OPPORTUNITY   |
|------------------------------|--|---|
| Surplus Credits              | 40 surplus non-age restricted units from projects addressing the RDP, 24 age-restricted units from The Bookdale  | Complete  |
| Alfred Avenue Rezoning       | <p>Rezone an 18-acre site (Block 6002, Lots 1-9) from L-I Light Industry to R-MO3 Residential-Multifamily 3 Overlay District.</p> <p>Permit densities up to 60 du/acre of non-age restricted units, which could yield about 150 to 200 affordable units depending on the tenure and set-aside.</p> | <p>Rezoned by <a href="#">Ord. No. 48-2015. on February 9, 2016.</a></p> <p>See R-MO3 standards at <a href="https://ecode360.com/38151638">https://ecode360.com/38151638</a>.</p> <p>329 Alfred Avenue / 1085 Decatur Avenue approved 38 affordable units via PB 2020-16</p> <p>359 Alfred Avenue approved 37 affordable units via PB 2022-20</p> <p><i>Ord. No. 14-2026, adopted on March 10, 2026, increased the mandatory affordable set-aside from 15% to 20% for remaining undeveloped properties.</i></p> |
| East Oakdene                 | <p>Rezone a 1.737-acre site from R-S Residential Single-Family / the B-2 Business-Office zone to R-RO Overlay (Residential-Rowhouse Overlay District).</p> <p>Permit up to 30 du/acre non-age restricted development and could yield approximately 10 affordable units.</p>                        | <p>Rezoned by <a href="#">Ord. No. 14-2017 on July 6, 2017.</a></p> <p>See full standards at <a href="https://ecode360.com/38151547">https://ecode360.com/38151547</a></p> <p><i>Ord. No. 14-2026, adopted on March 10, 2026, increased the mandatory affordable set-aside from 15% to 20%.</i></p>   |

| ROUND 3 UNMET NEED MECHANISM                | REQUIREMENT (SUMMARY BELOW. SEE FULL TEXT PER ROUND 3 HEFSP, PG. 27-30)  | CREDITS SUPPLIED / MADE OPPORTUNITY   |
|---|--|---|
| 1405 Teaneck Road and 1425 Teaneck Road     | <p>Rezone sites from B-R Business-Residential zone to R-SCII Residential-Senior Housing II Zone.</p> <p>Permit up to 60 du/acre age restricted development and could yield approximately 10 affordable units.</p>  | <p>Rezoned by <a href="#">Ord. No. 15-2017 on July 6, 2017</a>.</p> <p>See full standards at <a href="https://ecode360.com/38151548">https://ecode360.com/38151548</a></p> <p>1425 Teaneck Road approved 40 senior affordable units on September 21, 2020</p> <p>Additionally, a AHTF contribution of \$900,000 was made on November 30, 2022.</p> <p><i>Ord. No. 14-2026, adopted on March 10, 2026, increased the mandatory affordable set-aside from 15% to 20% for 1405 Teaneck Road.</i></p> |
| Holuba                                      | <p>Rezone a 6.75-acre site from L-I Light Industry District. Permit densities 12 du/acre non-age restricted development, which would yield approximately 16 affordable units.</p>  | <p>The “Holuba” soap factory townhouse development at 520 Palisades Ave has a Developer’s Agreement which requires 16 affordable units.</p>   |
| Township-wide mandatory set-aside ordinance | <p>A multi-family or single-family attached development providing a minimum of five (5) new housing units created through any future municipal rezoning or Zoning Board action, use or density variance, redevelopment plan, or rehabilitation plan that provide for densities at or above six (6) units per acre is required to include an affordable housing set-aside of 20 percent if the affordable units will be for sale and 15 percent if the affordable units will be for rent.</p> | <p>Adopted. See Appendix D.</p> <p><i>Ordinance No. 15-2026, adopted on March 16, 2026, repealed and replaced Chapter 33, Article VI with the State’s Model Ordinance, as required for consistency with the Uniform Housing Affordability Control Act. All projects with five or more housing units are required a 20% set-aside.</i></p>   |

As demonstrated in the tables above and supported by the issuance of the JCR, the Township fully satisfied its obligations under the Third Round as articulated in its settlement with the FSHC. As such, no obligation is carried forward to the Fourth Round.

### **C. Present and Prospective Need Obligation (2025-2035)**

The analysis in this section shall satisfy Part E of P.L.1985, c.222 (C.52:27D-310), which requires:

- E) *“A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing, as established pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1)”*

#### Present Need (Rehabilitation Share)

The Rehabilitation Share is described as “deficient housing units occupied by low- and moderate-income households within a municipality and is a component of “present need” under N.J.A.C. 5:93-1.3. In Teaneck Township, the rehabilitation obligation through the end of the Fourth Round (i.e. July 2035) has been determined to be 214.

Teaneck plans to continue its participation in Bergen County’s rehabilitation program. This program offers deferred payment loans to low- and moderate-income homeowners living in one- to three-family homes within the Bergen County Consortium.

Qualified homeowners may receive a zero-interest, 10-year deferred loan covering the cost of necessary rehabilitation work. The County Division of Housing and Community Development administers these loans through the Home Improvement Program, which markets the program, screens applicants, and manages the repair process.

The program will primarily serve owner-occupied units and address homes with lack of heat, lack of hot water, roof leaks, dangerous electrical problems, broken pipes, problems with sanitary facilities, and other housing conditions that threaten the health, safety, or well-being of the household members per COAH rules (N.J.A.C. 5:93). All rehabilitated units shall remain affordable to low- and moderate-income households for a period of at least 10 years (the control period). For owner-occupied units, the control period is enforced with a recorded lien; and for renter occupied units, the control period is enforced with a recorded deed restriction.

The Township has also endorsed the Bergen County CDBG program proposed by Advance Housing Inc. for Commonwealth Drive Sustainability (via Resolution 28-2025). This project will serve 3 homeless LMI individuals with rehabilitation repairs at a residence located on Commonwealth Drive in Teaneck (See Appendix J).

The Township also intends to program funding from the Affordable Housing Trust Fund to support rehabilitation of deficient housing units that are occupied by low- and moderate-income households, in accordance with the New Jersey State Housing Code, N.J.A.C. 5:28, or the requirements of the Rehabilitation Subcode, N.J.A.C. 5:23-6, as applicable. All qualifying project contributions will be amended in the Spending Plan accordingly.

Prospective Need Obligation

The Township has a **prospective need of 431 credits** for Round 4 (2015-2025).

However, as demonstrated in the completed Vacant Land Analysis found in **Appendix B**, the Township does not have enough suitable land to address the obligation. Therefore, the Township seeks a vacant land adjustment (“VLA”) under the COAH Second Round Rules (N.J.A.C. 5:93-4.2) and an adjustment of its Fourth Round new construction obligation to reflect the available and developable land area within its municipal boundaries. It is the conclusion of this analysis that the Realistic Development Potential (“RDP”) is 11 units.

In addition to vacant properties that have a realistic development potential, the Township must also consider known projects in its RDP assessment likely to be redeveloped in the 2025-2035 Fourth Round obligation. The Legislation includes the following language (emphasis added):

*Any municipality that receives an adjustment of its prospective need obligations for the fourth round or subsequent rounds based on a lack of vacant land shall as part of the process of adopting and implementing its housing element and fair share plan identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted, and adopt realistic zoning that allows for such adjusted obligation, or demonstrate why the municipality is unable to do so.*

With a Fourth Round prospective need of 431 credits and Realistic Development Potential of 11, this leaves a remaining need to be addressed of 420 credits. In accordance with the above, twenty-five percent of the remaining need is 105.

Realistic Development Potential (RDP) Mechanisms

The Township will address at least 25 percent of the prospective need obligation that has been adjusted through the following projects:

1. 140 State Street Amended Redevelopment Plan: **5 Credits\***

*\*Project previously planned at 36 units with 5 LMI set-aside in Round 3. Amended to 66 units with 10 LMI set-aside, where 5 new LMI units count towards Round 4*

2. Cedar Lane and American Legion Drive (Redevelopment)<sup>10</sup>: **48 Credits**
3. 143 State Street (Redevelopment): **9 Credits**
4. 827 Teaneck Road (Rezoning or Redevelopment): **6 Credits**

<sup>10</sup> The subject site also fronts Beverly Road, Garrison Avenue, Windsor Road, Alma Terrace, North Street, and Water Street. For the purposes of this HEFSP, the project is referred to as “Cedar Lane and American Legion Drive.” However, a future Redevelopment Plan may adopt a different name while still referring to the same designated block and lot numbers.

- 5. 1387 Hill Street (Rezoning or Redevelopment): 4 Credits
- 6. 54 West Englewood (Rezoning or Redevelopment): 11 Credits
- 7. Bonus Credits Under the Fourth Round: 41.5 Credits

*Under N.J.S.A. [52:27D-311k](#), New Jersey updated the rules for bonus credits in Round 4<sup>11</sup>. Municipalities can now earn bonus credits in the following ways:*

- a. One (1) bonus credit for special needs or permanent supportive housing;*
- b. One (1) bonus credit for 100% affordable housing projects for which the host municipality has contributed towards the cost of the project, subject to certain minimum contribution requirements;*
- c. One (1) bonus credit for market rate units that are converted to affordable units;*
- d. One-half (0.5) bonus credit for ownership units created in a partnership sponsorship with a non-profit housing developer;*
- e. One-half (0.5) bonus credit for units located within a one-half mile radius (or a one-mile radius for projects located in a Garden State Growth Zone) of NJ Transit or Port Authority rail, bus, or ferry stations, including all light rail stations;*
- f. One-half (0.5) bonus credit for age-restricted units, subject to certain caps;*
- g. One-half (0.5) bonus credit for each three-bedroom unit in excess of the three- bedroom requirements set forth in the Uniform Housing Affordability Controls;*
- h. One-half (0.5) bonus credit for housing units constructed on previously developed land that was utilized for retail, office, or commercial space; and*
- i. One-half (0.5) bonus credit for units whose affordability controls are extended for a new term of affordability;*

The following are bonus credits applicable in Round Four:

| PROJECT                              | PROJECT NOTE   | BONUS CREDITS               |
|--------------------------------------|--|-----------------------------|
| 140 State Street                     | This project will replace former gas station, where 5 new LMI units (beyond the original 5 in Round 3) are planned | + 2.5 Credits (per H above) |
| Cedar Lane and American Legion Drive | This project will replace former commercial buildings / commercial parking lots, where 48 LMI units are planned    | + 24 Credits (per H above)  |

<sup>11</sup> Note:

- A municipality may claim only one type of bonus credit per affordable unit
- Bonus credits may satisfy no more than 25% of the Round 4 obligation

| PROJECT               | PROJECT NOTE   | BONUS CREDITS               |
|-----------------------|--|-----------------------------|
| 143 State Street      | This project will replace a gas station, where 9 LMI units are planned                       | + 4.5 Credits (per H above) |
| 827 Teaneck Road      | This project will replace a commercial restaurant, where 6 LMI units are planned             | + 3 Credits (per H above)   |
| 1387 Hill Street      | This project is located within ½ mile of NJ Transit Bus Stop, where 4 LMI units are planned  | + 2 Credits (per E above)   |
| 54 West Englewood Ave | This project is located within ½ mile of NJ Transit Bus Stop, where 11 LMI units are planned | + 5.5 Credits (per E above) |

*In addition to the above compliance mechanisms addressing the “25 percent of the adjusted prospective need obligation,” the Township has rezoned 822 Palisade Avenue to permit a density of 60 dwelling units per acre, with a mandatory 20% affordable housing set-aside.*

The following is a summary of the Round 4 Projects and bonus credits applicable in Round Four:

*Compliance Framework:*

| ROUND 4 COMPLIANCE FRAMEWORK                  | DCA OBLIGATION |
|---|----------------|
| Prospective Need Obligation                   | 431            |
| Realistic Development Potential (RDP) per VLA | 11             |
| "Likely to Redevelop" 25% Requirement         | 105            |
| Maximum Bonus Credits                         | 107.75         |

*Crediting Projects:*

| PROJECT SITE                         | B/L   | LMI UNITS                             | BONUS CREDIT TYPE               | BONUS CREDITS | W/ BONUS CREDITS |
|--------------------------------------|---|---------------------------------------|---------------------------------|---------------|------------------|
| 140 State Street Amended RDP         | Block 5004, Lot 1   | 5                                     | TOD (0.5)                       | 2.5           | 7.5              |
| Cedar Lane and American Legion Drive | Block 819, Lots 1, 14, 16, 17; Block 707, Lots 1-5; Block 705, Lot 4.01 | 48                                    | TOD or Non-Res Conversion (0.5) | 24            | 72               |
| 143 State Street                     | Block 5002, Lot 26  | 9                                     | TOD or Non-Res Conversion (0.5) | 4.5           | 13.5             |
| 827 Teaneck Road                     | Block 3902, Lot 2.01  | 6                                     | TOD or Non-Res Conversion (0.5) | 3             | 9                |
| 1387 Hill Street                     | Block 5003, Lot 16  | 4                                     | TOD (0.5)                       | 2             | 6                |
| 54 West Englewood Ave                | Block 4905, Lots 1, 2 and 3   | 11                                    | TOD (0.5)                       | 5.5           | 16.5             |
| <i>822 Palisade Ave</i>              | <i>Block 2603, Lot 21</i>   | <i>"Passive" Rezoning of 60 DU/AC</i> |                                 |               |                  |
| <b>Total:</b>                        |   |                                       |                                 |               | <b>124.5</b>     |

*Unmet Need:*

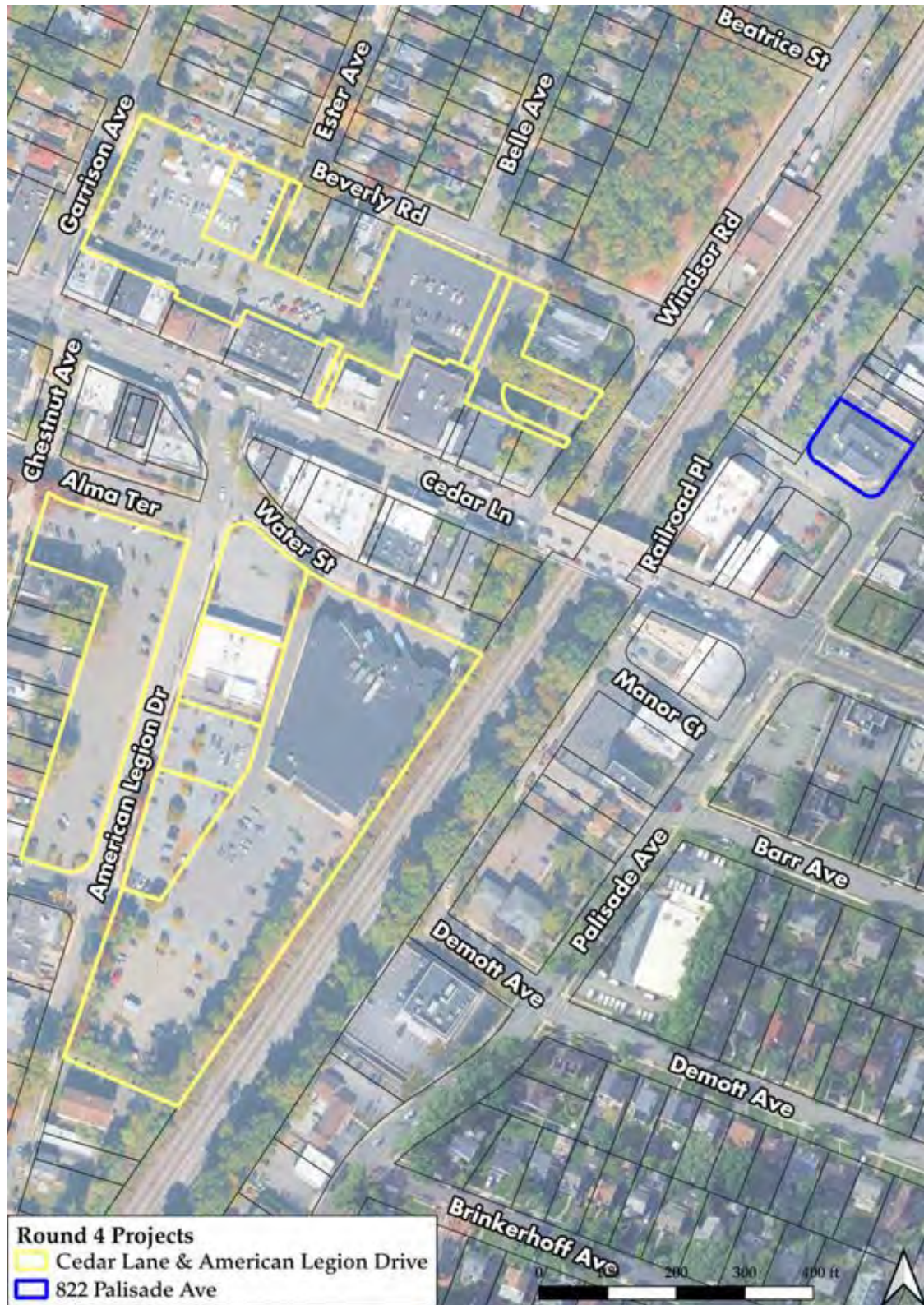
| CREDITS                                      | CREDITS              |
|--|----------------------|
| Prospective Need Obligation                  | - 431 Credits        |
| Credits Toward 4 <sup>th</sup> Round 25% VLA | - 124.5 Credits      |
| <b>REMAINING UNMET NEED CREDITS</b>          | <b>306.5 Credits</b> |

**Figure 3: Prospective Need Projects Maps**









Prospective Need Projects Description and Suitability Analysis

Municipalities shall designate sites that are available, suitable, developable and approvable, as defined in N.J.A.C. 5:93-1. As such, the criteria for crediting units must meet the following:

1. "Available site" – a site with clear title, free of encumbrances which preclude development for low- and moderate-income housing.
2. "Suitable site" – a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4.
3. "Developable site" – a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable area wide water quality management plan (including the wastewater management plan) or is included in an amendment to the area wide water quality management plan submitted to and under review by DEP.
4. "Approvable site" – a site that may be developed for low- and moderate-income housing in a manner consistent with the rules or regulations of all agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low- and moderate-income housing.

Based on the below, the following crediting sites can appropriately be included in the Township’s Fourth Round HEFSP.

**Table 20: Projects Description and Suitability Analysis**

*As of March 2026, all implementing rezoning/redevelopment ordinances have been adopted*

| 140 STATE STREET (REDEVELOPMENT - AMENDED JANUARY 2025)           |   |
|---|---|
| Description of Availability                                       | The site is owned by a Developer with clear title.  |
| Description of Suitable   | The Redevelopment Area is suitable. It is near a variety of residential and commercial uses. It contains access to bus routes, parks, sidewalk pedestrian access, and a built-out center. |
| Description of Developable  | The Redevelopment Area is developable. It has access to infrastructure necessary to support development.  |
| Description of Approvable   | The Redevelopment Area is approvable. It has an adopted redevelopment plan in place.  |
| CEDAR LANE, AMERICAN LEGION DRIVE, ET AL. (REDEVELOPMENT PLANNED) |   |
| Description of Availability                                       | The site is owned by a Developer with clear title.  |
| Description of Suitable   | The property is suitable. It is near a variety of residential and commercial uses. It contains access to bus routes, parks, sidewalk pedestrian access, and a built-out center.           |

|   |   |
|---|---|
| Description of Developable                                  | The site is developable. It has access to infrastructure necessary to support development.  |
| Description of Approvable                                   | The site is approvable. The Township commits to a Redevelopment Plan and/or rezoning to permit the residential affordable housing.  |
| <b>143 STATE STREET (REDEVELOPMENT OR REZONING PLANNED)</b> |   |
| Description of Availability                                 | The site is owned by a Developer with clear title.  |
| Description of Suitable                                     | The property is suitable. It is near a variety of residential and commercial uses. It contains access to bus routes, parks, sidewalk pedestrian access, and a built-out center. |
| Description of Developable                                  | The site is developable. It has access to infrastructure necessary to support development.  |
| Description of Approvable                                   | The site is approvable. The Township commits to a Redevelopment Plan and/or rezoning to permit the residential affordable housing.  |
| <b>827 TEANECK ROAD (REDEVELOPMENT OR REZONING PLANNED)</b> |   |
| Description of Availability                                 | The site is owned by a Developer with clear title.  |
| Description of Suitable                                     | The property is suitable. It is near a variety of residential and commercial uses. It contains access to bus routes, parks, sidewalk pedestrian access, and a built-out center. |
| Description of Developable                                  | The site is developable. It has access to infrastructure necessary to support development.  |
| Description of Approvable                                   | The site is approvable. The Township commits to a Redevelopment Plan and/or rezoning to permit the residential affordable housing.  |
| <b>1387 HILL STREET (REDEVELOPMENT OR REZONING PLANNED)</b> |   |
| Description of Availability                                 | The site is owned by a Developer with clear title.  |
| Description of Suitable                                     | The property is suitable. It is near a variety of residential and commercial uses. It contains access to bus routes, parks, sidewalk pedestrian access, and a built-out center. |

|  |  |
|--|--|
| Description of Developable                                       | The site is developable. It has access to infrastructure necessary to support development.   |
| Description of Approvable  | The site is approvable. The Township commits to a Redevelopment Plan and/or rezoning to permit the residential affordable housing.   |
| <b>54 WEST ENGLEWOOD AVE (REDEVELOPMENT OR REZONING PLANNED)</b> |  |
| Description of Availability                                      | The site is owned by a Developer with clear title.   |
| Description of Suitable  | The property is suitable. It is near a variety of residential and commercial uses. It contains access to bus routes, parks, sidewalk pedestrian access, and a built-out center.        |
| Description of Developable                                       | The site is developable. It has access to infrastructure necessary to support development.   |
| Description of Approvable  | The site is approvable. The Township commits to a Redevelopment Plan and/or rezoning to permit the residential affordable housing.   |
| <b>822 PALISADE AVENUE (REZONING)</b>                            |  |
| <i>Description of Availability</i>                               | <i>The site is available to the Owner who may wish to redevelop.</i>   |
| <i>Description of Suitable</i>                                   | <i>The property is suitable. It is near a variety of residential and commercial uses. It contains access to bus routes, parks, sidewalk pedestrian access, and a built-out center.</i> |
| <i>Description of Developable</i>                                | <i>The site is developable. It has access to infrastructure necessary to support development.</i>  |
| <i>Description of Approvable</i>                                 | <i>The site is approvable. The Township has rezoned the project to permit the residential affordable housing.</i>  |

Land Most Appropriate for Affordable Housing

The analysis in this section shall satisfy Part F of P.L.1985, c.222 (C.52:27D-310), which requires:

- F) "A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing"

As part of this Fair Share Plan, the Township has considered land that is appropriate for the construction of very low-, low-, and moderate-income housing. By utilizing various zoning mechanisms, the Township has successfully met its affordable housing obligations and continues to facilitate the creation of such housing. The Township has amended zoning

regulations to establish affordable and inclusionary housing districts. Furthermore, the adoption of a mandatory set-aside ordinance guarantees that unexpected opportunities for affordable housing are utilized. The Township considers the strategies outlined in this document to be the most effective approach to meeting its affordable housing needs. While it acknowledges that developers may propose additional sites in the future that could be suitable for affordable housing, no further sites are currently required to fulfill the Township’s obligations.

Endorsement of Affordable Housing Compliance Mechanisms

The Township acknowledges that, in accordance with affordable housing regulations, it may be eligible to receive credit toward its affordable housing obligation through alternative mechanisms. This includes extending existing affordability controls by re-deed restricting units in compliance with Uniform Housing Affordability Controls (UHAC) standards; deed-restricting approved Accessory Dwelling Units (ADUs) in accordance with UHAC; and/or exploring the potential to qualify units regulated under municipal rent control ordinances. The Township encourages these approaches and considers them viable strategies to support continued compliance with affordable housing obligations.

Mandatory Obligation Subsets

Below is a table reviewing additional obligation requirement thresholds.

| MANDATORY OBLIGATIONS   | CITATION                     | # REQUIRED OF ACTUAL UNITS* | PROPOSED   |
|---|------------------------------|-----------------------------|--|
| Very Low-Income Units (13% Minimum)<br><br><i>Shall count towards the minimum 50 percent of the housing units required to be made available for occupancy by low-income households to address a municipality's prospective need obligation.</i> | <a href="#">52:27D-329.1</a> | 11<br>(Rounded Up)          | Projects will comply with UHAC Requirements for LMI requirements |
| Family VLI Units<br>(50% Minimum of VLI Units)  | <a href="#">52:27D-329.1</a> | 6<br>(Rounded Up)           |  |
| Low-Income Units (50% Minimum)<br><br><i>Conversely, the maximum of Moderate-Income Units shall not exceed 50%.</i>   | <a href="#">52:27D-329.1</a> | 42<br>(Rounded Up)          |  |
| Family Units (50% Minimum)  | <a href="#">52:27D-311.1</a> | 42<br>(Rounded Up)          | All 83 physical units  |

|  |                                |                      |  |
|--|--------------------------------|----------------------|--|
| Rental Units (25% Minimum)   | <a href="#">52:27D-311.1</a>   | 21<br>(Rounded Up)   | are Family Rental  |
| Family Rental Units<br>(50% Minimum of Rental Units)   | <a href="#">52:27D-311.k.5</a> | 11 (Rounded Up)      |  |
| Age-restricted units (30% Maximum)   | <a href="#">52:27D-302.q</a>   | 24<br>(Rounded Down) | None of the 83 physical units are senior or transitional proposed at this time |
| Transitional Housing<br>(10% Maximum of Total Credits)   | <a href="#">52:27D-311.e</a>   | 8<br>(Rounded Down)  |  |
| Age-Restricted Housing Bonus Credit<br>(10% Maximum of Age-Restricted Units)   | <a href="#">52:27D-311.k.4</a> | 8<br>(Rounded Down)  |  |
| <p><i>* Based on 83 actual units that do not count the 41.5 bonus credits.</i></p> <p><i>Note 1: Maximum bonus credits shall not exceed 25% of Prospective Need per 52:27D-311.k.</i></p> <p><i>Note 2: Targets based on required units and will be enforced throughout the Fourth Round as part of site plan review and approval.</i></p> |                                |                      |  |

## V. Appendices

- A. Regulatory Resolutions (Adopting Obligation Number)
- B. Vacant Land Adjustment
- C. Zoning Amendments (or redevelopment plans, if applicable) – *Updated in 2026*
- D. Affordable Housing, *Developer Fee, Affirmative Marketing, and Administrative Agent Omnibus* Ordinance – *Updated in 2026*  

*The Township's existing ordinance is attached and will remain in full force and effect during the Fourth Round. The Township will make all necessary modifications to this ordinance to comply with any forthcoming Fourth Round requirements as updated regulations and rules are released.*
- E. ~~Development Fee Ordinance~~ – *Former Appendix E merged into Appendix D*  

*The Township's existing ordinance is attached and will remain in full force and effect during the Fourth Round. The Township will make all necessary modifications to this ordinance to comply with any forthcoming Fourth Round requirements as updated regulations and rules are released.*
- F. Affirmative Marketing Plan  

*The Township's existing Affirmative Marketing Plan is attached and will remain in full force and effect during the Fourth Round. The Township will make all necessary modifications to this ordinance to comply with any forthcoming Fourth Round requirements as updated regulations and rules are released.*
- G. Spending Plan
- H. Resolution of intent to fund cost of municipality's municipally sponsored affordable housing development as well as its rehabilitation program
- I. Copies of resolutions appointing Administrative Agent(s) ~~and ordinance creating the position of and appointing the Municipal Affordable Housing Liaison~~  

*The Township's existing appointing resolutions and ordinances are attached and will remain in full force and effect during the Fourth Round. The Township will make all necessary modifications to these resolutions and ordinances to comply with any forthcoming Fourth Round requirements as updated regulations and rules are released.*
- J. CDBG Rehabilitation Project Endorsement
- K. *May 19, 2026 Council Endorsement of Housing Element and Fair Share Plan*

## **Appendix A – Regulatory Resolutions (Adopting Obligation Number)**

Note: The Housing Element and Fair Share Plan is based on the original obligation of 431 affordable housing credits, as outlined by the New Jersey Department of Community Affairs (DCA) in its non-binding release of obligation figures in October 2024. In accordance with N.J.S.A. 52:27D-301 et seq. and the implementation schedule set forth in Directive #1424, the Town adopted Resolution 42-2025 on January 30, 2025, as part of its participation in the Affordable Housing Dispute Resolution Program (the “Program”).

Resolution 42-2025 revised the Fourth Round affordable housing Prospective Need from 431 units to 384 units. These figures were derived from an analysis applying DCA’s Land Capacity Factor methodology, which updated properties deemed unavailable for development due to environmental constraints, existing structural improvements, highway rights-of-way, and similar limitations not making the land “developable.”

In response, the New Jersey Builders Association (“NJBA”) filed a formal objection to the proposed adjustment. A case management conference was held on March 26, 2025 (Docket No. BER-L-776-25), during which the ruling favored adherence to the original DCA-issued obligation of 431 credits.



**Township Council**

c/o Township Clerk  
Teaneck, NJ 07666

Meeting: 01/28/25 06:30 PM

Department: Township Clerk

Category: Authorization

DOC ID: 8862

**RESOLUTION 42-2025**

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**COMMITTING TO ROUND FOUR PRESENT AND PROSPECTIVE NEED  
AFFORDABLE HOUSING OBLIGATIONS**

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COMMENTS - Current Meeting:

CW Goldberg inquired why this presentation was made today and not earlier. Deputy Mayor Belcher explained the Affordable Housing subcommittee has not met and this has been handled by Legal & the Manager as the reporting deadlines and obligations came to be.

|                  |                                     |
|------------------|-------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [5 TO 2]</b>             |
| <b>MOVER:</b>    | Hillary Goldberg, Councilwoman      |
| <b>SECONDER:</b> | Mark J. Schwartz, Councilman        |
| <b>AYES:</b>     | Katz, Schwartz, Orgen, Belcher, Gee |
| <b>NAYS:</b>     | Michael S Pagan, Hillary Goldberg   |

TOWNSHIP OF TEANECK  
BERGEN COUNTY, NJ

**42-2025**

**COMMITTING TO ROUND FOUR PRESENT AND PROSPECTIVE  
NEED AFFORDABLE HOUSING OBLIGATIONS**

**WHEREAS**, the Township has a demonstrated history of voluntary compliance as evidenced by its Round Three record; and

**WHEREAS**, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 9, 2015, the Township of Teaneck (hereinafter “Teaneck” or the “Township”) filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”), to be amended as necessary, satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine,” and

**WHEREAS**, that culminated in a Court-approved Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes builder’s remedy lawsuits until July 1, 2025; and

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2 (hereinafter “A4” or “Amended FHA”); and

**WHEREAS**, A4 calculates the size of the regional affordable housing need as follows “projected household change for a 10-year round in a region shall be estimated by establishing the household change experienced in the region between the most recent federal decennial census, and the second-most recent federal decennial census. This household change, if positive, shall be divided by 2.5 to estimate the number of low- and moderate-income homes needed to address low- and moderate-income household change in the region, and to determine the regional prospective need for a 10-year round of low- and moderate-income housing obligations...”; and

**WHEREAS**, instead, A4 required the Department of Community Affairs (“DCA”) to produce non-binding estimates of need on or before October 20, 2024, which it did provide on October 18, 2024 (“DCA Report”); and

**WHEREAS**, the DCA Report calculates the Township’s Round Four (2025-2035) obligations as follows: a Present Need or Rehabilitation Obligation of **214** units and a Prospective Need or New Construction Obligation of **431** units; and

**WHEREAS**, the Township accepts the conclusions in the DCA Report, except regarding the land capacity allocation factor; and

**WHEREAS**, as to the **Land Capacity Allocation Factor**, the Township notes that the DCA belatedly provided the data it used to establish this factor, i.e., on or about November 27, 2024 instead of by October 20, 2024; and

**WHEREAS**, the Township further notes that the link to the DCA GIS data that the DCA belatedly made available to municipalities includes the following language: “The land areas identified in this dataset are based on an [sic] the best available data using publicly available data enumerated in N.J.S.A. 52:27D-304.3c. (4) to estimate the area of developable land, within municipal and regional boundaries, that may accommodate development. **It is important to note that the identified areas could be over or under inclusive depending on various conditions and that municipalities are permitted to provide more detailed mappings as part of their participation in the Affordable Housing Dispute Resolution Program.**” (emphasis added); and

**WHEREAS**, the DCA maintains that the areas the DCA identified as developable are indeed overinclusive and, consequently, the Township’s Professional Planner, has prepared a report, attached hereto as **Exhibit A**; and

**WHEREAS**, correcting the allocation factors results in the Township’s Round 4 Prospective Need Obligation being **384** units rather than the **431** units the DCA calculated; and

**WHEREAS**, Section 3 of A4 provides that: “the municipality’s determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7” of A4; and

**WHEREAS**, Township’s calculation of need is entitled to a “presumption of validity” because it complies with Sections 6 and 7 of A4; and

**WHEREAS**, the Township specifically reserves the right to adjust those numbers based on one or any of the foregoing adjustments: 1) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment (whether predicated upon lack of sewer or lack of water); and/or 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, including, but not limited to the Highlands Regional Master Plan and its build out, the Pinelands or Meadowlands regulations and planning document; and

**WHEREAS**, in addition to the foregoing, the Township specifically reserves all rights to revoke or amend this resolution and commitment, as may be necessary, in the event of a successful challenge to A4 in the context of the Montvale case (MER-L-1778-24), any other such action challenging A4, or any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of A4; and

**WHEREAS**, in addition to the foregoing, the Township reserves the right to take a position that its Round Four Present or Prospective Need Obligations are lower than described herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and

**WHEREAS**, that reservation of all litigation rights shall include, but is not limited to, taking a position that the Equalized Non-Residential Valuation Factor erroneously captures

substantial mixed-use multifamily developments and mischaracterizes them entirely as non-residential; and

**WHEREAS**, in light of the above, the Mayor and Council finds that it is in the best interest of Township to declare its obligations in accordance with this binding resolution and in accordance with the Act and

**WHEREAS**, in addition to the above, the Acting Administrative Director issued Directive #14-24, dated December 13, 2024, and made the directive available later in the week that followed; and

**WHEREAS**, pursuant to Directive #14-24, a municipality seeking a certification of compliance with the Act shall file an action “in the form of a declaratory judgment complaint . . . within forty-eight (48) hours after adoption of the municipal resolution of fair share obligations, or by February 3, 2025, whichever is sooner”; and

**WHEREAS**, nothing in this Resolution shall be interpreted as an acknowledgment of the legal validity of the AOC Directive and the Township reserves any and all rights and remedies in relation to the AOC Directive; and

**WHEREAS**, the Township seeks a certification of compliance with the Act and, therefore, directs its Affordable Housing Counsel to file a declaratory relief action within forty-eight (48) hours of the adoption of this resolution; and

**NOW, THEREFORE, BE IT RESOLVED** on this 28<sup>th</sup> day of January 2025, by the Council of the Township of Teaneck, Union County, State of New Jersey, as follows:

- . All of the Whereas Clauses are incorporated into the operative clauses of this resolution.
2. The Mayor and Council hereby commit to a Present Need Obligation of **214** units and the Round Four Prospective Need Obligation of **384** units as described in this resolution subject to all reservations of rights, which specifically include:
  - a) The right to adjust the number based on a windshield survey, lack of land, sewer, water, regional planning inputs, or any combination thereof;
  - b) As described in the WHEREAS section, all rights to revoke or amend this resolution in the event of a successful legal challenge, or legislative change, to A4;
  - c) In furtherance of the WHEREAS clause reserving the Township’s rights to adjust its number to a lower number if the Township’s number is challenged, the Township specifically reserves the right to seek a downwards adjustment due to a correction of the Equalized Non-Residential Valuation Factor; and
  - d) All rights to take any contrary position in the event of a third party challenge to the obligations.

3. The Township hereby directs its Counsel to file a declaratory judgment complaint within forty-eight (48) hours after adoption this resolution attaching this resolution.
4. The Township hereby directs its Counsel to (a) file this Resolution with the “Program” pursuant to the requirements on A4.
5. The Township hereby directs that this Resolution be published on the municipal website within forty-eight (48) hours of its passage, pursuant to A4.
6. This resolution shall take effect immediately, according to law.

This is to certify that the above Resolution was adopted by the  
Township Council on January 28, 2025

*Doug Ruccione*

Doug Ruccione  
Township Clerk

# MEMORANDUM



Date: January 23, 2025  
To: Township of Teaneck  
From: Topology

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## **SUBJECT: FOURTH ROUND AFFORDABLE HOUSING ASSESSMENT OF DCA NUMBER**

The purpose of this memorandum is to provide an assessment of the non-binding calculations of the Township of Teaneck's Prospective Need Obligation for the Fourth Round of Affordable Housing, published by the NJ Department of Community Affairs<sup>1</sup>. The non-binding calculations were published by the DCA on October 20, 2024, with supplemental data releases provided through November 23, 2024, with the publication of the Land Capacity Analysis GIS Composite Layer.

Under the prepared calculations, the DCA has presented a non-binding prospective need obligation for the Township of Teaneck of 431 units. The following assessment reviews the component data of the DCA calculation methodology with localized data to either confirm or revise the figures presented by DCA.

Based upon the analysis outlined in this memorandum, and with consideration given to the DCA Report, in accordance with N.J.S.A. 52:27D-304.1, -304.2 and -304.3 of P.L. 2024, c.2 and the 2018 Decision, Topology recommends the Township of Teaneck adopt a binding resolution committing to a Fourth Round Prospective Need Obligation of 384 units before taking into consideration any further credits, bonus credits, and/or adjustments as permitted by law.

### **I. Land Capacity Factor Assessment**

- A. The Land Capacity Factor is calculated pursuant to N.J.S.A. 52:27D-304.3.C.4, and is determined by estimating the area of developable land within the municipality's boundaries, and regional boundaries, which may accommodate development. The DCA conducted the analysis using Land Use / Land Cover data from the NJ DEP, MOD-IV Property Tax Data from the Dept. of Treasury, and construction permit data from the DCA. The DCA calculations of land that may accommodate development exclude lands subject to development limitations, including open space, preserved farmland, category one waterways and wetland buffers, steep slopes and open waters. DCA preserved all areas that remained that were greater than 2,500 SF in size, under the assumption that an area of twenty-five feet by 100 feet may be considered developable.
- B. Under the analysis, the DCA estimates that the Township of Teaneck presently has 22.363 acres of land that may accommodate development. The DCA has calculated that Region 1, which is comprised of Bergen, Hudson, Passaic and Sussex Counties, contains a total of 1,979.764 acres of developable land. As calculated by DCA, the Township of Teaneck contains 1.13% of the amount of developable land across the entire Region 1.
- C. To assess the Land Capacity Factor, Topology extracted the resultant Land Capacity Analysis GIS Composite Layer and overlaid the file with the parcels for the Township of Teaneck. Each area was further reviewed to ascertain whether land use approvals have been rendered, if the sites contain

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<sup>1</sup> [https://www.nj.gov/dca/dlps/pdf/FourthRoundCalculation\\_Methodology.pdf](https://www.nj.gov/dca/dlps/pdf/FourthRoundCalculation_Methodology.pdf)

existing development or utility infrastructure or whether the configuration of developable land within these parcels is in fact developable. Based upon this detailed parcel-by-parcel analysis, Topology estimates that 12.141 acres of the 22.363 acres calculated by DCA are not in fact developable. A parcel-by-parcel summary is provided in the table below. Appendix A includes maps of all properties that have been identified as not available / limited acres for development.

D. Properties Not Available for Development

- Aerials and ownership can be viewed via <https://bchapeweb.co.bergen.nj.us/parcelviewer/>

| SITE BLOCK + LOT                    | ADDRESS           | DCA DEVELOPABLE ACRES | STATUS   |
|-------------------------------------|-------------------|-----------------------|--|
| Block 5608, Lot 10                  | 210 Shepard Ave   | 5.373                 | 4.173 acres eligible due to 1.2 acres of land being encumbered as part of a diversion "replacement parcel" acquisition made by NJDOT Green Acres and Greenbelt Properties program. |
| Block 6002, Lot 10                  | Route 4 Buffer    | 2.789                 | Flood Hazard Area (FEMA). 0.00 acres eligible due to right-of-way on Route 4 / narrow configuration of land.   |
| Block 402, Lot 1                    | 1100 River Road   | 1.542                 | DCA calculation accurate.  |
| Block 4808, Lot 15                  | Route 4 Buffer    | 1.501                 | 0.00 acres eligible due to right-of-way on Route 4 / narrow configuration of land.   |
| Block 5919, Lot 1                   | 46 Robinson St    | 0.829                 | 0.00 acres eligible due to land developed with Church (St. Anastasia Roman Church)   |
| Block 4102, Lot 27                  | Farragut Dr       | 0.790                 | 0.00 acres eligible due to right-of-way on Route 4 / inaccessible other than Route 4.  |
| Block 5911, Lot 1                   | 1140 Loraine Ave  | 0.771                 | DCA calculation accurate.  |
| Block 5707, Lot 2                   | Englewood Ave     | 0.730                 | DCA calculation accurate.  |
| Block 5507, Lot 6                   | 1603 Ardsley Ct   | 0.715                 | DCA calculation accurate.  |
| Block 1102, Lot 10                  | 661 Roemer Ave    | 0.675                 | NJDEP Wetlands and Riparian Buffer. Only 0.624 acres eligible without environmental constraint.  |
| Block 2703, Lot 10                  | Route 4 Buffer    | 0.604                 | 0.00 acres eligible due to right-of-way on Route 4 / narrow configuration of land.   |
| Block 5604.01, Lot 23.01, Lot 23.02 | Manhattan Ave     | 0.497                 | DCA calculation accurate.  |
| Block 5706, Lot 9                   | 1423 Aspen Terr   | 0.493                 | DCA calculation accurate.  |
| Block 4003, Lot 23                  | Route 4 Buffer    | 0.421                 | 0.00 acres eligible due to right-of-way on Route 4 / narrow configuration of land.   |
| Block 6002, Lot 10                  | Route 4 Buffer    | 0.388                 | 0.00 acres eligible due to right-of-way on Route 4 / narrow configuration of land.   |
| Block 1107, Lot 1                   | 440 New Bridge Rd | 0.383                 | DCA calculation accurate.  |
| Block 5707, Lot 10                  | 1423 Spruce St    | 0.365                 | DCA calculation accurate.  |

| SITE BLOCK + LOT                        | ADDRESS                             | DCA DEVELOPABLE ACRES | STATUS   |
|---|-------------------------------------|-----------------------|--|
| Block 5706, Lot 6                       | Englewood Ave                       | 0.363                 | DCA calculation accurate.  |
| Block 5302, Lot 29                      | 207 Liberty Rd                      | 0.349                 | Flood Hazard Area (FEMA). Only 0.192 of the land eligible without environmental constraint.  |
| Block 201, Lot 2                        | 836 Cedar Lane                      | 0.346                 | Flood Hazard Area (FEMA). Only 0.13 acres eligible without environmental constraint.   |
| Block 5925, Lot 7                       | 1096 Loraine Ave                    | 0.337                 | DCA calculation accurate.  |
| Block 5927, Lot 5, Lot 1                | Route 4 Buffer, 1101 Loraine Ave    | 0.305                 | DCA calculation accurate.  |
| Block 2702, Lot 11                      | Route 4 Buffer                      | 0.281                 | 0.00 acres eligible due to right-of-way on Route 4. Parcel also contains structure encroachment from adjacent Lot 10.  |
| Block 4303, Lot 1                       | 314 Home St                         | 0.275                 | NJDEP Wetlands and Riparian Buffer. DCA calculation accurate.  |
| Block 4812, Lot 15                      | 1056 Margaret St                    | 0.201                 | 0.00 acres eligible due to right-of-way on Route 4 / narrow configuration of land.   |
| Block 1103, Lot 4.01                    | 600 Roemer Ave                      | 0.188                 | 0.00 acres eligible due to land developed with Synagogue (Congregation Keter Torah)  |
| Block 4003, Lot 23                      | Route 4 Buffer                      | 0.180                 | 0.00 acres eligible due to right-of-way on Route 4 / narrow configuration of land.   |
| Block 4402, Lot 11 and 12               | 320 Fabry Terr, 309 E Oakdene Ave   | 0.169                 | Flood Hazard Area (FEMA). 0.00 acres eligible without environmental constraint. Land has improvements: Darul Islah Temple on Lot 11<br>Pumping Station on Lot 12 |
| Block 3502.01, Lot 8                    | 18 E Sherwood Ave                   | 0.153                 | NJDEP Wetlands and Riparian Buffer. DCA calculation accurate.  |
| Block 5925, Lot 2                       | 1124 Loraine Ave                    | 0.093                 | DCA calculation accurate.  |
| Block 4811, Lot 12                      | Route 4 Buffer                      | 0.093                 | 0.00 acres eligible due to right-of-way on Route 4 / narrow configuration of land.   |
| Block 5507, Lot 16                      | 1615 Ardsley Ct (Rear)              | 0.093                 | 0.00 acres eligible due to no frontage access.   |
| Block 4204, Lot 5<br>Block 4201, Lot 19 | 665 Glenwood Ave<br>East Cedar Lane | 0.071                 | 0.00 acres eligible due to: Lot 5 is a ROSI <sup>2</sup> parcel owned by Township (Hamilton Park); and Lot 19 is an active housing development                   |

<sup>2</sup> <https://dep.nj.gov/otpla/rosi/>

- E. Given the constraints of these existing properties, Topology estimates that the amount of developable land within the Township of Teaneck should be revised to from 22.363 acres to 12.141 acres. This would also reduce the total developable land within Region 1 from 1,979.764 acres to 1,967.623 acres. Thus, the Land Capacity Factor for the Township of Teaneck would be modified from 1.13 % as calculated by DCA to 0.60 %.

## II. Equalized Nonresidential Valuation Assessment

- A. The Equalized Nonresidential Valuation Factor is calculated pursuant N.J.S.A. 52:27D-304.3.C.2 and is determined by calculated the changes in nonresidential property valuations in the municipality, since the beginning of the gap period in 1999. The change in the municipality's nonresidential valuations is divided by the regional total change in nonresidential valuations to determine the municipality's share of the regional total change, which is the resulting factor. Data to used is from the Division of Local Government Services in the DCA, which aggregates local assessment information from all municipalities.
- B. Under the DCA calculation, the Township of Teaneck experienced an equalized nonresidential valuation growth of \$490,512,639 between 1999 and 2023. This represents 1.5% of all growth experienced during this period across Region 1.
- C. Topology recommends the Township accept the Nonresidential Valuation Factor as calculated by the DCA, as Topology has reviewed and concluded that no further revisions can be made.

## III. Income Capacity Factor

- A. The Income Capacity Factor is calculated pursuant to N.J.S.A. 52:27D-304.3.C.3 and is determined by averaging the municipal share of the regional sum of differences between median household income and the same calculation but weighted by number of households within the municipality. To calculate this value, the DCA used the 2018-2022 5-year Estimates published by the Census Bureau's American Community Survey program.
- B. Since the publication of the Fair Share Housing Obligations for 2025-2035 by the DCA in October 2024, the U.S. Census Bureau has released the 2019-2023 5-year estimates from the American Community Survey.
- C. Topology has prepared an update of the Income Capacity Factor for Region 1 and the Township of Teaneck based upon this newly available data. In review of the new data, Topology has found no change to the Income Capacity Factor for the township of Township as a result of the newly released data.

**IV. Recalculated Fourth Round Obligation Number**

Given the revisions detailed above, Topology recommends the Township of Teaneck’s allocation factors and prospective need obligations may be revised as follows below.

| <b>ALLOCATION FACTOR/PROSPECTIVE NEED</b> | <b>DCA CALCULATION</b>                 | <b>TOPOLOGY PROPOSED REVISION</b>          |
|---|--|--|
| Land Capacity Factor (Region 1)           | 1.13%<br>(22.363 Acres of 1,980 Acres) | 0.60%<br>(12.141 Acres of 1,967.623 Acres) |
| Nonresidential Factor                     | 1.51%                                  | Accept DCA Calculation                     |
| Income Capacity Factor                    | 2.03%                                  | Accept DCA Calculation                     |
| Average Allocation Factor                 | 1.55%                                  | 1.38%                                      |
| Prospective Need Obligation               | 431 Units                              | 384 Units                                  |

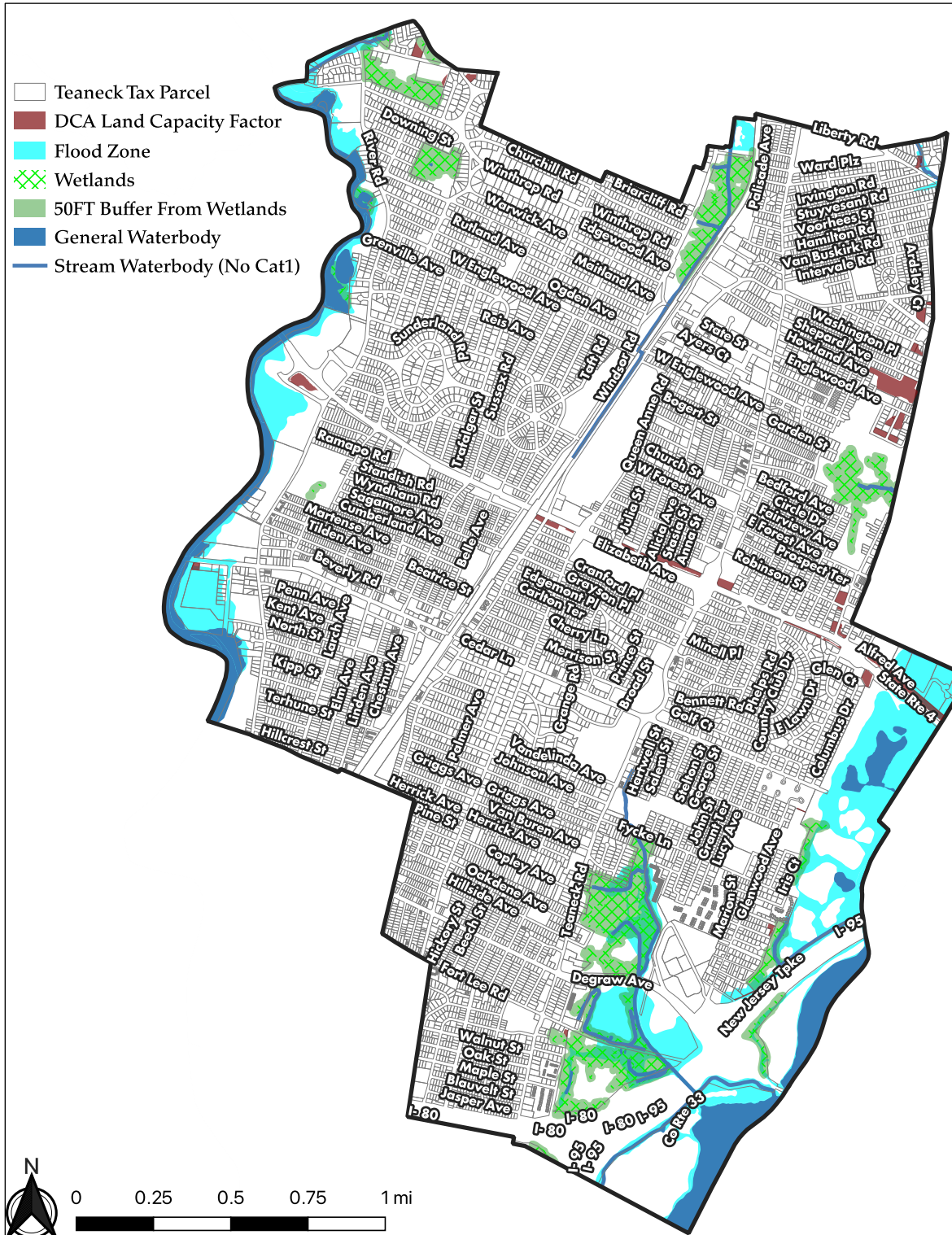
## Appendix "A"

### Teaneck DCA Land Capacity Factor Map with Environmental Layers + Individual DCA Land Capacity Factor Maps with Environmental Layers / Narrow Lots

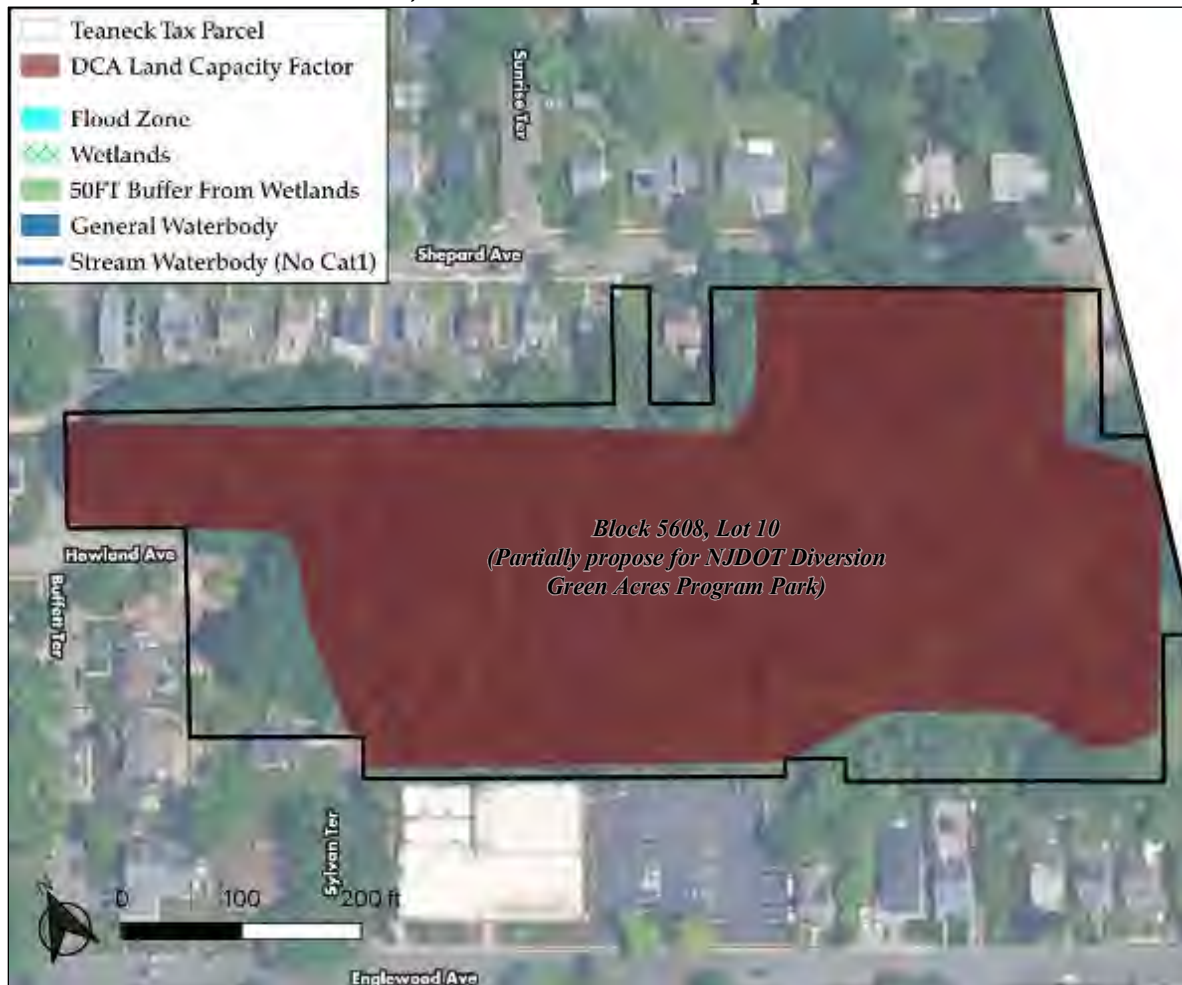
#### GIS Data Sources:

- [Land Capacity Analysis for P.L. 2024, c.2](#) from the New Jersey Department of Community Affairs (DCA), last updated November 22, 2024.
- **Mod IV Tax Assessment Data** was obtained from the most recent Assessment Records. Parcel files were used utilizing the New Jersey Geographic Information Network (NJGIN) Open Data portal.
- [Flood Hazard Area Dataset](#) was obtained from the Federal Emergency Management Agency (FEMA).
- **Wetlands Dataset** was developed using the Land Use/Land Cover from the New Jersey Department of Environmental Protection (NJDEP), last updated 2020. A 50-foot riparian buffer is also included.
- **Waterbodies Dataset** was obtained from the National Hydrography Dataset Waterbody Streams and Waterbodies dataset as developed by the NJDEP, last updated 2015.

### Teaneck DCA Vacant Land Map with Environmental Layers



**Block 5608, Lot 10 (Owner: Township of Teaneck)**



Route 4, in the vicinity of Palisade Avenue, CSX Railroad and Windsor Road, suffers from geometric deficiencies, traffic congestion, safety issues, and a structurally deficient bridge. NJDOT proposes to replace the structurally deficient and functionally obsolete bridge and to improve the roadway operational problems<sup>3</sup>.

As such, several Green Acres encumbered properties along the Route 4 corridor will be impacted and require equivalent replacement land or monetary compensation to address Green Acres mitigation requirements. As part of the compensation, NJDOT proposes utilizing approximately 1.2 acres of 210 Shepard Place (Block 5608, Lot 10) as a “replacement parcel” for the diversions per N.J.A.C. 7:36-26.5 (amongst several solutions).

Anticipated construction start date for the Route 4 Over Palisade Avenue, CSX Railroad, and Windsor Road Bridge Replacement is planned in June 2025, with completion anticipated in June 2028.

<sup>3</sup> <https://www.nj.gov/transportation/capital/stip1827/sec3/pdf/routes/rt4.pdf>

Block 6002, Lot 10 (Owner: Township of Teaneck)



**Block 4808, Lot 15 (Owner: Township of Teaneck)**



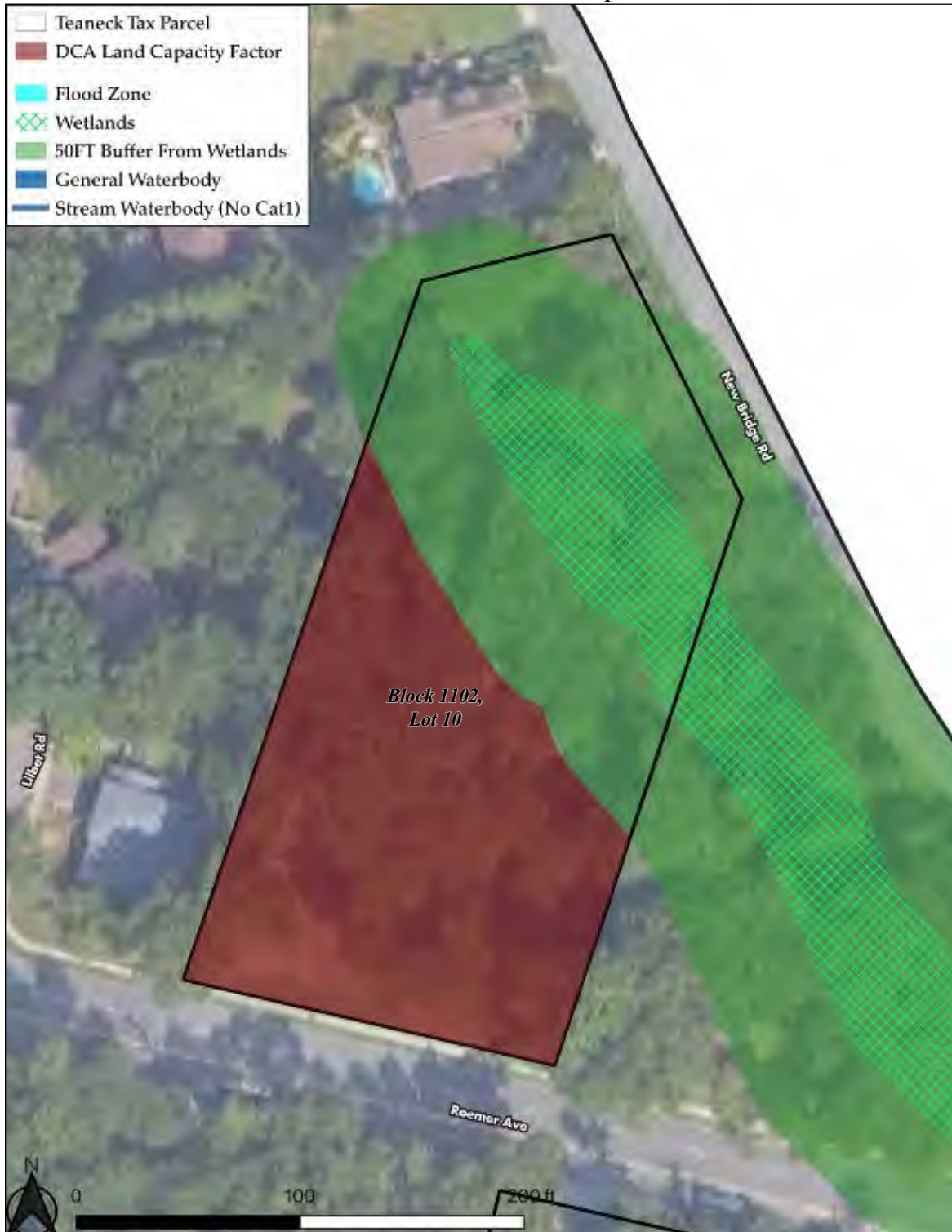
**Block 5919, Lot 1 (Owner: ST ANASTASIA'S CHURCH)**



**Block 4102 Lot 27 (Owner: Township of Teaneck)**



**Block 1102, Lot 10 (Owner: Township of Teaneck)**



**Block 2703, Lot 10 (Owner: Township of Teaneck)**  
**Block 2702, Lot 11 (Owner: Township of Teaneck)**



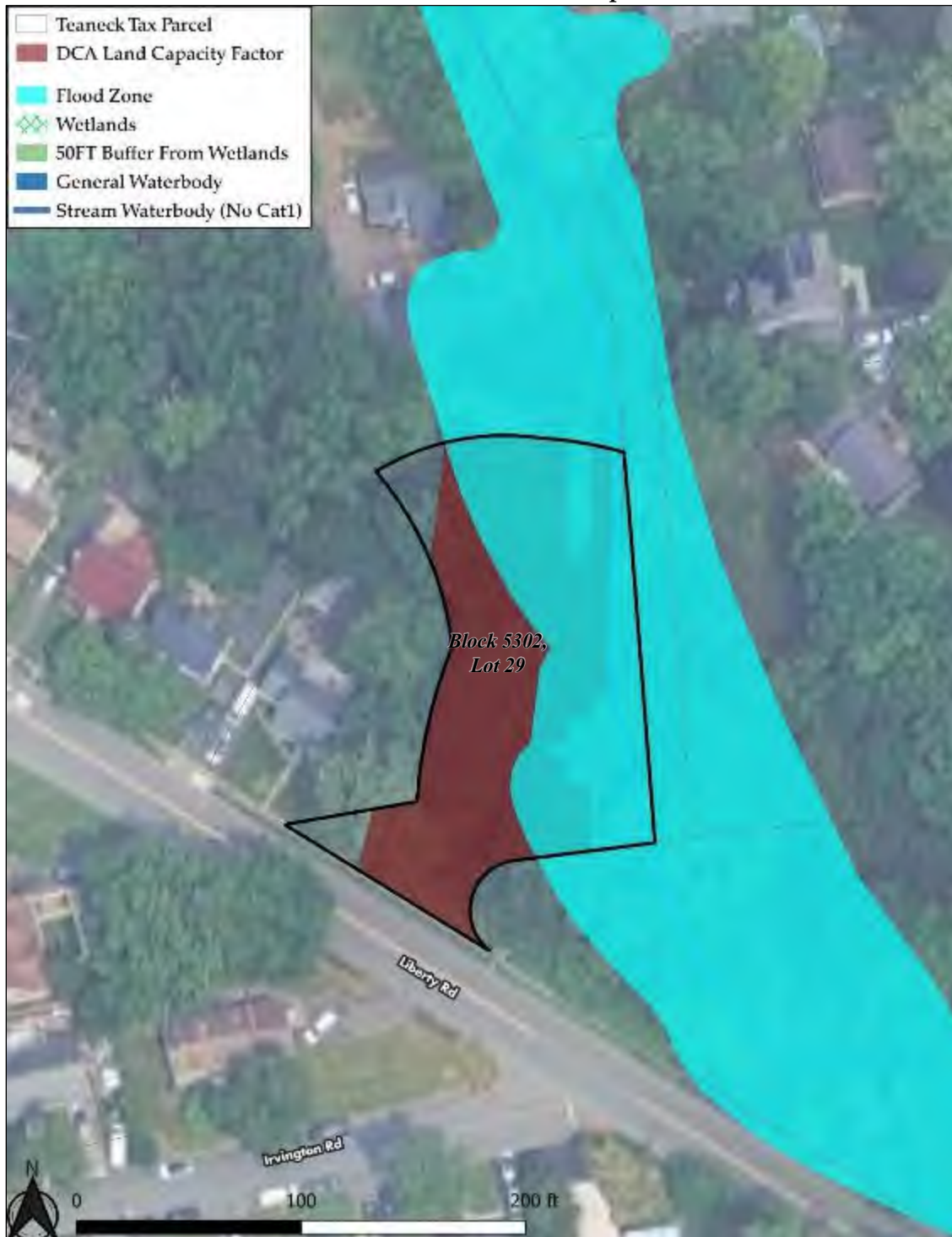
Block 4003, Lot 23 (Owner: Township of Teaneck)



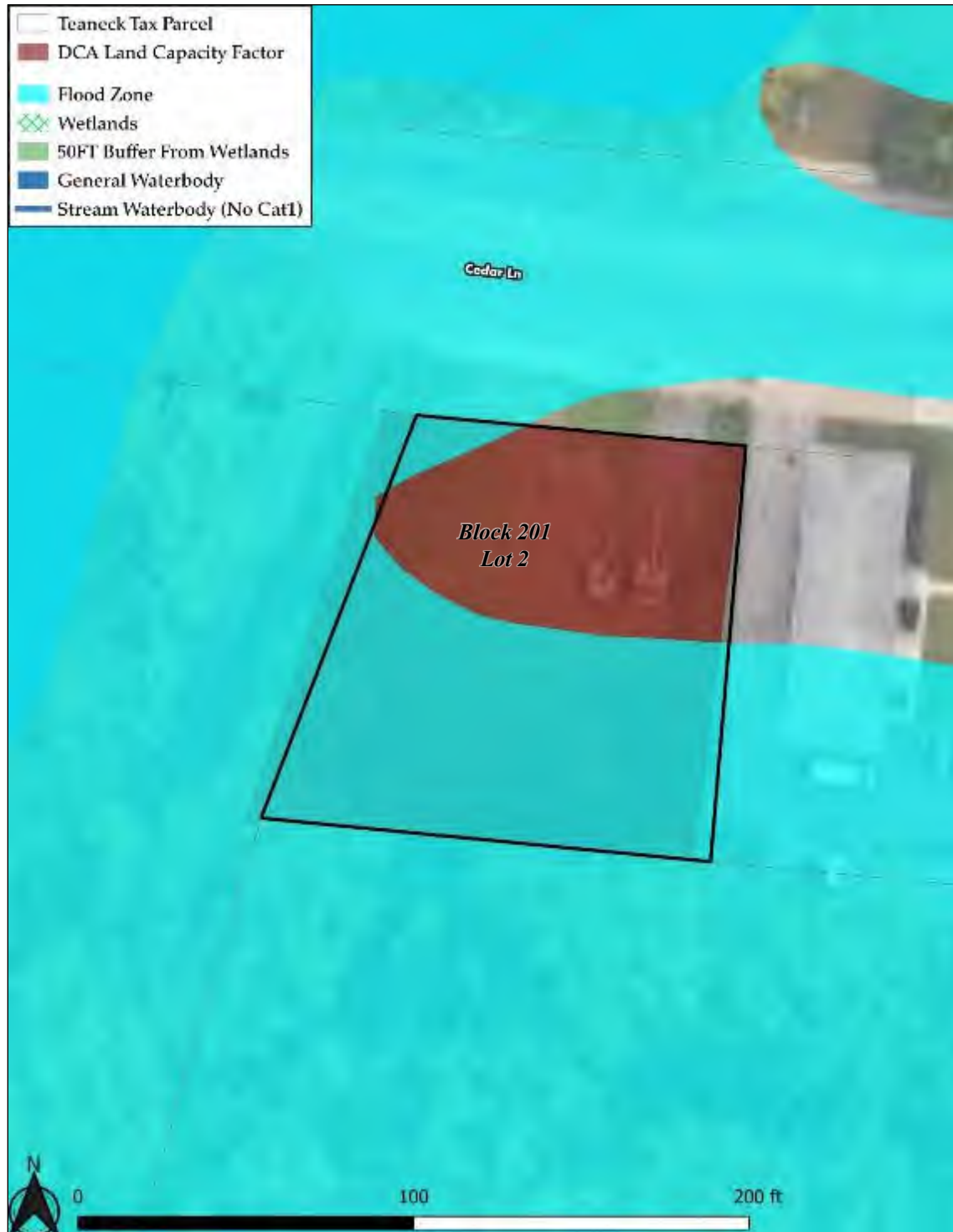
**Block 6002, Lot 10 (Owner: Township of Teaneck)**



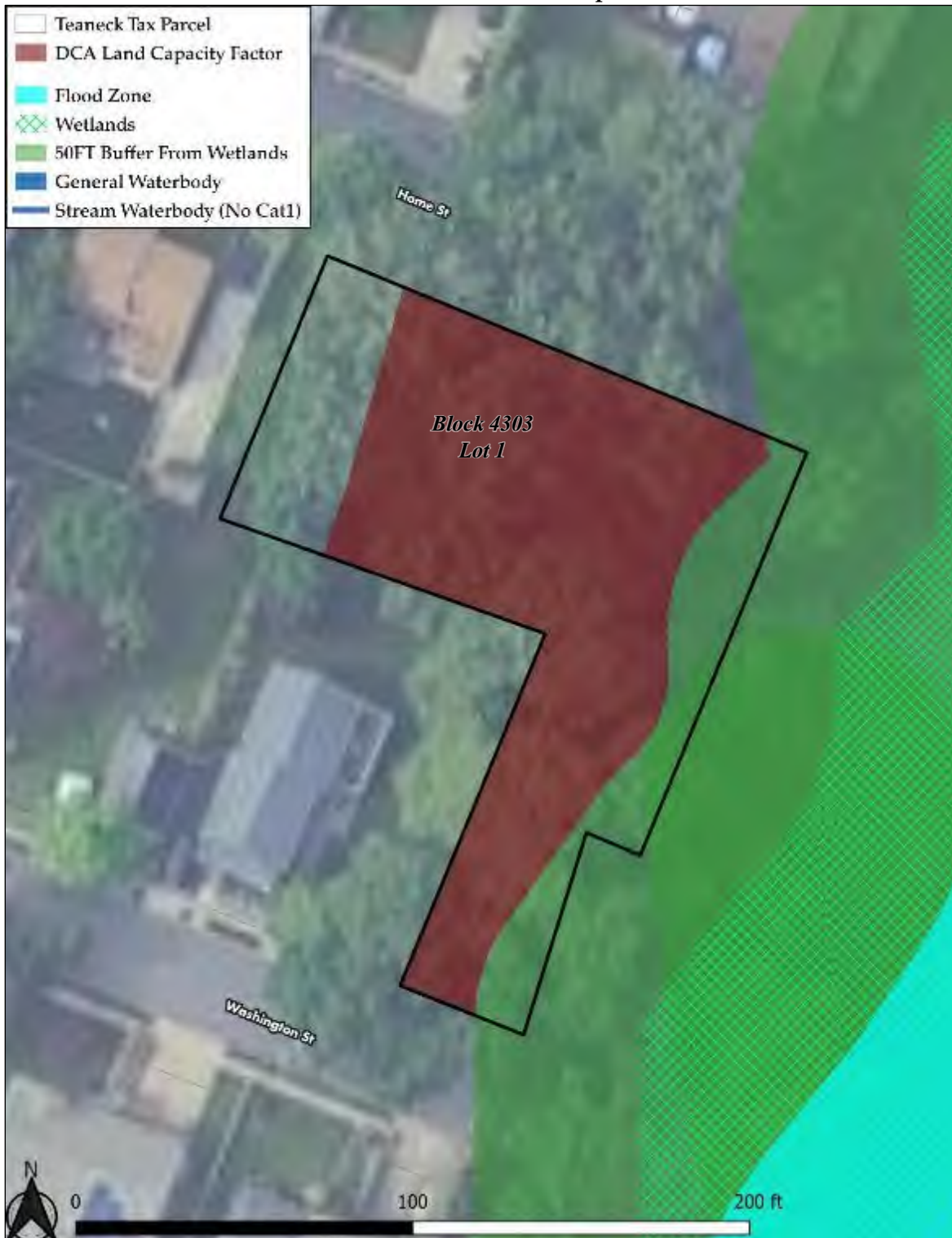
**Block 5302, Lot 29 (Owner: Township of Teaneck)**



**Block 201, Lot 2 (Owner: 836 CEDAR LA LLC C/O ERICHSEN,S)**



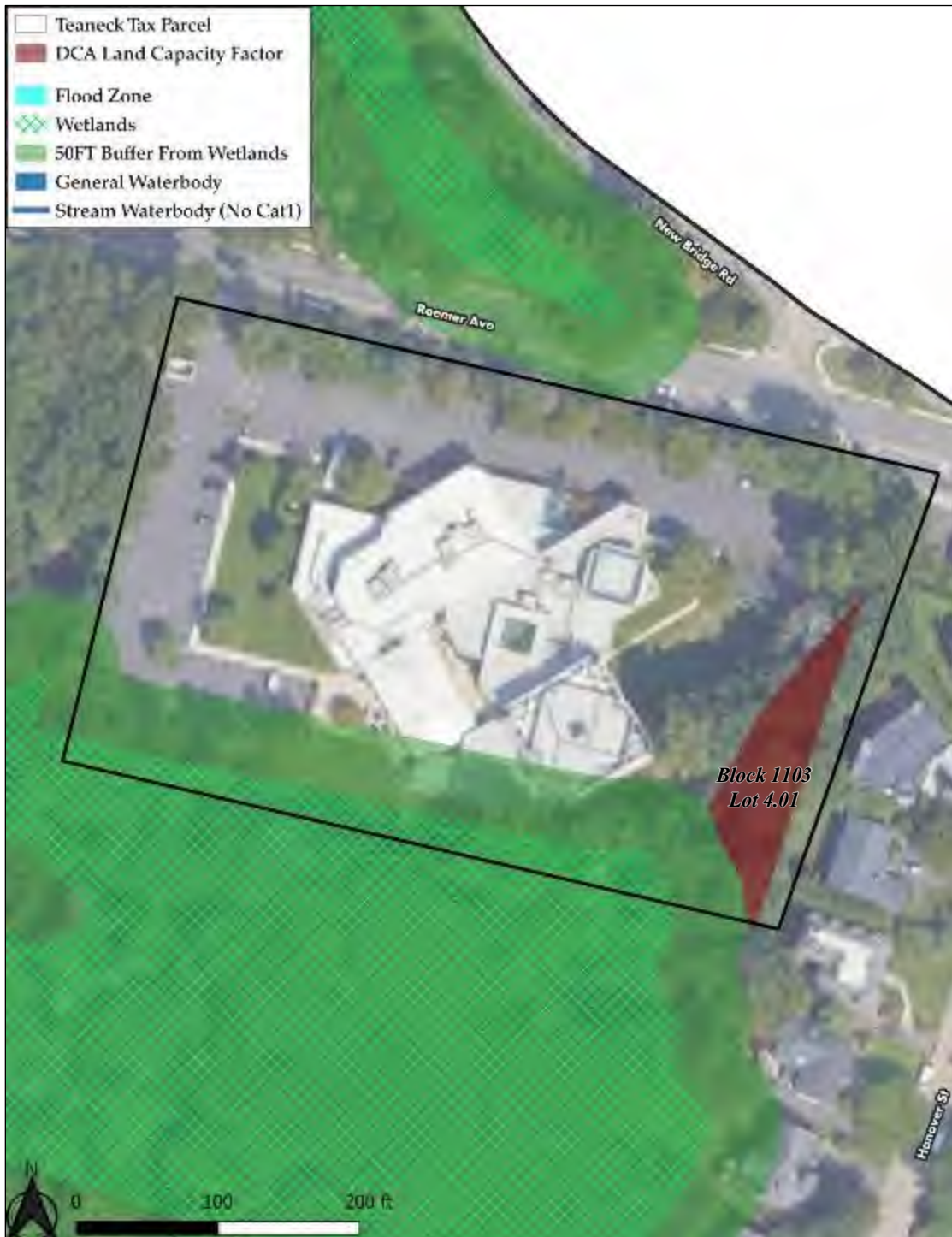
**Block 4303 Lot 1 (Owner: Township of Teaneck)**



**Block 4812, Lot 15 (Owner: Township of Teaneck)**



**Block 1103, Lot 4.01 (Owner: NORTHERN TEANECK SYNAGOGUE ASSOC.)**



**Block 4003, Lot 23 (Owner: Township of Teaneck)**



**Block 4402, Lot 11 (Owner: Dar-UI-Islah)**  
**Block 4402, Lot 12 (Owner: Township of Teaneck)**



**Block 3502.01, Lot 8 (Owner: Township of Teaneck)**



Block 4811, Lot 12 (Owner: Township of Teaneck)



**Block 5507, Lot 16 (Owner: Township of Teaneck)**



**Block 4204, Lot 5 (Owner: Township of Teaneck)  
Block 4201, Lot 19 (Owner: Township of Teaneck)**





## **Appendix B – Vacant Land Adjustment**

# The Township of Teaneck Bergen County

## Vacant Land Adjustment Round Four (2025-2035)

Prepared For:



818 Teaneck Road  
Teaneck, NJ 07666

## **Introduction + Methodology**

### **Purpose of Vacant Land Adjustment**

The foregoing analysis was prepared on behalf of the Township of Teaneck (herein the “Township” or “Teaneck”). This analysis reviews the Township’s inventory of available vacant properties and summarizes an adjustment in the Fourth Round affordable housing obligation due to available land capacity. The analysis also takes into consideration projects likely to be redeveloped in the Fourth Round obligation. These include projects that have existing land use approvals, are under construction or were constructed, or are part of the Township’s Fourth Round compliance plan.

This analysis is otherwise known as a Vacant Land Adjustment (“VLA”). The VLA determines a municipality’s Realistic Development Potential (“RDP”) for its Fourth Round municipal obligation. Such obligation is memorialized in the municipal Fourth Round Housing Element and Fair Share Plan (“HEFSP”), which runs from 2025-2035.

In conclusion, the Township’s RDP for its Fourth Round is 11 credits, and 105 credits must be accommodated on parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted.

### **Legislation + Changes in Fourth Round VLA Requirements**

On March 20, 2024, Governor Phil Murphy signed P.L.2024, c.2 (the “Legislation”) which expands and modifies the State’s affordable housing regulations. As a result of the Legislation, each municipality is assigned a non-binding affordable housing obligation to be met during the Fourth Round. The non-binding calculations were published by the NJ Department of Community Affairs (“DCA”) on October 20, 2024, with supplemental data releases provided through November 23, 2024, with the publication of the Land Capacity Analysis GIS Composite Layer. This obligation is also referred to as the “prospective need.”

**The Prospective Need Obligation for the Township is 431.**

The Legislation sets forth procedures by which municipalities may adjust their prospective obligation, including via the VLA process (See 52:27D-310.1)<sup>1</sup>. Under the Fourth Round, a municipality is permitted to make adjustments due to a lack of available land resources. However, the bill requires a municipality that receives such a vacant land adjustment to its obligation identify parcels for development that address at least 25 percent of the prospective need and adopt zoning that allows for the adjusted obligation, or demonstrate why this is not possible.

See Appendix “A” for the full legislation of municipal computation requirements and changes via Bill P.L.2024, c.2.

<sup>1</sup> <https://law.justia.com/codes/new-jersey/title-52/section-52-27d-310-1/>

## Assumptions Underlying Realistic Development Potential

### Inclusionary Development

N.J.A.C. 5:93-4.2(f) specifies that the RDP is based on an inclusionary zoning framework and available land is not assumed to be developed as 100% affordable housing. The minimum presumptive set aside for affordable housing is 20%, or one in five units. As such, suitable development sites for inclusionary development must have the capacity to provide a minimum of five units.

### Assumed Densities and Minimum Project Size

According to the Second Round Rules, it is important to “consider the character of the area surrounding each site” when crafting assumptions underlying the intensity of residential development. As such, the maximum density for each assemblage was determined as follows:

- The permitted density of each parcel pursuant to the Municipal Zoning Ordinance;
- Minimum presumptive density of six units per acre as required by the Second Round Rules where permitted density is below six units per acre;
- Surrounding land uses;
- The need for affordable housing; and
- Density count of approved projects by the Planning or Zoning Board.

## Data Sources Used in Analysis

In compiling the analysis for the VLA, this report utilizes the following data:

- **Mod IV Tax Assessment Data** was obtained from the most recent Assessment Records. Parcel files were used utilizing the **New Jersey Geographic Information Network (NJGIN) Open Data** portal.
- **Flood Hazard Area Dataset** was obtained from the **Federal Emergency Management Agency (FEMA)** data of flood zones<sup>2</sup>.
- **Wetlands Dataset** was developed using the **Land Use/Land Cover** from the **New Jersey Department of Environmental Protection (NJDEP)**, last updated 2020. A 50-foot riparian buffer is also included.
- **Waterbodies Dataset** was obtained from the **National Hydrography Dataset Waterbody Streams and Waterbodies** dataset as developed by the **NJDEP**, last updated 2015.
  - Note: No Category One (C1) Waters were observed in Teaneck per [N.J.A.C 7:13-4.1\(c\)\(2\)](#)
- **Steep Slope Dataset** was developed using the **NJGIN Open Data** portal<sup>3</sup>.

## Methodology of Vacant Land Parcels Assemblage

### Step 1: Selection of Sites

- Step 1.1: Classification of Vacant Land / General Assemblages

<sup>2</sup> <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd>

<sup>3</sup> <https://njgin.nj.gov/njgin/edata/elevation/index.html>

Using the most recent Mod IV Tax Assessment Data, properties that did not have the tax class 1 (Vacant) and vacant properties with tax class 15C (Public) were removed from the analysis. Properties that appeared as tax class "Null" were individually analyzed to determine vacancy status for consideration to be included in the analysis.

These remaining properties are considered in the analysis as an inventory of all vacant sites. Assembled vacant properties (including those adjacent and under common ownership) and confirmed acreage.

- Step 1.2: Removing "False" Vacant Land / General Assemblages

The Mod IV Tax Assessment Data properties of the assemblages created in Step 1.1 was further analyzed for "false" vacant land results that were removed from the analysis. False vacant land results included:

- Parcels that are actually a common area part of a larger townhome / condominium development (i.e. "Condo Mother Lot") and thus not actually "vacant".
  - *Example: Parkside Lane and townhomes had "vacant" coded land where structures are improved.*
- Parcels that are developed with active improvements, where MODIV Tax Assessment Data erroneously coded property as "vacant" or may not be up-to-date given the construction status.
  - For purposes of this analysis, "active improvements" means any structure upon the site with an active Certificate of Occupancy ("C.O"), or building permit / temporary "C.O" where structures are underway for a full C.O. Also included are parcels where there are no structures on the land but where there are improvements on the land that are associated with a structure on a different parcel (e.g. parking lot associated with building on a different, likely adjacent, parcel).
- Parcels that are coded "vacant," but are not in the municipal jurisdiction (i.e. small portion of vacant land belonging to larger assemblage that is in adjacent municipality).
  - *Example: Improved land in Bergenfield Township where portion of parcel in Teaneck coded vacant.*

### ***Step 2: Exclusion of Known Land Encumbrances / Additional Exclusions***

- Step 2.1: Exclusion of Parklands and Recreational Land

All parklands and active recreational lands properties were excluded based on their property tax classification under the MOD IV tax assessment data.

- *Step 2.2: Exclusion of Open Space Restricted Land*

All open space and properties on the Recreation and Open Space Inventory (ROSI) were excluded based on review of the [NJ State ROSI](#)<sup>4</sup>.

- *Step 2.3: Exclusion of Historic and Architecturally Important Sites*

If applicable, areas of vacant land impacted by [historically or architecturally important constraints](#)<sup>5</sup> were removed from the calculation of developable area.

### *Step 3: Exclusion of Low Yield Properties*

- *Step 3.1: Exclude Properties Yielding Less Than 5 Units*

The Second Round Rules established by the Council of Affordable Housing in N.J.A.C. 5:93 required development potential to consider principles of sound land use planning in regards to density, and that the minimum presumptive density be 6 du/ac.

In conformance with this requirement, the analysis used existing zoning densities to determine the number of units per acre that could be constructed. In cases where permitted density under the zoning ordinance did not meet the minimum presumptive density, the development potential was calculated at 6 units per acre. The acreage of the assemblages created in Step 1 was multiplied by the permitted number of units per acre to determine the property yield. All vacant assemblages whose yield was less than five units were excluded from the Inventory of Vacant Sites.

### *Step 4: Site Analysis (Exclusion of Environmentally Sensitive Areas from Development Calculations)*

- *Step 4.1: Overlay Environmentally Sensitive Areas*

Properties occupied by major environmental factors as described in the “Data Sources Used” section of this report above were removed as candidates for development. This was done using a Geographic Information Systems (GIS) program.

- *Step 4.2: Calculate Development Potential.*

Areas of vacant land impacted by these environmental constraints were removed from the calculation of developable area.

<sup>4</sup> <https://dep.nj.gov/otpla/rosi/>

<sup>5</sup> <https://www.arcgis.com/apps/webappviewer/index.html?id=6706acec2a7e46489f6d4dabba02fc9c>

### Vacant Land Parcels Assemblages

The map below illustrates the above methodology Section I.E, Steps 1-3 of this report to depict vacant land parcels assemblages that should be further reviewed for environmental sensitive areas per Step 4:



Figure 1: Map of Vacant Land Parcel Assemblages to Analyze against Environmental Areas

The map below summarizes the eligible vacant sites with environmentally sensitive mapping. Each assemblage was individually assessed for irregularities, access, and environmental constraints to conclude if the site is “developable” for consideration in the RDP (See individual environmental site analysis in Appendix “B”).

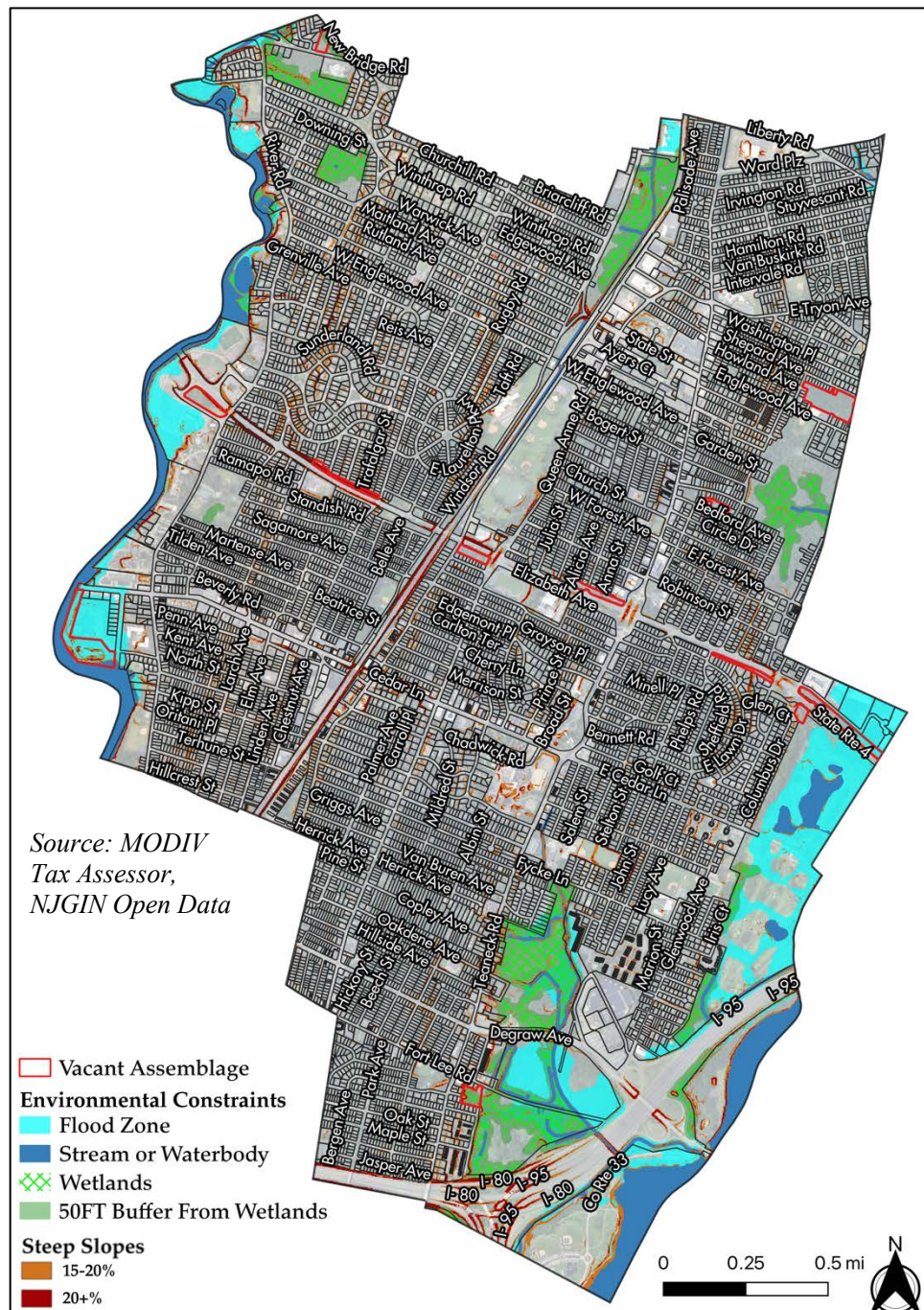


Figure 2: Municipal-Wide Map of Vacant Properties and Environmental Constraints

## Parcels With “Developability”

### Realistic Development Potential Based on Vacant Land Adjustment

Analysis of sites remaining on the inventory of vacant sites revealed that most vacant land within the Town is environmentally constrained. A total of 4 vacant sites contained sufficient land free of environmental or access constraints with dimensions that could accommodate five or more residential units including a 20% affordable set aside. Together, these sites comprise of 59 “buildable” units according to the assemblage analysis, of which 11 is the estimated 20% set-aside.

| BLOCK  | LOT | PROPERTY LOCATION | UNCONSTRAINED ACRES | UNIT YIELD | RDP LMI SET-ASIDE |
|--|-----|-------------------|---------------------|------------|-------------------|
| 5608   | 10  | 210 Shepard Ave   | 5.5                 | 33         | 7                 |
| 402  | 1   | 1100 River Road   | 2.58                | 15         | 3                 |
| 1102   | 10  | 661 Roemer Ave    | 0.67                | 4          | 0                 |
| 5801   | 4   | 75 Bedford Ave    | 1.11                | 7          | 1                 |
| <b>TOTAL REALISTIC DEVELOPMENT POTENTIAL (RDP)</b> |     |                   |                     |            | <b>11</b>         |

### Parcels Likely to be Redeveloped in Round 4

In addition to vacant properties that have realistic development potential, the Town must also consider known projects in its RDP assessment likely to be redeveloped in the 2025-2035 Fourth Round obligation. The Legislation includes the following language (emphasis added):

*Any municipality that receives an adjustment of its prospective need obligations for the fourth round or subsequent rounds based on a lack of vacant land shall as part of the process of adopting and implementing its housing element and fair share plan identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted, and adopt realistic zoning that allows for such adjusted obligation, or demonstrate why the municipality is unable to do so.*

As noted, Teaneck’s Fourth Round prospective need is 431. The Realistic Development Potential is 11. This leaves a remaining need to be addressed of 420 credits. In accordance with the above, twenty-five percent of the remaining need is 105.

Projects on parcels likely to be redeveloped between 2025-2035 are presented in the Housing Element and Fair Share Plan.

## **VLA Appendix A: Computing Municipal Adjustment, Exclusions (52:27D)**

NJ Rev Stat § 52:27D-310.1 (2024) – As Amended via bill P.L.2024, C.2

### **52:27D-310.1 Computing municipal adjustment, exclusions.**

1. Any municipality that receives an adjustment of its prospective need obligations for the fourth round or subsequent rounds based on a lack of vacant land shall, as part of the process of adopting and implementing its housing element and fair share plan, identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted and adopt realistic zoning that allows for such adjusted obligation, or demonstrate why the municipality is unable to do so. When computing a municipal adjustment regarding available land resources as part of the determination of a municipality's fair share of affordable housing, the municipality, in filing a housing element and fair share plan pursuant to subsection f. of section 3 of P.L.2024, c.2 (C.52:27D-304.1), shall exclude from designating, and the process set forth pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1) and section 13 of P.L.1985, c.222 (C.52:27D-313) shall confirm was correctly excluded, as vacant land:
  - (a) any land that is owned by a local government entity that as of January 1, 1997, has adopted, prior to the institution of a lawsuit seeking a builder's remedy or prior to the filing of a petition for substantive certification of a housing element and fair share plan, a resolution authorizing an execution of agreement that the land be utilized for a public purpose other than housing;
  - (b) any land listed on a master plan of a municipality as being dedicated, by easement or otherwise, for purposes of conservation, park lands or open space and which is owned, leased, licensed, or in any manner operated by a county, municipality or tax-exempt, nonprofit organization including a local board of education, or by more than one municipality by joint agreement pursuant to P.L.1964, c.185 (C.40:61-35.1 et seq.), for so long as the entity maintains such ownership, lease, license, or operational control of such land;

- (c) any vacant contiguous parcels of land in private ownership of a size which would accommodate fewer than five housing units based on appropriate standards pertaining to housing density;
- (d) historic and architecturally important sites listed on the State Register of Historic Places or National Register of Historic Places prior to the date of filing a housing element and fair share plan pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1) or initiation of an action pursuant to section 13 of P.L.1985, c.222 (C.52:27D-313);
- (e) agricultural lands when the development rights to these lands have been purchased or restricted by covenant;
- (f) sites designated for active recreation that are designated for recreational purposes in the municipal master plan; and
- (g) environmentally sensitive lands where development is prohibited by any State or federal agency, including, but not limited to, the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), for lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities.

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

L.1995, c.231, s.1; amended 1997, c.49; 2008, c.46, s.39; 2024, c.2, s.23.

**VLA Appendix B : Constraint Analysis Mapping (Parcels Above Presumed Density of 6DU/AC)**

Legend for all maps:

- Vacant Assemblage
- Environmental Constraints**
- Flood Zone
- Stream or Waterbody
- Wetlands
- 50FT Buffer From Wetlands
- Steep Slopes**
- 15-20%
- 20+%

**210 Shepard Ave:**


- Block and Lot(s): 5608, 10
- Approximate Area: 6.7 Acres

| PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS | FINDINGS   |
|---|--|
|   | <ul style="list-style-type: none"> <li>☒ Green Acres Diversion</li> <li>▪ Constrained Area: 1.2 Acres</li> <li>▪ Findings: Several Green Acres encumbered properties along the Route 4 corridor will be impacted by a NJDOT capital improvement project<sup>6</sup>, which will require equivalent replacement land or monetary compensation to address Green Acres mitigation requirements. As part of the compensation, NJDOT proposes utilizing approximately 1.2 acres of 210 Shepard Place as a “replacement parcel” for the diversions per N.J.A.C. 7:36-26.5 (amongst several solutions). Anticipated construction start date for the Route 4 Over Palisade Avenue, CSX Railroad, and Windsor Road Bridge Replacement is planned in June 2025, with completion anticipated in June 2028.</li> <li>▪ Total Units at 6DU/AC: 33 Units</li> <li>▪ LMI Units at 20% Set-Aside: 7 Units</li> </ul> |

<sup>6</sup> <https://www.nj.gov/transportation/capital/stip1827/sec3/pdf/routes/rt4.pdf>


**672 Pomander Walk**

- Block and Lot(s): 5608, 10
- Approximate Area: 8.5 Acres

| PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS  | FINDINGS   |
|--|--|
|  | <ul style="list-style-type: none"> <li>☒ Steep Slopes</li> <li>☒ Flood Hazard</li> <li>☒ Waterbodies</li> <li>▪ Constrained Acres: 0 Acres</li> <li>▪ Findings: 100% in flood zone with partial steep slopes</li> <li>▪ Total Units at 6DU/AC:</li> <li>▪ LMI Units at 20% Set-Aside:</li> </ul> |

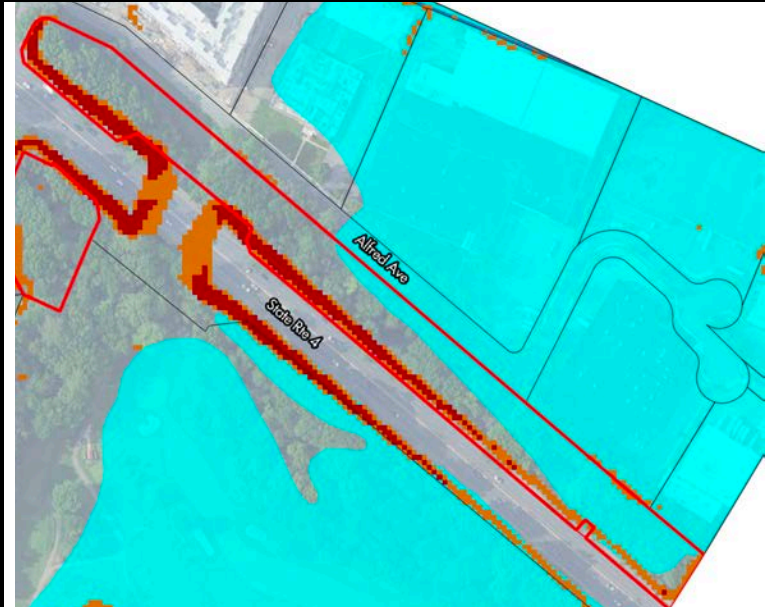
**1100 River Road**

- Block and Lot(s): 402, 1
- Approximate Area: 3.1 Acres

| PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS   | FINDINGS  |
|---|---|
|  | <ul style="list-style-type: none"> <li>☒ Steep Slopes</li> <li>▪ Constrained Area: 0.52 Acres</li> <li>▪ Findings: Steep slopes partially covering property.</li> <li>▪ Total Units at 6DU/AC: 15</li> <li>▪ LMI Units at 20% Set-Aside: 3</li> </ul> |

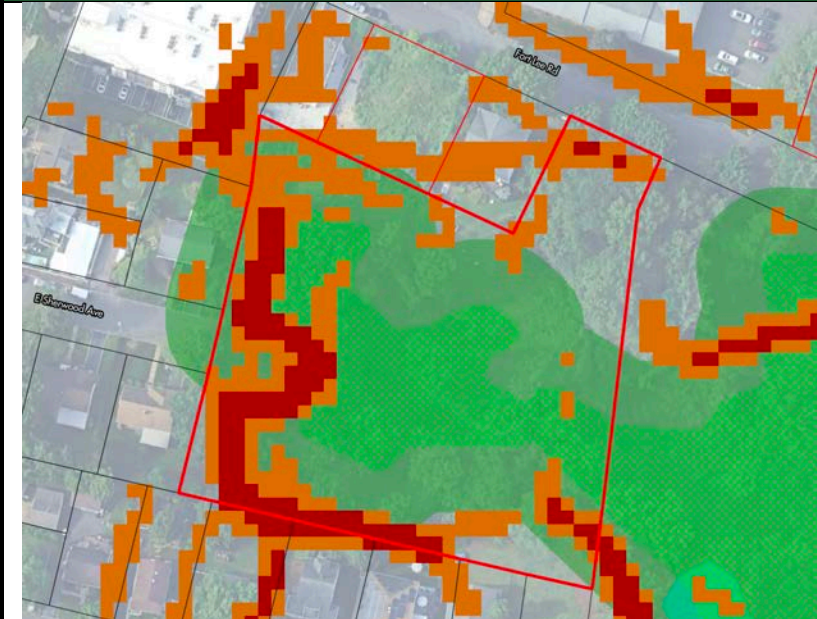
**Route 4 Buffer**

- Block and Lot(s): 6002, 10
- Approximate Area: 4.8 Acres

| PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS  | FINDINGS   |
|--|--|
|  | <ul style="list-style-type: none"> <li>☒ Flood Hazard</li> <li>☒ Steep Slopes</li> <li>☒ Route 4 Buffer</li> </ul> <ul style="list-style-type: none"> <li>▪ Constrained Area: 4.8 Acres</li> <li>▪ Findings: Flood area and steep slopes on lot that serves as Route 4 buffer – not feasible for site plan functionality</li> <li>▪ Total Units at 6DU/AC: 0</li> <li>▪ LMI Units at 20% Set-Aside: 0</li> </ul> |

**18 E Sherwood Ave**

- Block and Lot(s): 3502.01, 8
- Approximate Area: 2.049 Acres

| PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS   | FINDINGS  |
|---|---|
|  | <ul style="list-style-type: none"> <li>☒ Flood Hazard</li> <li>☒ Steep Slopes</li> <li>☒ Route 4 Buffer</li> </ul> <ul style="list-style-type: none"> <li>▪ Constrained Area: 2.049 Acres</li> <li>▪ Findings: Dominantly in wetland, wetland 50FT buffer and contains steep slopes. The limited unconstrained portions cannot be accessed without cutting steep slopes</li> <li>▪ Total Units at 6DU/AC: 0</li> <li>▪ LMI Units at 20% Set-Aside: 0</li> </ul> |

**1064 Cambridge Rd**

- Block and Lot(s): 1510, 3
- Approximate Area: 1.782 Acres

| PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS | FINDINGS   |
|---|--|
|   | <ul style="list-style-type: none"> <li>☒ Steep Slopes</li> <li>☒ Route 4 Buffer</li> <li>▪ Constrained Area: 1.782 Acres</li> <li>▪ Findings: Steep slopes on lot that serves as Route 4 buffer – not feasible for site plan functionality</li> <li>▪ Total Units at 6DU/AC: 0</li> <li>▪ LMI Units at 20% Set-Aside: 0</li> </ul> |

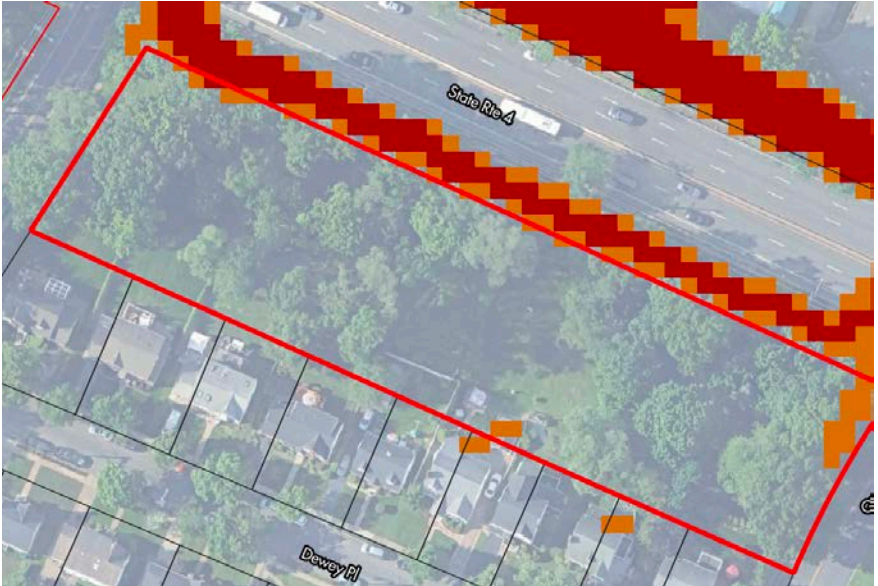
**Route 4 Buffer**

- Block and Lot(s): 4808, 15
- Approximate Area: 1.762 Acres

| PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS | FINDINGS  |
|---|---|
|   | <ul style="list-style-type: none"> <li>☒ Steep Slopes</li> <li>☒ Route 4 Buffer</li> <li>▪ Constrained Area: 1.762Acres</li> <li>▪ Findings: Steep slopes on lot that serves as Route 4 buffer – not feasible for site plan functionality</li> <li>▪ Total Units at 6DU/AC: 0</li> <li>▪ LMI Units at 20% Set-Aside: 0</li> </ul> |


**Route 4 Buffer**

- Block and Lot(s): 2703, 10
- Approximate Area: 1.601 Acres

| PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS  | FINDINGS  |
|--|---|
|  | <ul style="list-style-type: none"> <li>☒ Route 4 Buffer</li> <li>▪ Constrained Area: 1.601 Acres</li> <li>▪ Findings: Serves as Route 4 buffer – not feasible for site plan functionality</li> <li>▪ Total Units at 6DU/AC: 0</li> <li>▪ LMI Units at 20% Set-Aside: 0</li> </ul> |


**661 Roemer Ave**

- Block and Lot(s): 1102, 10
- Approximate Area: 1.281 Acres

| PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS   | FINDINGS  |
|---|---|
|  | <ul style="list-style-type: none"> <li>☒ Steep Slopes</li> <li>☒ Wetlands</li> <li>▪ Constrained Area: 0.611 Acres</li> <li>▪ Findings: Wetlands, slopes and riparian buffer on property where remaining yield is less than 5 units at presumed density</li> <li>▪ Total Units at 6DU/AC: 4</li> <li>▪ LMI Units at 20% Set-Aside: 0</li> </ul> |

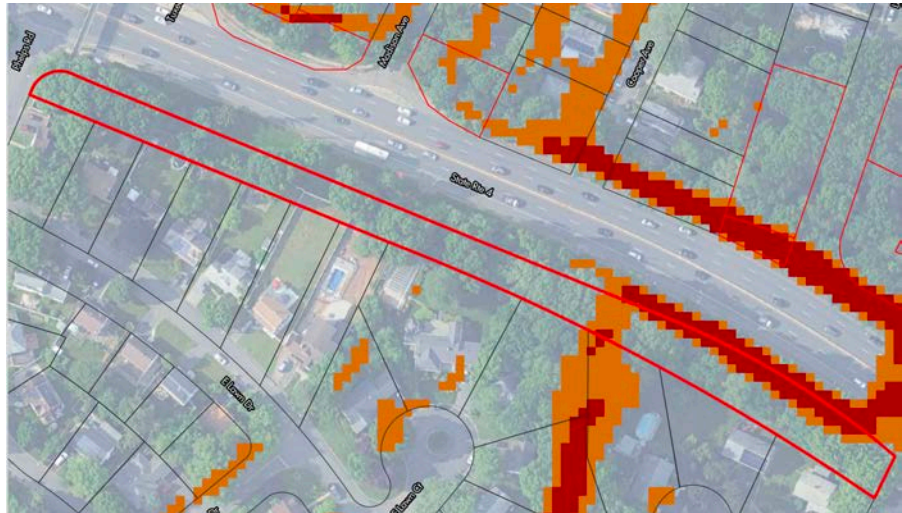
**75 Bedford Ave**

- Block and Lot(s): 5801, 4
- Approximate Area: 1.193 Acres

| PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS  | FINDINGS  |
|--|---|
|  | <ul style="list-style-type: none"> <li>☒ Steep Slopes</li> <li>▪ Constrained Area: 0.08 Acres</li> <li>▪ Findings: Portion on west (rear of residential) containing some steep slopes</li> <li>▪ Total Units at 6DU/AC: 7</li> <li>▪ LMI Units at 20% Set-Aside: 1</li> </ul> |


**Route 4 Buffer**

- Block and Lot(s): 4003, 23
- Approximate Area: 1.149 Acres

| PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS  | FINDINGS   |
|--|--|
|  | <ul style="list-style-type: none"> <li>☒ Steep Slopes</li> <li>☒ Route 4 Buffer</li> <li>▪ Constrained Area: 1.149 Acres</li> <li>▪ Findings: Steep slopes on lot that serves as Route 4 buffer – not feasible for site plan functionality</li> <li>▪ Total Units at 6DU/AC: 0</li> <li>▪ LMI Units at 20% Set-Aside: 0</li> </ul> |

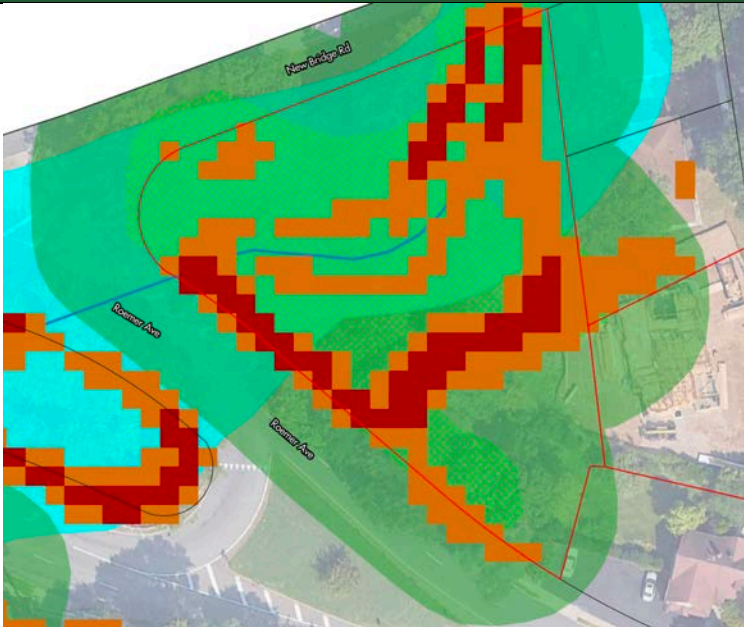
**Farragut Dr**

- Block and Lot(s): 4102, 27
- Approximate Area: 0.99 Acres

| PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS  | FINDINGS  |
|--|---|
|  | <ul style="list-style-type: none"> <li>☒ Flood Hazard</li> <li>☒ Limited Access</li> <li>▪ Constrained Area: 0.99 Acres</li> <li>▪ Findings: Contains some steep slopes. Site also has no access and serves as parcel between single family residential and Route 4</li> <li>▪ Total Units at 6DU/AC: 0</li> <li>▪ LMI Units at 20% Set-Aside: 0</li> </ul> |

**739 Roemer Avenue**

- Block and Lot(s): 1101, 1
- Approximate Area: 0.934 Acres

| PROPERTY MAP WITH ENVIRONMENTAL CONSTRAINTS   | FINDINGS  |
|---|---|
|  | <ul style="list-style-type: none"> <li>☒ Steep Slopes</li> <li>☒ Flood Hazard</li> <li>☒ Wetlands</li> <li>☒ Waterbodies</li> <li>▪ Constrained Area: 0.934 Acres</li> <li>▪ Findings: Completely constrained with slopes, wetlands, flood, stream, riparian.</li> <li>▪ Total Units at 6DU/AC: 0</li> <li>▪ LMI Units at 20% Set-Aside: 0</li> </ul> |

**All Vacant Parcels:**

| Block   | Lot | Tax Class | Address                               | Acres | Constraint   | Unconstrained Acres | 6 DU/AC | 20% LMI Set-aside |
|---------|-----|-----------|---------------------------------------|-------|--|---------------------|---------|-------------------|
|         |     |           | American Legion<br>Redevelopment Plan |       |  |                     |         |                   |
| 201     | 11  | 15C       | 672 POMANDER<br>WALK                  | 8.54  | 100% in flood zone with<br>partial steep slopes  | 0                   | 0       | 0                 |
| 5608    | 10  | 15C       | 210 SHEPARD AVE                       | 6.72  | 1.2 Acres part of Green<br>Acres diversion   | 5.5                 | 33      | 6.6               |
| 6002    | 10  | 15C       | ROUTE 4 BUFFER                        | 4.8   | Flood area and steep<br>slopes on lot that serves as<br>Route 4 buffer – not<br>feasible for site plan   | 0                   | 0       | 0                 |
| 402     | 1   | 1         | 1100 RIVER RD                         | 3.1   | Steep slopes partially<br>covering property  | 2.58                | 15      | 3                 |
| 3502.01 | 8   | 15C       | 18 E SHERWOOD AVE                     | 2.05  | Dominantly in wetland,<br>wetland 50FT buffer and<br>contains steep slopes. The<br>limited unconstrained<br>portions cannot be<br>accessed without cutting<br>steep slopes | 0                   | 0       | 0                 |
| 1510    | 3   | 15C       | 1064 CAMBRIDGE RD                     | 1.78  | Completely within steep<br>slopes and serves as parcel<br>between single family<br>residential and Route 4 –<br>not feasible for site plan                                 | 0                   | 0       | 0                 |
| 4808    | 15  | 15C       | ROUTE 4 BUFFER                        | 1.76  | Steep slopes on lot that<br>serves as Route 4 buffer –<br>not feasible for site plan   | 0                   | 0       | 0                 |
| 2703    | 10  | 15C       | ROUTE 4 BUFFER                        | 1.6   | Lot that serves as Route 4<br>buffer – not feasible for<br>site plan   | 0                   | 0       | 0                 |
| 1102    | 10  | 15C       | 661 ROEMER AVE                        | 1.28  | Wetlands, slopes and<br>riparian buffer on property<br>where remaining yield is<br>less than 5 units at<br>presumed density  | 0.67                | 4       | 0                 |
| 5801    | 4   | 15C       | 75 BEDFORD AVE                        | 1.19  | Portion on west (rear of<br>residential) containing<br>some steep slopes   | 1.11                | 7       | 1                 |
| 4003    | 23  | 15C       | ROUTE 4 BUFFER                        | 1.15  | Steep slopes on lot that<br>serves as Route 4 buffer –<br>not feasible for site plan   | 0                   | 0       | 0                 |
| 4102    | 27  | 15C       | FARRAGUT DR                           | 0.99  | Contains some steep<br>slopes. Site also has no<br>access and serves as parcel   | 0                   | 0       | 0                 |

| Block   | Lot   | Tax Class | Address           | Acres | Constraint  | Unconstrained Acres | 6 DU/AC | 20% LMI Set-aside |
|---------|-------|-----------|-------------------|-------|---|---------------------|---------|-------------------|
|         |       |           |                   |       | between single family residential and Route 4                         |                     |         |                   |
| 1101    | 1     | 15C       | 739 ROEMER AVE    | 0.93  | Completely constrained with slopes, wetlands, flood, stream, riparian | 0                   | 0       | 0                 |
| 5107    | 18    | 15C       | 56 TRYON AVE WEST | 0.83  |   |                     |         |                   |
| 5707    | 2     | 15C       | ENGLEWOOD AVE     | 0.8   | Under 0.83 Acres (Presumptive Density)                                | 0                   | 0       | 0                 |
| 5004    | 4.01  | 1         | 100 STATE ST      | 0.77  | Under 0.83 Acres (Presumptive Density)                                | 0                   | 0       | 0                 |
| 5911    | 1     | 15C       | 1140 LORAINA AVE  | 0.77  | Under 0.83 Acres (Presumptive Density)                                | 0                   | 0       | 0                 |
| 5507    | 6     | 15C       | 1603 ARDSLEY CT   | 0.76  | Under 0.83 Acres (Presumptive Density)                                | 0                   | 0       | 0                 |
| 2801    | 2     | 15C       | 101 CRANFORD PL   | 0.7   | Under 0.83 Acres (Presumptive Density)                                | 0                   | 0       | 0                 |
| 6001    | 7     | 15C       | ROUTE 4 BUFFER    | 0.67  | Under 0.83 Acres (Presumptive Density)                                | 0                   | 0       | 0                 |
| 5706    | 6     | 1         | ENGLEWOOD AVE     | 0.66  | Under 0.83 Acres (Presumptive Density)                                | 0                   | 0       | 0                 |
| 1806    | 11    | 1         | 450 WINTHROP RD   | 0.65  | Under 0.83 Acres (Presumptive Density)                                | 0                   | 0       | 0                 |
| 502     | 18    | 15C       | ROUTE 4 BUFFER    | 0.61  | Under 0.83 Acres (Presumptive Density)                                | 0                   | 0       | 0                 |
| 1107    | 1     | 15C       | 440 NEW BRIDGE RD | 0.58  | Under 0.83 Acres (Presumptive Density)                                | 0                   | 0       | 0                 |
| 5706    | 9     | 15C       | 1423 ASPEN TERR   | 0.49  | Under 0.83 Acres (Presumptive Density)                                | 0                   | 0       | 0                 |
| 1510    | 1     | 15C       | PEMBROKE ST       | 0.47  | Under 0.83 Acres (Presumptive Density)                                | 0                   | 0       | 0                 |
| 5103    | 7     | 15C       | 1665 STEPHENS PL  | 0.47  | Under 0.83 Acres (Presumptive Density)                                | 0                   | 0       | 0                 |
| 2702    | 11    | 15C       | ROUTE 4 BUFFER    | 0.46  | Under 0.83 Acres (Presumptive Density)                                | 0                   | 0       | 0                 |
| 5302    | 29    | 15C       | 207 LIBERTY RD    | 0.46  | Under 0.83 Acres (Presumptive Density)                                | 0                   | 0       | 0                 |
| 4402    | 13    | 1         | 299 E OAKDENE AVE | 0.45  | Under 0.83 Acres (Presumptive Density)                                | 0                   | 0       | 0                 |
| 5002    | 23    | 15C       | 89 STATE ST       | 0.4   | Under 0.83 Acres (Presumptive Density)                                | 0                   | 0       | 0                 |
| 4303    | 1     | 15C       | 314 HOME ST       | 0.4   | Under 0.83 Acres (Presumptive Density)                                | 0                   | 0       | 0                 |
| 5707    | 10    | 15C       | 1423 SPRUCE ST    | 0.38  | Under 0.83 Acres (Presumptive Density)                                | 0                   | 0       | 0                 |
| 5604.01 | 23.02 | 1         | MANHATTAN AVE     | 0.37  | Under 0.83 Acres (Presumptive Density)                                | 0                   | 0       | 0                 |

| Block   | Lot   | Tax Class | Address           | Acres | Constraint                             | Unconstrained Acres | 6 DU/AC | 20% LMI Set-aside |
|---------|-------|-----------|-------------------|-------|--|---------------------|---------|-------------------|
| 3605    | 7     | 1         | 370 GLENWOOD AVE  | 0.36  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5925    | 7     | 15C       | 1096 LORAINA AVE  | 0.36  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5927    | 1     | 15C       | 1101 LORAINA AVE  | 0.35  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 504.04  | 18    | 15C       | IN HACK RIVER     | 0.34  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 6001    | 1     | 15C       | 266 TIETJEN AVE   | 0.34  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 201     | 2     | 1         | 836 CEDAR LANE    | 0.33  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5927    | 5     | 15C       | ROUTE 4 BUFFER    | 0.32  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 6001    | 3     | 15C       | 286 TIETJEN AVE   | 0.3   | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5106    | 16    | 1         | 44 GALWAY PL      | 0.28  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 3705    | 5.01  | 1         | 497 TEANECK RD    | 0.27  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 302     | 4     | 15C       | 827 CEDAR LANE    | 0.27  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5604.01 | 23.01 | 1         | MANHATTAN AVE     | 0.26  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5714    | 8     | 1         | 1276 LORAINA AVE  | 0.26  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 4401    | 11    | 1         | 314 HARDING AVE   | 0.26  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 1801    | 11.01 | 1         | 533 CHURCHILL RD  | 0.26  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 1101    | 4     | 1         | 1772 LILBET RD    | 0.25  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 3705    | 5.03  | 1         | 489 TEANECK RD    | 0.24  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 4812    | 15    | 15C       | 1056 MARGARET ST  | 0.24  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5003    | 16    | 1         | 1387 HILL ST      | 0.24  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5106    | 11    | 1         | 77 TRYON AVE WEST | 0.23  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 3604    | 15    | 15C       | 492 GLENWOOD AVE  | 0.23  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 2011    | 4     | 1         | 320 OGDEN AVE     | 0.23  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5002    | 1     | 15C       | 108 AMSTERDAM AVE | 0.23  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |

| Block   | Lot | Tax Class | Address            | Acres | Constraint                             | Unconstrained Acres | 6 DU/AC | 20% LMI Set-aside |
|---------|-----|-----------|--------------------|-------|--|---------------------|---------|-------------------|
| 2003    | 23  | 1         | 321 WARWICK AVE    | 0.22  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5714    | 7   | 1         | 1288 LORAINA AVE   | 0.22  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 3502.01 | 6   | 1         | 365 FORT LEE RD    | 0.21  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 801     | 44  | 1         | 571 CUMBERLAND AVE | 0.21  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5612    | 11  | 1         | 1466 ENDICOTT TERR | 0.21  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 3003    | 12  | 1         | 717 NORMA CT       | 0.21  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 2205    | 9   | 15C       | 1192 WINDSOR RD    | 0.2   | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 2003    | 16  | 1         | 279 WARWICK AVE    | 0.2   | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 4002    | 11  | 15C       | ROUTE 4 BUFFER     | 0.2   | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 1507    | 1   | 15C       | ROUTE 4 BUFFER     | 0.2   | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 3003    | 2   | 1         | 106 CHADWICK RD    | 0.2   | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 1102    | 14  | 1         | 578 NEW BRIDGE RD  | 0.2   | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5923    | 9   | 15C       | ROUTE 4 BUFFER     | 0.19  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 3609    | 1   | 15C       | FORT LEE RD        | 0.19  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5604.01 | 18  | 15C       | 231 WASHINGTON PL  | 0.18  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 6001    | 8   | 15C       | 1091 WEBSTER AVE   | 0.18  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 3003    | 3   | 1         | 100 CHADWICK RD    | 0.18  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 1808    | 20  | 1         | 569 MAITLAND AVE   | 0.18  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 1808    | 21  | 1         | 563 MAITLAND AVE   | 0.18  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 2102    | 24  | 1         | 1279 PENNINGTON RD | 0.18  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5602    | 1   | 15C       | 116 TRYON AVE      | 0.18  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5604.01 | 7   | 1         | 1576 SUMNER AVE    | 0.17  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5924    | 11  | 15C       | ROUTE 4 BUFFER     | 0.17  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |

| Block   | Lot   | Tax Class | Address                | Acres | Constraint                             | Unconstrained Acres | 6 DU/AC | 20% LMI Set-aside |
|---------|-------|-----------|------------------------|-------|--|---------------------|---------|-------------------|
| 2010    | 15    | 1         | 271 OGDEN AVE          | 0.17  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 2105    | 17    | 1         | 1363 TAFT RD           | 0.17  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 1502    | 1     | 15C       | ROUTE 4 BUFFER         | 0.16  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 2007    | 5     | 1         | 312 MAITLAND AVE       | 0.16  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5706    | 7     | 1         | 542 ENGLEWOOD AVE      | 0.15  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 3103    | 17.01 | 1         | 16 JOHNSON AVE         | 0.15  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 4402    | 14    | 1         | 289 E OAKDENE AVE      | 0.15  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 706     | 9     | 15C       | 380 CEDAR LANE         | 0.14  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 2105    | 18    | 15C       | 1357 TAFT RD (REAR)    | 0.14  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 4001    | 8     | 15C       | ROUTE 4 BUFFER         | 0.14  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 3604    | 11    | 1         | 255 E OAKDENE AVE      | 0.14  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 1503    | 1     | 15C       | ROUTE 4 BUFFER         | 0.14  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5207    | 14    | 1         | 43 SACKVILLE ST        | 0.14  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 3003    | 14    | 1         | 88 CHADWICK RD         | 0.14  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5608    | 16    | 1         | 527 ENGLEWOOD AVE      | 0.14  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 4402    | 16    | 1         | 285 E OAKDENE AVE      | 0.14  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 1108    | 8     | 1         | 640 THAMES BLVD (REAR) | 0.13  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5604.01 | 10    | 1         | 191 WASHINGTON PL      | 0.13  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5918    | 3     | 15C       | 36 PROSPECT TERR SO    | 0.13  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5508    | 7     | 15C       | 201 HARGREAVES AVE     | 0.12  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5925    | 2     | 15C       | 1124 LORAIN AVE        | 0.12  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 4402    | 1     | 1         | 411 GLENWOOD AVE       | 0.12  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5801    | 15    | 15C       | GENESEE AVE            | 0.12  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |

| Block | Lot  | Tax Class | Address               | Acres | Constraint                             | Unconstrained Acres | 6 DU/AC | 20% LMI Set-aside |
|-------|------|-----------|-----------------------|-------|--|---------------------|---------|-------------------|
| 1618  | 1    | 1         | 668 NORTHUMBERLAND RD | 0.12  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 504   | 9    | 15C       | ROUTE 4 BUFFER        | 0.11  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5902  | 9    | 15C       | 66 E FOREST AVE       | 0.11  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5910  | 5    | 1         | 249 COOLIDGE AVE      | 0.11  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 4011  | 4.02 | 1         | 71 CANTERBURY CT      | 0.1   | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5602  | 10   | 1         | 190 TRYON AVE         | 0.1   | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 4811  | 12   | 15C       | ROUTE 4 BUFFER        | 0.1   | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5927  | 4    | 15C       | 1111 WEBSTER AVE      | 0.1   | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5502  | 4    | 15C       | 151 INTERVALE RD      | 0.1   | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5905  | 2    | 15C       | 150 E FOREST AVE      | 0.1   | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5916  | 2    | 1         | 1161 ARLINGTON AVE    | 0.09  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5402  | 23   | 15C       | 152 IRVINGTON RD      | 0.09  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5413  | 18   | 15C       | 93 VAN BUSKIRK RD     | 0.09  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 503   | 10   | 15C       | ROUTE 4 BUFFER        | 0.09  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 2301  | 2    | 1         | 332 GROVE ST          | 0.09  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 604   | 5    | 15C       | 668 TILDEN AVE        | 0.09  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5413  | 20   | 1         | 97 VAN BUSKIRK RD     | 0.09  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 3306  | 15   | 1         | 206 HENRY ST          | 0.09  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5713  | 39   | 15C       | ARLINGTON AV          | 0.08  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5608  | 25   | 15C       | 1478 SYLVAN TERR      | 0.08  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 510   | 2    | 15C       | 681 MARTENSE AVE      | 0.08  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5608  | 15   | 1         | 527A ENGLEWOOD AVE    | 0.08  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |

| Block | Lot | Tax Class | Address                  | Acres | Constraint                             | Unconstrained Acres | 6 DU/AC | 20% LMI Set-aside |
|-------|-----|-----------|--------------------------|-------|--|---------------------|---------|-------------------|
| 3306  | 16  | 1         | 203 QUEEN ANNE RD (REAR) | 0.08  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 3306  | 18  | 1         | 193 QUEEN ANNE RD (REAR) | 0.08  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 3306  | 19  | 1         | 187 QUEEN ANNE RD (REAR) | 0.08  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5921  | 11  | 15C       | ROUTE 4 BUFFER           | 0.08  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5809  | 2   | 15C       | 1233 OVERLOOK AVE        | 0.07  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5802  | 3   | 15C       | 1279 LORAIN AVE          | 0.07  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 1501  | 7   | 15C       | ROUTE 4 BUFFER           | 0.07  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5608  | 14  | 1         | 527B ENGLEWOOD AVE       | 0.06  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5816  | 2   | 15C       | GENESEE AVE              | 0.06  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5505  | 1   | 1         | 115 FAIRFIELD ST         | 0.06  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 3301  | 26  | 1         | 211 HENRY ST             | 0.06  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5925  | 8   | 15C       | ROUTE 4 BUFFER           | 0.06  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 1501  | 1   | 15C       | ROUTE 4 BUFFER           | 0.06  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 1108  | 9   | 1         | 630 THAMES BLVD (REAR)   | 0.05  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 1907  | 11  | 1         | 416 BRIARCLIFFE RD       | 0.05  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5909  | 9   | 15C       | 254 E.FOREST AVE         | 0.05  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5608  | 13  | 1         | 527 ENGLEWOOD AVE (REAR) | 0.04  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 502   | 19  | 15C       | ROUTE 4 BUFFER           | 0.04  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 2603  | 23  | 1         | FRANCES ST               | 0.04  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 1107  | 5   | 15C       | 416 NEW BRIDGE RD        | 0.04  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 105   | 21  | 1         | 440 KIPP ST              | 0.03  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5105  | 10  | 15C       | GALWAY PL                | 0.03  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 4303  | 19  | 15C       | HOME STREET              | 0.03  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |

| Block | Lot   | Tax Class | Address                  | Acres | Constraint                             | Unconstrained Acres | 6 DU/AC | 20% LMI Set-aside |
|-------|-------|-----------|--------------------------|-------|--|---------------------|---------|-------------------|
| 1610  | 13    | 15C       | 1196 THE STRAND (REAR)   | 0.03  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5921  | 12    | 15C       | ROUTE 4 BUFFER           | 0.03  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5922  | 9     | 15C       | ROUTE 4 BUFFER           | 0.02  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 605   | 6     | 15C       | 668 MAPLE AVE            | 0.02  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5109  | 3     | 1         | PALISADE AVE             | 0.02  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 6002  | 11    | 15C       | ROUTE 4 BUFFER           | 0.02  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 2107  | 5     | 15C       | 1220 EMERSON AVE         | 0.01  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 5713  | 18.02 | 1         | FRANKLIN RD              | 0.01  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 2306  | 15    | 15C       | 370 QUEEN ANNE RD (REAR) | 0.01  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 3114  | 68.01 | 15C       | 127 OAKDENE AVE          | 0.01  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |
| 3301  | 1     | 1         | 129 FORT LEE RD          | 0.01  | Under 0.83 Acres (Presumptive Density) | 0                   | 0       | 0                 |

**Appendix D to E - Affordable Housing, Developer Fee, Affirmative Marketing, and Administrative Agent Omnibus Ordinance**

**Ordinance No. 15-2026, adopted March 16, 2026**



**Township Council**

c/o Township Clerk  
Teaneck, NJ 07666

Meeting: 03/16/26 07:00 PM

Department: Township Clerk

Category: Amend

DOC ID: 9533

**ORDINANCE (ID # 9533)**

**Ordinance No. 15-2026 AMENDING CHAPTER 33 (DEVELOPMENT REGULATIONS) OF THE TOWNSHIP OF TEANECK TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) AND TO COMPLY WITH THE TOWN'S ROUND FOUR AFFORDABLE HOUSING OBLIGATIONS BE IT RESOLVED by the Township Council of the Township of Teaneck that Ordinance #15-2026 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law and to provide the appropriate notices in accordance with law.**

AMENDING CHAPTER 33 (DEVELOPMENT REGULATIONS) OF THE TOWNSHIP OF TEANECK TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) AND TO COMPLY WITH THE TOWN'S ROUND FOUR AFFORDABLE HOUSING OBLIGATIONS

BE IT RESOLVED by the Township Council of the Township of Teaneck that Ordinance #15-2026 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law and to provide the appropriate notices in accordance with law.

**HISTORY:**

02/24/26          Township Council          INTRODUCED

|                  |  |
|------------------|--|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                           |
| <b>MOVER:</b>    | Mark J. Schwartz, Councilman                         |
| <b>SECONDER:</b> | Karen Orgen, Councilwoman                            |
| <b>AYES:</b>     | Katz, Schwartz, Orgen, Pagan, Belcher, Gee, Goldberg |

TOWNSHIP OF TEANECK  
BERGEN COUNTY, NJ

**ORDINANCE NO. 15-2026 AMENDING CHAPTER 33 (DEVELOPMENT REGULATIONS) OF THE TOWNSHIP OF TEANECK TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) AND TO COMPLY WITH THE TOWN'S ROUND FOUR AFFORDABLE HOUSING OBLIGATIONS BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TEANECK THAT ORDINANCE #15-2026 PASS UPON SECOND AND FINAL READING AND THAT THE TOWNSHIP CLERK IS HEREBY AUTHORIZED AND DIRECTED TO ADVERTISE THE SAME ACCORDING TO LAW AND TO PROVIDE THE APPROPRIATE NOTICES IN ACCORDANCE WITH LAW.**

ATTEST:

\_\_\_\_\_  
Doug Ruccione  
Township Clerk

\_\_\_\_\_  
Mark J. Schwartz,  
Mayor

**TOWNSHIP OF TEANECK**

**ORDINANCE O -**

**AN ORDINANCE AMENDING CHAPTER 33 (DEVELOPMENT REGULATIONS) OF THE TOWNSHIP OF TEANECK TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC) AND TO COMPLY WITH THE TOWN'S ROUND FOUR AFFORDABLE HOUSING OBLIGATIONS**

**WHEREAS**, the Municipal Land Use Law (“MLUL”), N.J.S.A. 40:55D-1 et seq., authorizes municipalities to adopt and amend zoning ordinances to promote the public health, safety, morals, and general welfare; and

**WHEREAS**, pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., and the MLUL, the Teaneck Township Planning Board adopted a Housing Element and Fair Share Plan (“HEFSP”) on June 16, 2025, to address the Township’s Fourth Round constitutional obligation to provide a realistic opportunity for the development of housing affordable to low- and moderate-income families and individuals; and

**WHEREAS**, Fair Share Housing Center (“FSHC”) filed a challenge pursuant to a N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the 4th Round HEFSP on August 29, 2025; and

**WHEREAS**, the Township and FSHC have agreed to amicably resolve the issues set forth in FSHC’s challenge through a settlement agreement pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) and Administrative Directive #14-24; and

**WHEREAS**, this Ordinance is adopted in furtherance of, and in direct response to, the settlement agreement to amend Affordable Housing Ordinance of the Development Regulations to comply with the Uniform Housing Affordability Controls (as amended), and other applicable affordable housing standards;”

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Teaneck, in the County of Bergen and the State of New Jersey, as follows, this Ordinance will repeal [Chapter 33, Article VI \(Affordable Housing\)](#) in its entirety and be replaced with the State Model Affordable Housing Ordinance (See **Appendix A**).

**Repealer**

All ordinances or code provisions or parts thereof inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**Severability**

If any section, subsection, paragraph, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

**Effective Date**

This ordinance shall take effect upon its passage and publication, as required by law.

APPENDIX A

[State Model Ordinance Draft: February 12, 2026]

## MODEL AFFORDABLE HOUSING ORDINANCE

### A. Introduction & Applicability

1. This section of the Code sets forth regulations regarding the very low-, low- and moderate-income housing units in Teaneck Township consistent with the provisions outlined in P.L. 2024, Chapter 2, including the amended Fair Housing Act (“FHA”) at N.J.S.A. 52:27D-301 et seq., as well as the Department of Community Affairs, Division of Local Planning Services (“LPS”) at N.J.A.C. 5:99 et seq., statutorily upheld existing regulations of the now-defunct Council on Affordable Housing (“COAH”) at N.J.A.C. 5:93 and 5:97, the Uniform Housing Affordability Controls (“UHAC”) at N.J.A.C. 5:80-26.1 et seq., and as reflected in the adopted municipal Fourth Round Housing Element and Fair Share Plan (“HEFSP”).
2. This Ordinance is intended to ensure that very-low-, low- and moderate-income units (“affordable units”) are created with controls on affordability over time and that very-low-, low- and moderate-income households shall occupy these units pursuant to statutory requirements. This Ordinance shall apply to all inclusionary developments, individual affordable units, and 100 percent affordable housing developments except where inconsistent with applicable law. Low-Income Housing Tax Credit financed developments shall adhere to affirmative marketing and random selection procedures set forth in UHAC.
3. The Teaneck Township Planning Board has adopted a HEFSP pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan describes the ways the municipality shall address its fair share of very-low-, low- and moderate-income housing as approved by the Superior Court and documented in the Housing Element.
4. This Ordinance implements and incorporates the relevant provisions of the HEFSP and addresses the requirements of P.L. 2024, Chapter 2, the FHA, N.J.A.C. 5:99, NJ Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and UHAC at N.J.A.C. 5:80-26.1, as may be amended and supplemented.
5. Applicability
  - a. The provisions of this Ordinance shall apply to all affordable housing developments and affordable housing units that are proposed to be created pursuant to the municipality’s most recently adopted HEFSP.
  - b. This Ordinance shall apply to all developments that contain very-low-, low- and moderate-income housing units included in the Municipal HEFSP, including any unanticipated future developments that will provide very-low-, low- and moderate-income housing units.
  - c. Projects receiving federal Low Income Housing Tax Credit financing and proposed for credit in the municipality’s most recently adopted HEFSP shall comply with the affirmative fair marketing requirements of UHAC at N.J.A.C. 5:80-26.16 and the length of the affordability controls applicable to such projects shall be not less than a 30-year compliance period plus a 15-year extended-use period, for a total of not less than 45 years.

### B. Definitions

As used herein the following terms shall have the following meanings:

“Accessory apartments” means a residential dwelling unit that provides complete independent living facilities with a private entrance for one or more persons, consisting of provisions for living, sleeping, eating, sanitation, and cooking, including a stove and refrigerator, and is located within a proposed preexisting primary dwelling, within an existing or proposed structure that is an accessory to a dwelling on the same lot, constructed in whole or part as an extension to a proposed or existing primary dwelling, or constructed as a separate detached structure on the same lot as the existing or proposed primary dwelling. Accessory apartments are also referred to as “accessory dwelling units”.

“Act” means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

“Adaptable” means constructed in compliance with the technical design standards of the barrier free subcode adopted by the Commissioner of Community Affairs pursuant to the “State Uniform Construction Code Act,” P.L.1975, c. 217 (C.52:27D-119 et seq.) and in accordance with the provisions of section 5 of P.L.2005, c. 350 (C.52:27D-123.15).

“Administrative agent” means the entity approved by the Division responsible for the administration of affordable units, in accordance with N.J.A.C. 5:99-7, and UHAC at N.J.A.C. 5:80-26.15.

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.16.

“Affirmative Marketing Plan” means the municipally adopted plan of strategies from which the administrative agent will choose to implement as part of the Affirmative Marketing requirements.

“Affirmative Marketing Process” or “Program” means the actual undertaking of Affirmative Marketing activities in furtherance of each project with very low-, low-, and moderate-income units.

“Affordability assistance” means the use of funds to render housing units more affordable to low- and moderate-income households and includes, but is not limited to, down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowner’s association or condominium fees and special assessments, common maintenance expenses, and assistance with emergency repairs and rehabilitation to bring deed-restricted units up to code, pursuant to N.J.A.C. 5:99-2.5.

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

“Affordable” means, in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.7 and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth at N.J.A.C. 5:80-26.13.

“Affordable housing development” means a development included in a municipality’s housing element and fair share plan, and includes, but is not limited to, an inclusionary development, a municipally sponsored affordable housing project, or a 100 percent affordable development. This includes developments with affordable units on-site, off-site, or provided as a payment in-lieu of construction only if such a payment-in-lieu option has been previously approved by

the Program or Superior Court as part of the HEFSP. Payments in lieu of construction were invalidated per P.L. 2024, c.2.

“Affordable Housing Dispute Resolution Program” or “the Program” refers to the dispute resolution program established pursuant to N.J.S.A. 52:27D-313.2.

“Affordable Housing Monitoring System” or “AHMS” means the Department’s cloud-based software application, which shall be the central repository for municipalities to use for reporting detailed information regarding affordable housing developments, affordable housing unit completions, and the collection and expenditures of funds deposited into the municipal affordable housing trust fund.

“Affordable Housing Trust Fund” or “AHTF” means that non-lapsing, revolving trust fund established in DCA pursuant to N.J.S.A. 52:27D-320 and N.J.A.C. 5:43 to be the repository of all State funds appropriated for affordable housing purposes. All references to the “Neighborhood Preservation Nonlapsing Revolving Fund” and “Balanced Housing” mean the AHTF.

“Affordable unit” means a housing unit proposed or developed pursuant to the Act, including units created with municipal affordable housing trust funds.

“Age-restricted housing” means a housing unit that is designed to meet the needs of, and is exclusively for, 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; 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 HUD as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

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

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

“Barrier-free escrow” means the holding of funds collected to adapt affordable unit entrances to be accessible in accordance with N.J.S.A. 52:27D-311a et seq. Such funds shall be held in a municipal affordable housing trust fund pursuant to N.J.A.C. 5:99-2.6.

“Builder’s remedy” means court-imposed site-specific relief for a litigant who seeks to build affordable housing for which the court requires a municipality to utilize zoning techniques, such as mandatory set-asides or density bonuses, including techniques which provide for the economic viability of a residential development by including housing that is not for low- and moderate-income households.

“Certified household” means a household that has been certified by an administrative agent as a very-low-income household, a low-income household, or a moderate-income household.

“CHOICE” means the no-longer-active Choices in Homeownership Incentives for Everyone Program, as it was authorized by the Agency.

“COAH” or the “Council” means the Council on Affordable Housing established in, but not of, DCA pursuant to the Act and that was abolished effective March 20, 2024, pursuant to section 3 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-304.1).

“Commissioner” means the Commissioner of the Department of Community Affairs.

“Compliance certification” means the certification obtained by a municipality pursuant to section 3 of P.L.2024, c. 2 (C.52:27D-304.1), that protects the municipality from exclusionary zoning litigation during the current round of present and prospective need and through July 1 of the year the next round begins, which is also known as a “judgment of compliance” or “judgment of repose.” The term “compliance certification” shall include a judgment of repose granted in an action filed pursuant to section 13 of P.L.1985, c. 222 (C.52:27D-313).

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

“County-level housing judge” means a judge appointed pursuant to section 5 at P.L. 2024, c. 2, to resolve disputes over the compliance of municipal fair share affordable housing obligations and municipal Fair Share plans and housing elements with the Act.

“DCA” and “Department” mean 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.

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

“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.

“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 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 the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

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

“Dispute Resolution Program” means the Affordable Housing Dispute Resolution Program, established pursuant to section 5 at P.L. 2024, c. 2 (N.J.S.A. 52:27D-313.2).

“Division” means the Division of Local Planning Services within the Department of Community Affairs.

“Emergent opportunity” means a circumstance that has arisen whereby affordable housing will be able to be produced through a delivery mechanism not originally contemplated by or included in a fair share plan that has been the subject of a compliance certification.

“Equalized assessed value” or “EAV” 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 at P.L. 1973, c. 123 (N.J.S.A. 54:1-35a, 54:1-35b, and 54:1-35c). Estimates at the time of building permit may be obtained by the tax assessor using construction cost estimates. Final EAV shall be determined at project completion by the municipal assessor.

“Equity share amount” means the product of the price differential and the equity share, with the equity share being the whole number of years that have elapsed since the last non-exempt sale of a restricted ownership unit, divided by 100, except that the equity share may not be less than five percent and may not exceed 30 percent.

“Exit sale” means the first authorized non-exempt sale of a restricted unit following the end of the control period, which sale terminates the affordability controls on the unit.

“Exclusionary zoning litigation” means litigation challenging the fair share plan, housing element, ordinances, or resolutions that implement the fair share plan or housing element of a municipality based on alleged noncompliance with the Act or the Mount Laurel doctrine, which litigation shall include, but shall not be limited to, litigation seeking a builder’s remedy.

“Extension of expiring controls” means extending the deed restriction period on units where the controls will expire in the current round of a housing obligation, so that the total years of a deed restriction is at least 60 years.

“Fair share obligation” means the total of the present need and prospective need, including prior rounds, as determined by the Affordable Housing Dispute Resolution Program, or a court of competent jurisdiction.

“Fair share plan” means the plan or proposal, with accompanying ordinances and resolutions, by which a municipality proposes to satisfy its constitutional obligation to create a realistic opportunity to meet its fair share of low- and moderate-income housing needs of its region and which details the affirmative measures the municipality proposes to undertake to achieve its fair share of low- and moderate-income housing, as provided in the municipal housing element, and which addresses the development regulations necessary to implement the housing element, including, but not limited to, inclusionary requirements and development fees, and the elimination of unnecessary housing cost-generating features from the municipal land use ordinances and regulations.

“FHA” means the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

“Green Building Strategies” means the 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.

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

“Household income” means a household’s gross annual income calculated in a manner consistent with the determination of annual income pursuant to section 8 of the United States Housing Act of 1937 (Section 8), not in accordance with the determination of gross income for Federal income tax liability.

“Housing element” means the portion of a municipality’s master plan adopted in accordance with the Municipal Land Use Law (MLUL) at N.J.S.A. 40:55D-28.b(3) and the Act consisting of reports, statements proposals, maps, diagrams, and text designed to meet the municipality’s fair share of its region’s present and prospective housing needs, particularly with regard to low- and moderate-income housing, which shall include the municipal present and prospective obligation for affordable housing, determined pursuant to subsection f. at N.J.S.A. 52:27D-304.1.

“Housing region” means a geographic area established pursuant to N.J.S.A. 52:27D-304.2b.

“Inclusionary development” means a residential housing development in which a substantial percentage of the housing units are provided for a reasonable income range of low- and moderate- income households.

“Judgment of compliance” or “judgment for repose” means a determination issued by the Superior Court approving a municipality’s fair share plan to satisfy its affordable housing obligation for a particular 10-year round.

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

“Mixed use development” means any development that includes both a non-residential development component and a residential development component, and shall include developments for which: (1) there is a common developer for both the residential development component and the non-residential development component, provided that for purposes of this definition, multiple persons and entities maybe considered a common developer if there is a contractual relationship among them obligating each entity to develop at least a portion of the residential or non-residential development, or both, or otherwise to contribute resources to the development; and (2) the residential and non-residential developments are located on the same lot or adjoining lots, including, but not limited to, lots separated by a street, a river, or another geographical feature.

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

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

“MONI” means the no-longer-active Market Oriented Neighborhood Investment Program, as it was authorized by the Agency.

“Municipal housing liaison” or “MHL” means an appointed municipal employee who is, pursuant to N.J.A.C. 5:99-6, responsible for oversight and/or administration of the affordable units created within the municipality.

“Municipal affordable housing trust fund” means a separate, interest-bearing account held by a municipality for the deposit of development fees, payments in lieu of constructing affordable units on sites zoned for affordable housing previously approved prior to March 20, 2024 (per P.L. 2024, c.2), barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs, which shall be used to address municipal low- and moderate-income housing obligations within the time frames established by the Legislature and this chapter.

“Municipal development fee ordinance” means an ordinance adopted by the governing body of a municipality that authorizes the collection of development fees.

“New construction” means the creation of a new housing unit under regulation by a code enforcement official regardless of the means by which the unit is created. Newly constructed units are evidenced by the issuance of a certificate of occupancy and may include new residences created through additions and alterations, adaptive reuse, subdivision, or conversion of existing space, and moving a structure from one location to another.

“New Jersey Affordable Housing Trust Fund” means an account established pursuant to N.J.S.A. 52:27D-320.

“New Jersey Housing Resource Center” or “Housing Resource Center” means the online affordable housing listing portal, or its successor, overseen by the Agency pursuant to N.J.S.A. 52:27D-321.3 et seq.

“95/5 restriction” means a deed restriction governing a restricted ownership unit that is part of a housing element that received substantive certification from COAH pursuant to N.J.A.C. 5:93, as it was in effect at the time of the receipt of substantive certification, before October 1, 2001, or any other deed restriction governing a restricted ownership unit with a seller repayment option requiring 95 percent of the price differential to be paid to the municipality or an instrument of the municipality at the closing of a sale at market price.

“Non-exempt sale” means any sale or transfer of ownership of a restricted unit to one’s self or to another individual other than the transfer of ownership between spouses or civil union partners; the transfer of ownership between former spouses or civil union partners 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.

“Nonprofit” means an organization granted nonprofit status in accordance with section 501(c)(3) of the Internal Revenue Code.

“Non-residential development” means:

Any building or structure, or portion thereof, including, but not limited to, any appurtenant improvements, which is designated to a use group other than a residential use group

according to the State Uniform Construction Code, N.J.A.C. 5:23, promulgated to effectuate the State uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., including any subsequent amendments or revisions thereto;

Hotels, motels, vacation timeshares, and child-care facilities; and

The entirety of all continuing care facilities within a continuing care retirement community which is subject to the Continuing Care Retirement Community Regulation and Financial Disclosure Act, N.J.S.A.52:27D-330 et seq.

“Non-residential development fee” means the fee authorized to be imposed pursuant to N.J.S.A. 40:55D-8.1 through 40:55D-8.7.

“Order for repose” means the protection a municipality has from a builder’s remedy lawsuit for a period of time from the entry of a judgment of compliance by the Superior Court. A judgment of compliance often results in an order for repose.

“Payment in lieu of constructing affordable units” means the prior approval of the payment of funds to the municipality by a developer when affordable units were not produced on a site zoned for an inclusionary development. The statutory permission for payments in lieu of constructing affordable units was eliminated per P.L. 2024, c.2.

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

“Qualified Urban Aid Municipality” means a municipality that meets the criteria established pursuant to N.J.S.A. 52:27D-304.3.c(1).

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

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

“Prior round unit” means a housing unit that addresses a municipality’s fair share obligation from a round prior to the fourth round of affordable housing obligations, including any unit that: (1) received substantive certification from COAH; (2) is part of a third-round settlement agreement or judgment of compliance approved by a court of competent jurisdiction, inclusive of units created pursuant to a zoning designation adopted as part of the settlement agreement or judgment of compliance to create a realistic opportunity for development; (3) is subject to a

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

“Random selection process” means a lottery process by which currently income-eligible applicant-households are selected, at random, for placement in affordable housing units such that no preference is given to one applicant over another, except in the case of a veterans' preference where such an agreement exists; for purposes of matching household income and size with an appropriately priced and sized affordable unit; or another purpose allowed pursuant to N.J.A.C. 5:80-26.7(k)3. This definition excludes any practices that would allow affordable housing units to be leased or sold on a first-come, first-served basis.

“RCA administrator” means an appointed municipal employee who is responsible for oversight and/or administration of affordable units and associated revenues and expenditures within the municipality that were funded through regional contribution agreements.

“RCA project plan” means a past application, submitted by a receiving municipality in an RCA, delineating the manner in which the receiving municipality intended to create or rehabilitate low- and moderate-income housing.

“Receiving municipality” means, for the purposes of an RCA, a municipality that contractually agreed to assume a portion of another municipality's fair share obligation.

“Reconstruction” means any project where the extent and nature of the work is such that the work area cannot be occupied while the work is in progress and where a new certificate of occupancy is required before the work area can be reoccupied, pursuant to the Rehabilitation Subcode of the uniform Construction Code, N.J.A.C. 5:23-6. Reconstruction shall not include projects comprised only of floor finish replacement, painting or wallpapering, or the replacement of equipment or furnishings. Asbestos hazard abatement and lead hazard abatement projects shall not be classified as reconstruction solely because occupancy of the work area is not permitted.

“Recreational facilities and community centers” means any indoor or outdoor buildings, spaces, structures, or improvements intended for active or passive recreation, including, but not limited to, ballfields, meeting halls, and classrooms, accommodating either organized or informal activity.

“Regional contribution agreement” or “RCA” means a contractual agreement, pursuant to the Act, into which two municipalities voluntarily entered into and was approved by COAH and/or Superior Court prior to July 18, 2008, to transfer a portion of a municipality's affordable housing obligation to another municipality within its housing region.

“Regional median income” means the median income by household size for an applicable housing region, as calculated annually in accordance with N.J.A.C. 5:80-26.3.

“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. With respect to units in assisted living residences, rent does not include charges for food and services.

“Residential development fee” means money paid by a developer for the improvement of residential property as permitted pursuant to N.J.S.A. 52:27D-329.2 and N.J.A.C. 5:99-3.2.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of this subchapter but does not include a market-rate unit that was financed pursuant to UHORP, MONI, or CHOICE.

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

“State Development and Redevelopment Plan” or “State Plan” means the plan prepared pursuant to sections 1 through 12 of the “State Planning Act,” P.L.1985, c. 398 (C.52:18A-196 et al.), designed to represent a balance of development and conservation objectives best suited to meet the needs of the State, and for the purpose of coordinating planning activities and establishing Statewide planning objectives in the areas of land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination pursuant to subsection f. of section 5 of P.L.1985, c. 398 (C.52:18A-200).

“Supportive housing household” means a very low-, low- or moderate-income household certified as income eligible by an administrative agent in accordance with N.J.A.C. 5:80-26.14, in which at least one member is an individual who requires supportive services to maintain housing stability and independent living and who is part of a population identified by federal or state statute, regulation, or program guidance as eligible for supportive or special needs housing. Such populations include, but are not limited to: persons with intellectual or developmental disabilities, persons with serious mental illness, person with head injuries (as defined in Section 2 of P.L. 1977), persons with physical disabilities or chronic health conditions, persons who are homeless as defined by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 578, survivors of domestic violence, youth aging out of foster care, and other special needs populations recognized under programs administered by the U.S. Department of Housing and Urban Development, the Low-Income Housing Tax Credit Program, the McKinney–Vento Act, or the New Jersey Department of Human Services. A supportive housing household may include family members, unrelated individuals, or live-in aides, provided that the household meets the income eligibility requirements of this subchapter, except that in the case of unrelated individuals not operating as a family unit, income eligibility

shall be tested on an individual basis rather than in the aggregate; the unit is leased or sold subject to the affordability controls established herein; and the supportive services available to the household are designed to promote housing stability, independent living, and community integration. The determination of whether unrelated individuals are operating as a family unit shall be made based on the applicant's self-identification of household members on the affordable housing application.

“Supportive housing sponsoring program” means grant or loan program which provided financial assistance to the development of the unit.

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

“Transitional housing” means temporary housing that: (1) includes, but is not limited to, single-room occupancy housing or shared living and supportive living arrangements; (2) provides access to on-site or off-site supportive services for very low-income households who have recently been homeless or lack stable housing; (3) is licensed by the department; and (4) allows households to remain for a minimum of six months.

“Treasurer” means the Treasurer of the State of New Jersey.

“UHAC” means the Uniform Housing Affordability Controls set forth at N.J.A.C. 5:80-26.

“UHORP” means the Agency's Urban Homeownership Recovery Program, as it was authorized by the Agency Board.

“Unit type” means type of dwelling unit with various building standards including but not limited to single-family detached, single-family attached/townhouse, stacked townhouse (attached building containing 2 units each with separate entrances), duplex (detached building containing 2 units each with separate entrances), triplex (3 units each with separate entrance), quadplex (4 units each with separate entrance), multifamily / flat (2 or more units with a shared entrance). Inclusion of a garage, or not, shall not define the unit type.

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

“Very-low-income housing” means housing affordable according to the Federal Department of Housing and Urban Development or other recognized standards for home ownership and rental costs and occupied or reserved for occupancy by households with a gross household income equal to 30 percent or less of the median gross household income for households of the same size within the housing region in which the housing is located.

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

“Veteran” means a veteran as defined at N.J.S.A. 54:4-8.10.

“Veterans’ preference” means the agreement between a municipality and a developer or residential development owner that allows for low- to moderate-income veterans to be given preference for up to 50 percent of rental units in relevant projects, as provided for at N.J.S.A. 52:27D-311.j.

“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.

#### C. Monitoring and Reporting Requirements

1. The municipality shall comply with the following monitoring and reporting requirements regarding the status of the implementation of its court-approved Housing Element and Fair Share Plan:
  - a. The municipality shall provide electronic monitoring data with the Department pursuant to P.L 2024, Chapter 2 and N.J.A.C. 5:99 through the Affordable Housing Monitoring System (AHMS). All monitoring information required to be made public by the FHA shall be available to the public on the Department’s website at <https://www.nj.gov/dca/dlps/hss/MuniStatusReporting.shtml>.
  - b. On or before February 15 of each year, the municipality shall provide annual reporting of its municipal Affordable Housing Trust Fund activity to the Department on the AHMS portal. The reporting shall include an accounting of all municipal Affordable Housing Trust Fund activity, including the sources and amounts of funds collected and the amounts and purposes for which any funds have been expended, for the previous year from January 1st to December 31st.
  - c. On or before February 15 of each year, the annual reporting of the status of all affordable housing activity shall be provided to the Department on the AHMS portal, for the previous year from January 1st to December 31st.

#### D. Municipality-wide Mandatory Set-Aside

1. A development, other than single-family detached, providing a minimum of five new housing units created through any municipal rezoning or Zoning Board action, use or density variance, redevelopment plan, or rehabilitation plan that provides for densities at or above six units per acre, is required to include an affordable housing set-aside of 20 percent.

2. Any affordable units generated through such mandatory set-aside shall be subject to all other provisions of this ordinance.
3. All such affordable units shall be governed by this ordinance the controls on affordability, including bedroom distribution, and affirmatively marketed to the housing region in conformance with UHAC at N.J.A.C. 5:80-26.1 et seq., any successor regulation, and all other applicable laws.
4. No subdivision shall be permitted or approved for the purpose of avoiding compliance with this requirement. Developers cannot, for example, subdivide a project into two lots and then make each of them a number of units just below the threshold.
5. The mandatory set-aside requirements of this section do not give any developer the right to any rezoning, variance or other relief, or establish any obligation on the part of the municipality to grant such rezoning, variance or other relief.
6. This municipality-wide mandatory set-aside requirement does not apply to any sites or specific zones otherwise identified in the HEFSP, for which density and set-aside requirements shall be governed by the specific standards as set forth therein.

#### E. Affordable Housing Programs

1. Pursuant to amended UHAC regulations at N.J.A.C. 5:80-26.1 et seq. and, in addition, pursuant to P.L. 2024, c.2 and specifically to the amended FHA at N.J.S.A. 52:27D-311.m, “All parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to P.L. 2024, c.2, or binding court decisions.” The following are many of the main provisions of the COAH regulations at either N.J.A.C. 5:93 or 5:97 that have been upheld by the NJ Supreme Court. Municipalities should consult the cited full COAH regulations when preparing the HEFSP for required documentation, etc. Additional compliance details may also be included in the specific municipal program manual.
2. Rehabilitation Programs (per N.J.A.C. 5:93-5.2 with updated provisions herein per N.J.A.C. 5:97-6.2 related to credit towards a municipal present need obligation).
  - a. The rehabilitation program shall be designed to renovate deficient housing units occupied or intended to be occupied by very low-, low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28-1.1 et seq or the Rehabilitation Subcode, N.J.A.C. 5:23-6 to the extent applicable.
  - b. Both ownership and rental units shall be eligible for rehabilitation funds.
  - c. All rehabilitated units shall remain affordable to very low-, low- and moderate-income households for a period of 10 years (the control period). For owner-occupied units, the control period shall be enforced with a mortgage and note and for renter-occupied units the control period will be enforced with a deed restriction.
  - d. The municipality shall dedicate a minimum average hard cost of \$10,000 for each unit to be rehabilitated through this program and in addition shall dedicate associated rehabilitation program soft costs such as case management, inspection fees and work write-ups.

- e. The municipality shall designate, subject to the approval of the Department, one or more Administrative Agents to administer the rehabilitation program in accordance with P.L 2024, Chapter 2. The Administrative Agent(s) shall provide rehabilitation manuals for ownership and rental rehabilitation programs. Manuals shall be adopted by resolution of the governing body. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and on the municipal affordable housing web page.
  - f. Households determined to be very low-, low-, or moderate-income may participate in a rehabilitation program. Rehabilitated units shall be exempt from the very low-income requirements, low/mod split, and bedroom distribution requirements of UHAC, but shall be administered in accordance with the following:
    - i. If a unit is vacant at the time of rehabilitation, or if a rehabilitated unit becomes vacant and is re-rented before the expiration of the affordability controls, the deed restriction shall require that the unit be rented to a low- or moderate-income household at an affordable rent.
    - ii. If a rental unit is occupied by a tenant at the time rehabilitation is completed, the rent charged after rehabilitation shall not exceed the lesser of the tenant’s current rent or the maximum rent permitted under UHAC.
    - iii. Rents in rehabilitated units may increase annually based on the standards in UHAC.
    - iv. At the time of application, applicant households and/or tenant households shall be subject to income eligibility determinations in accordance with UHAC.
- F. New Construction Programs (per N.J.A.C. 5:93 as may be updated per various sections in N.J.A.C. 5:97 and N.J.S.A. 52:27D-301 et seq.).
1. The following requirements shall apply to all new or planned developments that contain very low-, low- and moderate-income housing units. To the extent possible, details related to the adherence to the requirements below shall be outlined in the resolution granting municipal subdivision or site plan approval of the project to assist municipal representatives, developers and Administrative Agents.
  2. Completion Schedule (previously known as phasing). Final site plan or subdivision approval shall be contingent upon the affordable housing development meeting the following completion schedule for very low-, low- and moderate-income units whether developed in a single-phase development, or in a multi-phase development:

| Maximum Percentage of Market-Rate Units Issued a Temporary or Final Certificate of Occupancy | Minimum Percentage of Affordable Units Issued a Temporary or Final Certificate of Occupancy |
|--|---|
| 25+1   | 10  |
| 50   | 50  |
| 75   | 75  |
| 90   | 100   |

3. Design. The following design requirements apply to affordable housing developments, excluding prior round units.
  - a. Design of 100 percent affordable developments:
    - i. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
    - ii. Each bedroom in each restricted unit must have at least one window.
    - iii. Restricted units must include adequate air conditioning and heating.
  - b. Design of developments comprising market-rate rental units and restricted rental units. The following does not apply to prior round units, unless stated otherwise.
    - i. Restricted units must use the same building materials and architectural design elements (for example, plumbing, insulation, or siding) as market-rate units of the same unit type (for example, flat or townhome) within the same development, except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
    - ii. Restricted units and market-rate units within the same affordable development must be sited such that restricted units are not concentrated in less desirable locations.
    - iii. Restricted units may not be physically clustered so as to segregate restricted and market-rate units within the same development or within the same building, but must be interspersed throughout the development, except that age-restricted and supportive housing units may be physically clustered if the clustering facilitates the provision of on-site medical services or on-site social services. Prior round affordable units shall be integrated with market rate units to the extent feasible.
    - iv. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
    - v. Restricted units must include adequate air conditioning and heating and must use the same type of cooling and heating sources as market-rate units of the same unit type. This shall apply to prior round units.
    - vi. Each bedroom in each restricted unit must have at least one window.
    - vii. Restricted units must be of the same unit type as market-rate units within the same building.
    - viii. Restricted units and bedrooms must be no less than 90 percent of the minimum size prescribed by the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.

- c. Design of developments containing for-sale units, including those with a mix of rental and for-sale units. Restricted rental units shall meet the requirements of section b above. Restricted sale units shall comply with the below:
  - i. Restricted units must use the same building standards as market-rate units of the same unit type (for example, flat, townhome, or single-family home), except that restricted units and market-rate units may use different interior finishes. This shall apply to prior round units.
  - ii. Restricted units may be clustered, provided that the buildings or housing product types containing the restricted units are integrated throughout the development and are not concentrated in an undesirable location or in undesirable locations. Prior round affordable units shall be integrated with market rate units to the extent feasible.
  - iii. Restricted units may be of different unit housing product types than market-rate units, provided that there is a restricted option available for each market rate housing type. Developments containing market-rate duplexes, townhomes, and/or single-family homes shall offer restricted housing options that also include duplexes, townhomes, and/or single-family homes. Penthouses and higher priced end townhouses may be exempt from this requirement. The proper ratio for restricted to market-rate unit type shall be subject to municipal ordinance or, if not specified, shall be determined at the time of site plan approval.
  - iv. Restricted units must meet the minimum square footage required for the number of inhabitants for which the unit is marketed and the minimum square footage required for each bedroom, as set forth in the Neighborhood Preservation Balanced Housing rules at N.J.A.C. 5:43-2.4.
  - v. Penthouse and end units may be reserved for market-rate sale, provided that the overall number, value, and distribution of affordable units across the development is not negatively impacted by such reservation(s).
  - vi. Residents of restricted units must be offered the same access to communal amenities as residents of market-rate units within the same affordable development. Examples of communal amenities include, but are not limited to, community pools, fitness and recreation centers, playgrounds, common rooms and outdoor spaces, and building entrances and exits. This shall apply to prior round units.
  - vii. Each bedroom in each restricted unit must have at least one window; and
  - viii. Restricted units must include adequate air conditioning and heating.
4. Utilities.
  - a. Affordable units shall utilize the same type of cooling and heating source as market-rate units within the affordable housing development.
  - b. 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 in accordance with N.J.AC 5:80-26.13(e).
5. Low/moderate split and bedroom distribution.

- a. Affordable units 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.
  - b. In each affordable housing development, at least 50 percent of the restricted units within each bedroom distribution rounded up to the nearest whole number shall be very low- or low-income units.
  - c. Within rental developments, of the total number of affordable rental units, at least 13 percent, rounded up to the nearest whole number, shall be affordable to very low-income households. The very low-income units shall be distributed between each bedroom count as proportionally as possible, to the nearest whole unit, to the total number of restricted units within each bedroom count, and counted as part of the required number of low-income units within the development.
  - d. Affordable housing developments that are not age-restricted or supportive housing shall be structured such that:
    - i. At a minimum, the number of bedrooms within the restricted units equals twice the number of restricted units;
    - ii. Two-bedroom and/or three-bedroom units compose at least 50 percent of all restricted units;
    - iii. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent, of the total number of low- and moderate-income units.
    - iv. At least 30 percent of all low- and moderate-income units shall be two-bedroom units.
    - v. At least 20 percent of all low- and moderate-income units shall be three-bedroom units.
    - vi. The remaining units may be allocated among two- and three- bedroom units at the discretion of the developer.
  - e. Affordable housing developments that are age-restricted or supportive housing, except those supportive housing units whose sponsoring program determines the unit arrangements, shall be structured such that, at a minimum, the number of bedrooms shall equal the number of age-restricted or supportive housing low- and moderate-income units within the inclusionary development. Supportive housing units whose sponsoring program determines the unit arrangement shall comply with all requirements of the sponsoring program. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit. In affordable housing developments with 20 or more restricted units that are age-restricted or supportive housing, two-bedroom units must comprise at least five percent of those restricted units.
6. Accessibility requirements.
- a. Any new construction shall be adaptable; however, elevators shall not be required in any building or within any dwelling unit for the purpose of compliance with this section. In buildings without elevator service, only ground floor dwelling units shall be

required to be constructed to conform with the technical design standards of the barrier free subcode. "Ground floor" means the first floor with a dwelling unit or portion of a dwelling unit, regardless of whether that floor is at grade. A building may have more than one ground floor.

- b. Notwithstanding the exemption for townhouse dwelling units in the barrier free subcode, the first floor of all townhouse dwelling units and of all other multifloor dwelling units that are attached to at least one other dwelling unit shall be subject to the technical design standards of the barrier free subcode and shall include the following features:
  - 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 however an interior accessible route of travel shall not be required between stories;
  - iv. An adaptable room that can be used as a bedroom, with a door, or the casing for the installation of a door that is compliant with the Barrier Free Subcode, on the first floor;
  - v. If not all of the foregoing requirements in b.i. through b.iv. can be satisfied, then an interior accessible route of travel shall be provided between stories within an individual unit; and
  - vi. An accessible entranceway as set forth in P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7, or evidence that the municipality 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 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 shall be expended for the sole purpose of making the adaptable entrance of an affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
    - (d) The developer of the restricted units shall submit to the Construction Official a design plan and cost estimate for the conversion from adaptable to accessible entrances.
    - (e) Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meets the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7, and that the cost estimate of such

conversion is reasonable, payment shall be made to the Affordable Housing Trust Fund and earmarked appropriately.

- vii. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is “site-impracticable” to meet the requirements. If full compliance with this section would be site impracticable, compliance with this section for any portion of the dwelling shall be required to the extent that it is not site impracticable. Determinations of site impracticability shall comply with the Barrier Free Subcode at N.J.A.C. 5:23-7.
7. Assisted Living Residence (per N.J.A.C. 5:97-6.11).
- a. An assisted living residence is a facility licensed by the New Jersey Department of Health to provide apartment-style housing and congregate dining and to assure that assisted living services are available. All or a designated number of apartments in the facility shall be restricted to low- and moderate-income households.
  - b. The unit of credit shall be the apartment. However, a two-bedroom apartment shall be eligible for two units of credit if it is restricted to two unrelated individuals.
  - c. A recipient of a Medicaid waiver shall automatically qualify as a low- or moderate-income household.
  - d. Assisted living units are considered age-restricted housing in a HEFSP and shall be included with the maximum number of units that may be age-restricted.
  - e. Low- and moderate-income residents cannot be charged any upfront fees.
  - f. The units shall comply with UHAC with the following exceptions:
    - i. Affirmative marketing (N.J.A.C. 5:80-26.16); provided that the units are restricted to recipients of Medicaid waivers;
    - ii. The deed restriction may be on the facility, rather than individual apartments or rooms;
    - iii. Low/moderate income split and affordability average (N.J.A.C. 5:80-26.4); only if all of the affordable units are affordable to households at a maximum of 60 percent of median income; and
  - g. Tenant income eligibility (N.J.A.C. 5:80-26.14); up to 80 percent of an applicant’s gross income may be used for rent, food and services based on occupancy type and the affordable unit must receive the same basic services as required by the Agency’s underwriting guidelines and financing policies. The cost of non-housing related services shall not exceed one and two-thirds times the rent established for each unit.
8. Supportive Housing and Group Homes (per N.J.A.C. 5:97-6.10).
- a. The following provisions shall apply to group homes, residential health care facilities, and supportive shared living housing:
    - i. The unit of credit shall be the bedroom. However, the unit of credit shall be the unit if occupied by a single person or household.
    - ii. Housing that is age-restricted shall be included with the maximum number of units that may be age-restricted pursuant to the Act.

- iii. Occupancy shall not be restricted to youth under 18 years of age.
- iv. In affordable developments with 20 or more restricted units that are supportive housing, two-bedroom units must compose at least five percent of those restricted units.
- v. The bedrooms and/or units shall comply with UHAC with the following exceptions:
  - (a) Affirmative marketing; however, group homes, residential health care facilities, permanent supportive housing and supportive shared living housing shall be affirmatively marketed to broadest possible population of qualified individuals with special needs in accordance with a plan, if applicable, approved by the sponsoring program;
  - (b) Affordability average and bedroom distribution (N.J.A.C. 5:80-26.4).
- vi. With the exception of units established with capital funding through a 20-year operating contract with the Department of Human Services, Division of Developmental Disabilities, group homes, residential health care facilities, supportive shared living housing and permanent supportive housing shall have the appropriate controls on affordability in accordance with the Act. In the event that a supportive housing provider is unable to record or execute a long-term deed restriction, the units shall be subject to annual recertification by the Municipal Housing Liaison to confirm continued occupancy and compliance with this Section.
- vii. Objective standards shall be applied in the selection of tenants for supportive housing units and shall be designed to ensure that individuals are not excluded in an arbitrary or capricious manner.
- viii. The following documentation shall be submitted by the sponsor to the municipality prior to marketing the completed units or facility:
  - (a) An Affirmative Marketing Plan in accordance with D1 above; and
  - (b) If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency in accordance with the requirements of this section, which includes validation of the number of bedrooms or units in which low- or moderate-income occupants reside.
- ix. The sponsor/owner shall complete annual monitoring as directed by the MHL.

#### G. Regional Income Limits.

1. Administrative agents shall use the current regional income limits for the purpose of pricing affordable units and determining income eligibility of households.
2. Regional income limits are based on regional median income, which is established by a regional weighted average of the “median family incomes” published by HUD. The procedure for computing the regional median income is detailed in N.J.A.C. 5:80-26.3.
3. Updated regional income limits are effective as of the effective date of the regional Section 8 income limits for the year, as published by HUD, or 45 days after HUD publishes the

regional Section 8 income limits for the year, whichever comes later. The new income limits may not be less than those of the previous year.

#### H. Maximum Initial Rents And Sales Prices.

1. In establishing rents and sales prices of affordable housing units, the Administrative Agent shall follow the procedures set forth in UHAC N.J.A.C. 5:80-26.4.
2. The average rent for all restricted units within each affordable housing development shall be affordable to households earning no more than 52 percent of regional median income.
3. The maximum rent for restricted rental units within each affordable housing development shall be affordable to households earning no more than 60 percent of regional median income. The maximum rent may be increased to no more than 70 percent of regional median income for moderate-income units within affordable developments where very-low-income units compose at least 13 percent of the restricted units; however, the number of units with rent affordable to households earning 70 percent of regional median income may not exceed the number of very-low-income units in excess of 13 percent (rounded up) of the restricted units.)
4. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units. Very low-income units, if required, should be distributed between each bedroom count as proportionally as possible to the total number of restricted units within each bedroom count, and shall be part of the low-income requirement.
5. The maximum sales price of restricted ownership units within each affordable housing development shall be affordable to households earning no more than 70 percent of median income, and each affordable housing development must achieve an affordability average that does not exceed 55 percent for all 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 when the number of low- and moderate-income units permits.
6. The master deeds and declarations of covenants and restrictions for affordable developments may not distinguish between restricted units and market-rate units in the calculation of any condominium or homeowner association fees and special assessments to be paid by low- and moderate-income purchasers and those to be paid by market-rate purchasers. Notwithstanding the foregoing sentence, condominium units subject to a municipal ordinance adopted before December 20, 2004, which ordinance provides for condominium or homeowner association fees and/or assessments different from those provided for in this subsection are governed by the ordinance.
7. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted family units, the following standards shall be met:
  - a. A studio or efficiency unit shall be affordable to a one-person household;
  - b. A one-bedroom unit shall be affordable to a one and one-half person household;

- c. A two-bedroom unit shall be affordable to a three-person household;
  - d. A three-bedroom unit shall be affordable to a four and one-half person household; and
  - e. A four-bedroom unit shall be affordable to a six-person household.
8. In determining the initial rents and sales prices for compliance with the affordability average requirements for restricted units in assisted living facilities and age-restricted and special needs and supportive housing developments, the following standards shall be met:
    - a. A studio or efficiency unit shall be affordable to a one-person household;
    - b. A one-bedroom unit shall be affordable to a one and one-half person household; and
    - c. A two-bedroom unit shall be affordable to a two-person household or to two one-person households. Where pricing is based on two one-person households, the developer shall provide a list of units so priced to the Municipal Housing Liaison and the Administrative Agent.
  9. 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 FreddieMac 30-Year Fixed Rate-Mortgage rate of interest), property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 30 percent of the eligible monthly income of the appropriate size household as determined pursuant to N.J.A.C. 5:80-26.7, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.
  10. The initial rent for a restricted rental unit shall be calculated so that the total monthly housing expense, including an allowance for tenant-paid utilities, does not exceed 30 percent of the gross monthly income of a household of the appropriate size whose income is targeted to the applicable percentage of median income for the unit, as determined pursuant to N.J.A.C. 5:80-26.3, as may be amended and supplemented. The rent shall also comply with the affordability average requirement of N.J.A.C. 5:80-26.4, as may be amended and supplemented.
  11. At the anniversary date of the tenancy of the certified household occupying a restricted rental unit, following a minimum 90-day notice provided to the occupant household, the rent may be increased to an amount commensurate with the annual percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U), specifically U.S. Bureau of Labor Statistics Series CUUR0100SAH, titled "Housing in Northeast urban, all urban consumers, not seasonally adjusted." The maximum allowable rent increase for the year will be effective as of the same date as the regional median income limits determined pursuant to N.J.A.C. 5:80-26.3 and published by the Agency. This rent increase may not exceed five percent in any one year and notice thereof must be filed with the administrative agent. If the landlord has charged a tenant less than the initial maximum allowable rent for a restricted unit, the landlord may, with the approval of the administrative agent, use the maximum allowable rent instead of the current rent in performing this multiplication to establish the rent for the next tenant under a new lease. LIHTC units are not governed by the provisions of this section, but rather by the provisions of the State's Qualified Allocation Plan, N.J.A.C. 5:80-33.1 through 33.40.

I. Affirmative Marketing.

1. The municipality shall adopt, by resolution, an Affirmative Marketing Plan, subject to approval of the Superior Court, compliant with N.J.A.C. 5:80-26.16, as may be amended and supplemented.
2. 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, English-speaking ability, marital or familial status, gender, affectional or sexual orientation, disability, age (except for “housing for older persons” as defined at N.J.S.A. 10:5-1 et seq., and age-restricted units as permitted pursuant to 42 U.S.C. §§ 3601 et seq.), number of children, source of lawful income, or any other characteristic described in the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 through 50, to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The Affirmative Marketing Plan is intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region **1** and is required to be followed throughout the period of deed restriction.
3. The Affirmative Marketing Plan provides the following preferences, provided that units that remain unoccupied after these preferences are exhausted may be offered to households without regard to these preferences.
  - a. Where the municipality has entered into an agreement with a developer or residential development owner to provide a preference for very-low-, low-, and moderate-income veterans who served in time of war or other emergency, pursuant to N.J.S.A. 52:27D-311.j, there shall be a preference for veterans for up to 50 percent of the restricted rental units in a particular project.
  - b. There shall be a regional preference for all households that live and/or work in Housing Region **1** comprising Bergen, Hudson, Passaic and Sussex Counties.
  - c. Subordinate to the regional preference, there shall be a preference for households that live and/or work in New Jersey.
  - d. With respect to existing restricted units undergoing approved rehabilitation for the purpose of preservation or to restricted units newly created to replace existing restricted units undergoing demolition, a preference for the very-low-, low-, and moderate-income households that are displaced by the rehabilitation or demolition and replacement.
4. The municipality has the ultimate responsibility for adopting the Affirmative Marketing Plan and for the proper administration of the Affirmative Marketing Process, including the marketing of initial sales and rentals and resales and re-rentals. The Administrative Agent designated by the municipality shall implement the Affirmative Marketing Process to ensure the Affirmative Marketing of all affordable units, with the exception of affordable programs that are exempt from Affirmative Marketing as noted herein.
5. The Affirmative Marketing Process shall describe the media to be used in advertising and publicizing the availability of housing. In implementing the Affirmative Marketing Process, the Administrative Agent should consider the use of language translations where appropriate.

6. Applications for affordable housing or notices thereof, if offered online, shall be available in several locations, including, at a minimum, the County Administration Building and/or the County Library for each county within the housing region; the municipal administration building and municipal library in the municipality in which the units are located; and the developer's rental or sales office. The developer shall mail applications to prospective applicants upon request and shall make applications available through a secure online website address.
  7. In addition to other Affirmative Marketing strategies, the Administrative Agent shall provide specific notice of the availability of affordable housing units on the New Jersey Housing Resource Center website. Any other entities, including developers or persons or companies retained to implement the Affirmative Marketing Process, shall comply with this paragraph.
  8. In implementing the Affirmative Marketing Process, the Administrative Agent shall provide a list of HUD-certified housing counselors or otherwise experienced entities approved by the Division providing counseling services on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
  9. The Affirmative Marketing Process for available affordable units shall begin at least four months (120 days) prior to the expected date of occupancy and may begin before construction commences. For owner-occupied units, affirmative marketing advertising and outreach activities must continue until all of the marketed units have been sold, except that paid advertising may cease when the number of applications received is at least three times the number of units to be sold. For rental units, affirmative marketing advertising and outreach activities must continue, as long as applications are being accepted, except that paid advertising may cease when the number of applications received is at least three times the number of units to be filled.
  10. Applications must be accepted for no less than 45 days following the initial advertisement on the New Jersey Housing Resource Center, except for the resale of owner-occupied units, in which case, applications must be accepted for no less than 30 days.
  11. The cost to affirmatively market the affordable units shall be the responsibility of the developer, sponsor or owner, with the exception of Affirmative Marketing for resales.
- J. Selection of Occupants of Affordable Housing Units.
1. The Administrative Agent shall use a random selection process to select occupants of very low-, low- and moderate-income housing.
  2. A pool of interested households will be maintained in accordance with the provisions of N.J.A.C. 5:80-26.16.
- K. Occupancy Standards.
1. 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:
    - a. Ensure each bedroom is occupied by at least one person, except for age-restricted and supportive and special needs housing units;

- b. Provide a bedroom for every two adult occupants;
- c. With regard to occupants under the age of 18, accommodate the household's requested arrangement, except that such arrangement may not result in more than two occupants under the age of 18 occupying any bedroom; and
- d. Avoid placing a one-person household into a unit with more than one bedroom.

L. Control Periods for Restricted Ownership Units and Enforcement Mechanisms.

1. Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.6, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the controls on affordability for a period of at least 30 years subject to the requirements of N.J.A.C. 5:80-26.6, as may be amended and supplemented.
2. Rehabilitated housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years (crediting towards present need only).
3. The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit. The date of commencement shall be identified in the deed restriction.
4. If existing affordability controls are being extended, the extended control period for a restricted ownership unit commences on the effective date of the extension, which is the end of the original control period.
5. After the end of any control period, the restricted ownership unit remains subject to the affordability controls set forth in this subchapter until the owner gives notice of their intent to make an exit sale, at which point:
  - a. If the municipality exercises the right to extend the affordability controls on the unit, no exit sale occurs and a new control period commences; or
  - b. If the municipality does not exercise the right to extend the affordability controls on the unit, the affordability controls terminate following the exit sale.
6. Prior to the issuance of any building permit for the construction/rehabilitation of restricted ownership units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.
7. Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the Administrative Agent shall determine the restricted price for the unit and shall also determine the nonrestricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value without the restrictions in place.
8. At the time of the initial sale of the unit and upon each successive price-restricted sale, the initial purchaser shall execute and deliver to the Administrative Agent a recapture note obliging 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 restrictions set forth in 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.

9. 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 price-restricted ownership units.

M. Price Restrictions for Restricted Ownership Units and Resale Prices.

1. Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.7, as may be amended and supplemented, including:
  - a. The initial purchase price and affordability percentage for a restricted ownership unit shall be set 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 standards set forth in N.J.A.C 5:80-26.7.
    - i. If the resale occurs prior to the one-year anniversary of the date on which title to the unit was transferred to a certified household, the maximum resale price for a is the most recent non-exempt purchase price.
    - ii. If the resale occurs on or after such anniversary date, the maximum resale price is the most recent non-exempt purchase price increased to reflect the cumulative annual percentage increases to the regional median income, effective as of the same date as the regional median income calculated pursuant to N.J.A.C. 5:80-26.3
  - c. The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of anticipated capital improvements. Eligible capital improvements shall be:
    - i. those that render the unit suitable for a larger household or the addition of a bathroom.
    - ii. The maximum resale price may be further increased by an amount up to the cumulative dollar value of approved capital improvements made after the last non-exempt sale for improvements and/or upgrades to the unit, excluding capital improvements paid for by the entity favored on the recapture note and recapture lien described at N.J.A.C. 5:80-26.6(d);
  - d. No increase for capital improvements is permitted if the maximum resale price prior to adjusting for capital improvements already exceeds whatever initial purchase price the unit would have if it were being offered for purchase for the first time at the initial affordability percentage. All adjustments for capital improvements are subject to 10-year, straight-line depreciation.
2. Upon the resale of a restricted ownership unit, all items of property that are permanently affixed to the unit or were included when the unit was initially restricted (for example, refrigerator, range, washer, dryer, dishwasher, wall-to-wall carpeting) shall be included in the maximum allowable resale price. Other items may be sold to the purchaser at a reasonable price that has been approved by the Administrative Agent at the time of the signing of the agreement to purchase but shall be separate and apart from any contract of sale for the underlying real estate. The purchase of central air conditioning installed subsequent to the initial sale of the unit and not included in the base price may be made a condition of the unit resale provided the price of the air conditioning equipment, which shall be subject to 10-year, straight-line depreciation, has been approved by the

Administrative Agent. Unless otherwise approved by the Administrative Agent, the purchase of any property other than central air conditioning shall not be made a condition of the unit resale. The seller and the purchaser must personally certify at the time of closing that no unapproved transfer of funds for the purpose of selling and receiving property has taken place at the time of or as a condition of resale.

N. Buyer Income Eligibility.

1. Buyer income eligibility for restricted ownership units shall be established pursuant to N.J.A.C. 5:80-26.17, as may be amended and supplemented, such that very low-income ownership units shall be reserved for occupancy by households with a gross household income less than or equal to 30 percent of median income, low-income ownership units shall be reserved for occupancy by 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 occupancy by households with a gross household income less than 80 percent of median income.
2. Notwithstanding the foregoing, the Administrative Agent may, upon approval by the municipality, and subject to the Division's approval, permit a moderate-income purchaser to buy a low-income unit if and only if the Administrative Agent can demonstrate that there is an insufficient number of eligible low-income purchasers in the housing region to permit prompt occupancy of the unit and all other reasonable efforts to attract a low-income purchaser, including pricing and financing incentives, have failed. Any such low-income unit that is sold to a moderate-income household shall retain the required pricing and pricing restrictions for a low-income unit. Similarly, the administrative agent may permit low-income purchasers to buy very-low-income units in housing markets where, as determined by the Division, units are reserved for very-low-income purchasers, but there is an insufficient number of very-low-income purchasers to permit prompt occupancy of the units. In such instances, the purchased unit must be maintained as a very-low-income unit and sold at a very-low-income price point such that on the next resale the unit will still be affordable to very-low-income households and able to be purchased by a very-low-income household. A very-low-income unit that is seeking bonus credit pursuant to N.J.S.A. 52:27D-311.k(9) must first be advertised exclusively as a very-low-income unit according to the Affirmative Marketing requirements at N.J.A.C. 5:80-26.16, then advertised as a very-low-income or low-income unit for at least 30 additional days prior to referring any low-income household to the unit.
3. A certified household that purchases a restricted ownership unit must occupy it as the certified household's principal residence and shall not lease the unit; provided, however, that the Administrative Agent may permit the owner of a restricted ownership unit, upon application and a showing of hardship, to lease the restricted unit to another certified household for a period not to exceed one year.
4. 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, property taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 35

percent of the household's eligible monthly income; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:

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

O. Limitations on Indebtedness Secured by Ownership Unit; Subordination.

1. Prior to incurring any indebtedness to be secured by a restricted ownership unit, the owner shall apply to the Administrative Agent for a determination in writing that the proposed indebtedness complies with the provisions of this Section, and the Administrative Agent shall issue such determination prior to the owner incurring such indebtedness.
2. With the exception of original purchase money mortgages, neither an owner nor a lender shall at any time during the control period 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. 5:80-26.7(c).

P. Control Periods for Restricted Rental Units.

1. Control periods for units that meet the definition of prior round units shall be pursuant to the 2001 UHAC rules originally adopted October 1, 2001, 33 N.J.R. 3432 and shall remain subject to the requirements of this ordinance for a period of at least 30 years as applicable unless otherwise indicated.
2. Other than for prior round units, control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.12, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance for a period of at least 40 years. Restricted rental units created as part of developments receiving 9 percent Low-Income Housing Tax Credits must comply with a control period of not less than a 30-year compliance period plus a 15-year extended use period for a total of 45 years.
3. The affordability control period for a restricted rental unit shall commence on the first date that a unit is issued a certificate of occupancy following the execution of the deed restriction or, if affordability controls are being extended, on the effective date of the extension, which is the end of the original control period.
4. Rehabilitated renter-occupied housing units that are improved to code standards shall be subject to affordability controls for a period of not less than 10 years.
5. Prior to the issuance of any building permit for the construction/rehabilitation of restricted rental units, the developer/owner and the municipality shall record a preliminary instrument provided by the Administrative Agent.

6. 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. The deed restriction shall be recorded by the developer with the county records office, and provided as filed and recorded, to the Administrative Agent within 30 days of the receipt of a certificate of occupancy.
7. A restricted rental unit shall remain subject to the affordability controls of this Ordinance despite the occurrence of any of the following events:
  - a. Sublease or assignment of the lease of the unit;
  - b. Sale or other voluntary transfer of the ownership of the unit;
  - c. The entry and enforcement of any judgment of foreclosure on the property containing the unit; or
  - d. The end of the control period, until the occupant household vacates the unit, or is certified as over-income and the controls are released in accordance with UHAC.

Q. Rent Restrictions for Rental Units; Leases and Fees.

1. The initial rent for a restricted rental unit shall be set by the Administrative Agent.
2. 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 retained on file by the Administrative Agent.
3. No additional fees, operating costs, 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.
  - a. Operating costs, for the purposes of this section, include certificate of occupancy fees, move-in fees, move-out fees, mandatory internet fees, mandatory cable fees, mandatory utility submetering fees, and for developments with more than one and a half off-street parking spaces per unit, parking fees for one parking space per household.
4. Any fee structure that would remove or limit affordable unit occupant access to any amenities or services that are required or included for market-rate unit occupants is prohibited. Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.
5. Fees for unit-specific, non-communal items that are charged to market-rate unit tenants on an optional basis, such as pet fees for tenants with pets, storage spaces, bicycle-share programs, or one-time rentals of party or media rooms, may also be charged to affordable unit tenants, if applicable.
6. Pet fees may not exceed \$30.00 per month and associated one-time payments for optional fees pertaining to pets, such as a pet cleaning fee, are prohibited.
7. Fees charged to affordable unit tenants for other optional, unit-specific, non-communal items shall not exceed the amounts charged to market-rate tenants.

8. For any prior round rental unit leased before December 20, 2024, elements of the existing fee structure that are consistent with prior rules, but inconsistent with 5:80-26.13(c)1, may continue until the occupant household's current lease term expires or that occupant household vacates the unit, whichever occurs later.

R. Tenant Income Eligibility.

1. Tenant income eligibility shall be determined pursuant to N.J.A.C. 5:80-26.14, as may be amended and supplemented, and shall be determined as follows:
  - a. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of the regional median income by household size.
  - b. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of the regional median income by household size.
  - c. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of the regional median income by household size.
2. The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income or 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. 5:80-26.17, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
  - a. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
  - b. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
  - c. The household is currently in substandard or overcrowded living conditions;
  - d. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
  - e. The household documents reliable anticipated third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
3. The applicant shall file documentation sufficient to establish the existence of any of the circumstances in 2.a. through 2.e. above with the Administrative Agent, who shall counsel the household on budgeting.

S. Municipal Housing Liaison.

1. The Municipal Housing Liaison shall be approved by municipal resolution.

2. The Municipal Housing Liaison shall be approved by the Division, or is in the process of getting approval, and fully or conditionally meets the requirements for qualifications, including initial and periodic training as set forth in N.J.A.C. 5:99-1 et seq.
3. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program, including the following responsibilities, which may not be contracted out to the Administrative Agent:
  - a. Serving as the primary point of contact for all inquiries from the Affordable Housing Dispute Resolution Program, the State, affordable housing providers, administrative agents and interested households.
  - b. The oversight of the Affirmative Marketing Plan and affordability controls.
  - c. When applicable, overseeing and monitoring any contracting Administrative Agent.
  - d. Overseeing the monitoring of the status of all restricted units listed in the Fair Share Plan.
  - e. Verifying, certifying and providing annual information within AHMS at such time and in such form as required by the Division.
  - f. Coordinating meetings with affordable housing providers and administrative agents, as needed.
  - g. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division.
  - h. Overseeing the recording of a preliminary instrument in the form set forth at N.J.A.C. 5:80-26.1 for each affordable housing development.
  - i. Coordinating with the Administrative Agent, municipal attorney and municipal Construction Code Official to ensure that permits are not issued unless the document required in C.8. above has been duly recorded.
  - j. Listing on the municipal website contact information for the MHL and Administrative Agents.

T. Administrative Agent.

1. All municipalities that have created or will create affordable housing programs and/or affordable units shall designate or approve, for each project within its HEFSP, an administrative agent to administer the affordable housing program and/or affordable housing units in accordance with the requirements of the FHA, NJAC 5:99-1 et seq. and UHAC.
2. The fees for administrative agents shall be paid as follows:
  - a. Administrative agent fees related to rental units shall be paid by the developer/owner.
  - b. Administrative agent fees related to initial sale of units shall be paid by the developer.
  - c. Administrative agent fees related to resales shall be paid by the seller of the affordable home.
  - d. Administrative agent fees related to ongoing administration and enforcement shall be paid by the municipality.

3. An Operating Manual for each affordable housing program shall be provided by the Administrative Agent(s). The Operating Manual(s) shall be available for public inspection in the Office of the Clerk and in the office(s) of the Administrative Agent(s). Operating manuals shall be adopted by resolution of the Governing Body.
4. Subject to the role of the Administrative Agent(s), the duties and responsibilities as are set forth in N.J.A.C. 5:99-7 and which are described in full detail in the Operating Manual, including those set forth in UHAC, include:
  - a. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by the Division;
  - b. Affirmative marketing:
    - i. Conducting an outreach process to affirmatively market affordable housing units in accordance with the Affirmative Marketing Plan of the municipality and the provisions of N.J.A.C. 5:80-26.16.
    - ii. 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.
  - c. Household certification.
    - i. Soliciting, scheduling, conducting and following up on interviews with interested households.
    - ii. 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;
    - iii. Providing written notification to each applicant as to the determination of eligibility or non-eligibility within five (5) business days of the determination thereof.
    - iv. Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in the Appendices J and K of N.J.A.C. 5:80-26.1 et seq.
    - v. 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.
    - vi. Employing a random selection process as provided in the Affirmative Marketing Plan when referring households for certification to affordable units.
  - d. Affordability controls.
    - i. Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for the recording at the time of conveyance of title of each restricted unit.
    - ii. Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and filed properly with the County Register of Deeds or County Clerk's office after the termination of the affordability controls for each restricted unit in accordance with UHAC.

- iii. Communicating with lenders and the Municipal Housing Liaison regarding foreclosures.
- iv. Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.11.
- e. Records retention.
  - i. Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded recapture mortgage, and note, as appropriate.
  - ii. Records received, retained, retrieved, or transmitted in furtherance of crediting affordable units of a municipality constitute public records of the municipality as defined by N.J.S.A. 47:3-16, and are legal property of the municipality.
- f. Resales and re-rentals.
  - i. Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or re-rental.
  - ii. Instituting and maintaining an effective means of communicating information to very low-, low-, or moderate-income households regarding the availability of restricted units for resale or re-rental.
- g. Processing requests from unit owners.
  - i. Reviewing and approving requests from owners of restricted units who wish to refinance or take out home equity loans during the term of their ownership to determine that the amount of indebtedness to be incurred will not violate the terms of this ordinance.
  - ii. Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the depreciated cost of central air conditioning systems.
  - iii. Notifying the municipality of an owner's intent to sell a restricted unit.
  - iv. Making determinations on requests by owners of restricted units for hardship waivers.
- h. Enforcement.
  - i. Securing annually from the municipality a list of all affordable ownership units for which property tax bills are mailed to absentee owners, and notifying all such owners that they must either move back to their unit or sell it;
  - ii. 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;

- iii. Sending annual mailings to all owners of affordable dwelling units reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.19(d)4;
  - iv. Establishing a program for diverting unlawful rent payments to the municipal Affordable Housing Trust Fund; and
  - v. Creating and publishing a written operating manual for each affordable housing program administered by the Administrative Agent setting forth procedures for administering the affordability controls.
- i. The Administrative Agent(s) shall, as delegated by the municipality, have the authority to take all actions necessary and appropriate to carry out its/their responsibilities, herein.

U. Responsibilities of The Owner of a development containing affordable units.

- 1. The owner of all developments containing affordable units subject to this subchapter or the assigned management company thereof shall provide to the administrative agent:
  - a. Site plan, architectural plan, or other plan that identifies the location of each affordable unit, if subject to the site plan approval, settlement agreement, or other applicable document regulating the location of affordable units. The administrative agent shall determine the location of affordable units if not set forth in the site plan approval, settlement agreement, or other applicable document.
  - b. The total number of units in the project and the number of affordable units.
  - c. The breakdown of the affordable units by or identification of affordable unit locations by bedroom count and income level, including street addresses / unit numbers, if subject to the site plan approval, settlement agreement, or other applicable document regulating the breakdown of affordable units. The administrative agent shall determine the bedroom and income distribution if not set forth in the site plan approval, settlement agreement, or other applicable document.
  - d. Floor plans of all affordable units, including complete and accurate identification of all rooms and the dimensions thereof.
  - e. A projected construction schedule.
  - f. The location of any common areas and elevators.
  - g. The name of the person who will be responsible for official contact with the administrative agent for the duration of the project, which must be updated if the contact changes.
- 2. In addition to A above, the owner of rental developments containing affordable rental units subject to this subchapter or the assigned management company thereof shall:
  - a. Send to all current tenants in all restricted rental units an annual mailing containing a notice as to the maximum permitted rent and a reminder of the requirement that the unit must remain their principal place of residence, which is defined as residing in the unit at least 260 days out of each calendar year, together with the telephone number, mailing address, and email address of the administrative agent to whom complaints of excess rent can be issued.

- b. Provide to the administrative agent a description of any applicable fees.
  - c. Provide to the administrative agent a description of the types of utilities and which utilities will be included in the rent.
  - d. Agree and ensure that the utility configuration established at the start of the rent-up process not be altered at any time throughout the restricted period.
  - e. Provide to the administrative agent a proposed form of lease for any rental units.
  - f. Ensure that the tenant selection criteria for the applicants for affordable units not be more restrictive that the tenant selection criteria for applicants for non-restricted units.
  - g. Strive to maintain the continued occupancy of the affordable units during the entire restricted period.
3. In addition to A, above, the owner of affordable for-sale developments containing affordable for-sale units subject to this subchapter or the assigned management company thereof shall provide the administrative agent:
- a. Proposed pricing for all units, including any purchaser options and add-on items.
  - b. Realistic condominium or homeowner association fees and any other applicable fees.
  - c. Estimated real property taxes.
  - d. Sewer, water, trash disposal, and any other utility assessments.
  - e. Flood insurance requirement, if applicable.
  - f. The State-approved planned real estate development public offering statement and/or master deed, where applicable, as well as the full build-out budget.

#### V. Enforcement of Affordable Housing Regulations

1. 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.
2. After providing written notice of a violation to an owner, developer or tenant of an affordable 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:
  - a. 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 \$500 or imprisonment for a period not to exceed 90 days, or both, unless otherwise specified below, provided that each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not a continuation of the initial offense;
  - 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 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 affordable unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the Court.
3. The municipality shall have the authority to levy fines against the owner of the development for instances of noncompliance with NJHRC advertising requirements (N.J.S.A. 52:27D-321.6.e.(2)), following written notice to the owner. The fine for the first offense of noncompliance shall be \$5,000, the fine for the second offense of noncompliance shall be \$10,000, and the fine for each subsequent offense of noncompliance shall be \$15,000.
4. 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- or moderate-income unit.
  - a. Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the affordable 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.
  - b. The proceeds of the Sheriff's sale shall first be applied to satisfy the first purchase money mortgage lien and any prior liens upon the low- or moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating owner shall be personally responsible for the full extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus shall be placed in escrow by the municipality for the owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the owner shall make a claim with the municipality for such. Failure of the owner to claim such balance within the two year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the owner or forfeited to the municipality.

- c. Foreclosure due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as they 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.
  - d. If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the first purchase money mortgage and any prior liens, the municipality may acquire title to the affordable 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 affordable 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 that would have been realized from an actual sale as previously described.
  - e. Failure of the low- or moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the owner to accept an offer to purchase from any qualified purchaser that may be referred to the owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- or moderate-income unit as permitted by the regulations governing affordable housing units.
  - f. The affordable unit 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.
5. It is the responsibility of the municipal housing liaison and the administrative agent(s) to ensure that affordable housing units are administered properly. All affordable units must be occupied within a reasonable amount of time and be re-leased within a reasonable amount of time upon the vacating of the unit by a tenant. If an administrative agent or municipal housing liaison becomes aware of or suspects that a developer, landlord, or property manager has not complied with these regulations, it shall report this activity to the Division. The Division must notify the developer, landlord, or property manager, in writing, of any violation of these regulations and provide a 30-day cure period. If, after the 30-day cure period, the developer, landlord, or property manager remains in violation of any terms of this subchapter, including by keeping a unit vacant, the developer, landlord, or property manager may be fined up to the amount required to construct a comparable affordable unit of the same size and the deed-restricted control period will be extended for the length of the time the unit was out of compliance, in addition to the remedies provided for in this section. For the purposes of this subsection, a reasonable amount of time shall presumptively be 60 days, unless a longer period of time is required due to demonstrable market conditions and/or failure of the municipal housing liaison or the administrative agent to refer a certified tenant.
6. Banks and other lending institutions are prohibited from issuing any loan secured by owner occupied real property subject to the affordability controls set forth in this subchapter if

such loan would be in excess of amounts permitted by the restriction documents recorded in the deed or mortgage book in the county in which the property is located. Any loan issued in violation of this subsection is void as against public policy.

7. The Agency and the Department hereby reserve, for themselves and for each administrative agent appointed pursuant to this subchapter, all of the rights and remedies available at law and in equity for the enforcement of this subchapter, including, but not limited to, fines, evictions, and foreclosures as approved by a county-level housing judge.
8. Appeals
  - a. Appeals from all decisions of an administrative agent appointed pursuant to this subchapter must be filed, in writing, with the municipal housing liaison. A decision by the municipal housing liaison may be appealed to the Division. A written decision of the Division Director upholding, modifying, or reversing an administrative agent's decision is a final administrative action.

#### W. Development Fees.

1. Purpose
  - a. This section establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with the amended Fair Housing Act (P.L.2024, c.2), N.J.A.C. 5:99, and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7). Fees collected pursuant to this Ordinance shall be used for the sole purpose of providing very low-, low- and moderate-income housing in accordance with a Court-approved Spending Plan.
2. Basic Requirements
  - a. The municipality previously adopted a development fee ordinance, which established the Municipal Affordable Housing Trust Fund. (O-4-2019, which is replaced by this Ordinance).
  - b. The municipality shall not spend development fees until the court has approved a plan for spending such fees.
3. Residential Development Fees
  - a. Imposed fees
    - i. Residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of 1.5 percent of the equalized assessed value for residential development, provided no increased density is permitted. Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.
    - ii. When an increase in residential density is permitted pursuant to a "d" variance granted under N.J.S.A. 40:55D-70d(5), developers shall be required to pay a "bonus" development fee of 6.0 percent of the equalized assessed value for each additional unit that may be realized, except that this provision shall not be applicable to a development that will include affordable housing. If the zoning on

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

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal 1.5 percent of the equalized assessed value on the first two units; and the specified higher percentage of 6 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 an eligible payment in lieu of on-site construction of affordable units, if permitted by ordinance, or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2, shall be exempt from development fees.
    - ii. Developments that have received preliminary or final site plan approval prior to the adoption of this ordinance and any preceding ordinance permitting the collection of development fees shall be exempt from the payment of development fees, unless the developer seeks a substantial change in the original approval. Where a site plan approval does not apply, the issuance of a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for the purpose of determining the right to an exemption. In all cases, the applicable fee percentage shall be determined based upon the development fee ordinance in effect on the date that the construction permit is issued.
    - iii. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
    - iv. No development fee shall be collected for the demolition and replacement of a residential building resulting from a fire or natural disaster.
    - v. Developers of an addition to an existing single-family residential unit which constitutes less than a 50% increase in the gross floor area of the unit shall be exempt from the development fee.
4. Non-Residential Development Fees
- a. Imposition of 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 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. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 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 2.5 percent shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvements and the equalized assessed value of the newly improved structure; i.e., land and improvements; and such calculation shall be made at the time a final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the 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 a 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.
- c. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 8.7), as specified in Form N-RDF “State of New Jersey Non-Residential Development Certification/Exemption.” Any exemption claimed by a developer shall be substantiated by that developer.
- d. A developer of a non-residential development exempted from the non-residential development fee pursuant to the Statewide Non-Residential Development Fee Act shall be subject to the fee at such time as the basis for the exemption no longer applies, and shall make the payment of the 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.
- e. If a property that 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 municipality as a lien against the real property of the owner.
5. Collection Procedures

- a. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
  - b. For 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 by the developer as per the instructions provided in the Form N-RDF. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided on 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 tax assessor of the issuance of the first construction permit for a development that is subject to a development fee.
  - d. Within 90 days of receipt of that notice, the tax assessor shall provide an estimate, based on the plans filed, of the equalized assessed value of the development.
  - e. The construction official responsible for the issuance of a final certificate of occupancy shall notify the tax assessor of any and all requests for the scheduling of a final inspection on property that is subject to a development fee.
  - f. Within 10 business days of a request for the scheduling of a final inspection, the tax assessor shall confirm or modify the previously estimated equalized assessed value of the improvements associated with the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
  - g. Should the municipality fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b. of section 37 of P.L.2008, c.46 (N.J.S.A. 40:55D-8.6).
  - h. Fifty percent (50 percent) of the development fee shall be collected at the time of issuance of the construction permit. The remaining portion shall be collected at the time of issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at the time of issuance of the construction permit and that determined at the time of issuance of certificate of occupancy.
6. Appeal of development fees
- a. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by that board, collected fees shall be placed in an interest-bearing escrow account by the municipality. 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.

- b. 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 municipality. 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. A separate, interest-bearing Municipal Affordable Housing Trust Fund shall be maintained by the chief financial officer of the municipality for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- b. The following additional funds shall be deposited in the Municipal Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
  - i. Payments in lieu of on-site construction of an affordable unit, where previously permitted by ordinance or by agreement with the municipality and if approved by a municipality prior to the statutory elimination of payments in-lieu on March 20, 2024 per P.L.2024, c.2;
  - ii. Funds contributed by developers to make 10 percent of the adaptable entrances in a townhouse or other multistory attached dwelling unit development accessible;
  - iii. Rental income from municipally operated units;
  - iv. Repayments from affordable housing program loans;
  - v. Recapture funds;
  - vi. Proceeds from the sale of affordable units; and
  - vii. Any other funds collected in connection with the municipal affordable housing program including but not limited to interest earned on fund deposits.
- c. The municipality shall provide the Division with written authorization, in the form of a tri-party escrow agreement(s) between the municipality, the Division and the financial institution in which the municipal affordable housing trust fund has been established to permit the Division to direct the disbursement of the funds as provided for in N.J.A.C. 5:99-2.1 et seq.
- d. Occurrence of any of the following deficiencies may result in the Division requiring the forfeiture of all or a portion of the funds in the municipal Affordable Housing Trust Fund:
  - i. Failure to meet deadlines for information required by the Division in its review of a development fee ordinance;
  - ii. Failure to commit or expend development fees within four years of the date of collection in accordance with N.J.A.C. 5:99-5.5;

- iii. Failure to comply with the requirements of the Non-Residential Development Fee Act and N.J.A.C. 5:99-3;
  - iv. Failure to submit accurate monitoring reports pursuant to this subchapter within the time limits imposed by the Act, this chapter, and/or the Division;
  - v. Expenditure of funds on activities not approved by the Superior Court or otherwise permitted by law;
  - vi. Revocation of compliance certification or a judgment of compliance and repose;
  - vii. Failure of a municipal housing liaison or administrative agent to comply with the requirements set forth at N.J.A.C. 5:99-6, 7, and 8;
  - viii. Other good cause demonstrating that municipal affordable housing funds are not being used for an approved purpose.
- e. All interest accrued in the housing trust fund shall only be used on eligible affordable housing purposes approved by the Court.

#### 8. Use of Funds

- a. The expenditure of all funds shall conform to a Spending Plan approved by Superior Court. Funds deposited in the municipal Affordable Housing Trust Fund may be used for any activity approved by the Court to address the fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls; housing rehabilitation; new construction of affordable housing units and related costs; accessory apartments; a market-to-affordable program; 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; and/or any other activity permitted by Superior Court and specified in the approved Spending Plan.
- b. Funds shall not be expended to reimburse the municipality or activities that occurred prior to the authorization of a municipality to collect development fees.
- c. At least a portion of all development fees collected and interest earned shall be used to provide affordability assistance to very low-, low- and moderate-income households in affordable units included in the municipal Fair Share Plan. A portion of the development fees which provide affordability assistance shall be used to provide affordability assistance to very low-income households.
  - 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, infrastructure assistance, and assistance with emergency repairs. The specific programs to be used for affordability assistance shall be identified and described within the Spending Plan.

- ii. Affordability assistance for very low-income households may include producing very low-income units or 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.
  - d. No more than 20 percent of all affordable housing trust funds, exclusive of those collected to fund an RCA prior to July 17, 2008, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultants' fees necessary to develop or implement a new construction program, prepare and implement a Housing Element and Fair Share Plan, administer an Affirmative Marketing Program and for compliance with the Superior Court and the Program including the costs to the municipality of resolving a challenge.

## 9. Monitoring

- a. On or before February 15 of each year, the municipality shall provide annual electronic data reporting of trust fund activity for the previous year from January 1st to December 31st through the AHMS Reporting System. This reporting shall include an accounting of all Municipal Affordable Housing Trust Fund activity, including the sources and amounts of all funds collected and the amounts and purposes for which any funds have been expended. Such reporting shall include an accounting of development fees collected from residential and non-residential developers, previously eligible payments in lieu of constructing affordable units on site (if permitted by ordinance or by agreement with the municipality prior to the March 20, 2024 statutory elimination per P.L. 2024, c.4), funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income from municipally-owned affordable housing units, repayments from affordable housing program loans, interest and any other funds collected in connection with municipal housing programs, as well as an accounting of the expenditures of revenues and implementation of the Spending Plan approved by the Court.

## 10. Ongoing Collection of Fees

- a. The ability to impose, collect and expend development fees shall continue so long as the municipality retains authorization from the Court in the form of Compliance Certification or the good faith effort to obtain it.
- b. If the municipality fails to renew its ability to impose and collect development fees prior to the expiration of its Judgment of Compliance, it may be subject to forfeiture of any or all funds remaining within its Affordable Housing Trust Fund. Any funds so forfeited shall be deposited into the New Jersey Affordable Housing Trust Fund established pursuant to section 20 of P.L.1985, c.222 (C. 52:27D-320).

11. Emergent Affordable Housing Opportunities. Requests to expend affordable housing trust funds on emergent affordable housing opportunities not included in the municipal fair share plan shall be made to the Division and shall be in the form of a governing body resolution. Any request shall be consistent with N.J.A.C. 5:99-4.1.



## **Appendix G – Spending Plan**



**Township Council**

c/o Township Clerk  
Teaneck, NJ 07666

Meeting: 06/17/25 06:30 PM

Department: Township Clerk

Category: Approve

DOC ID: 9118

**RESOLUTION 199-2025**

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**APPROVING A FOURTH ROUND AFFORDABLE HOUSING TRUST FUND  
SPENDING PLAN AND REQUESTING PROGRAM AND COURT APPROVAL OF  
THE SPENDING PLAN**

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**RESULT:** ADOPTED BY CONSENT VOTE [UNANIMOUS]  
**MOVER:** Mark J. Schwartz, Councilman  
**SECONDER:** Karen Orgen, Councilwoman  
**AYES:** Katz, Schwartz, Orgen, Pagan, Belcher, Gee  
**ABSENT:** Hillary Goldberg

TOWNSHIP OF TEANECK  
BERGEN COUNTY, NJ

**199-2025**

**APPROVING A FOURTH ROUND AFFORDABLE HOUSING TRUST  
FUND SPENDING PLAN AND REQUESTING PROGRAM AND COURT  
APPROVAL OF THE SPENDING PLAN**

**WHEREAS**, the Township of Teaneck has an Affordable Housing Development Fees Ordinance, Sec. 33-38, which establishes standards for the collection, maintenance, and expenditure of development fees; and

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act (hereinafter the “Amended FHA”) which governs how municipalities will comply with their affordable housing obligations for the Fourth Round (2025-2035); and

**WHEREAS**, the Administrative Office of the Courts issued Directive #24-40 (“AOC Directive #14-24), governing how municipalities file their compliance documents with the Affordable Housing Dispute Resolution Program (“the Program”); and

**WHEREAS**, the Township has prepared a Fourth Round Spending Plan consistent with the Amended FHA, AOC Directive #24-40, N.J.A.C. 5:93, and other applicable regulations, which projects the anticipated revenues to the Township’s Affordable Housing Trust Fund and describes the anticipated expenditures of funds;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Teaneck, for the reasons set forth above, as follows:

1. The Township of Teaneck hereby approves the Fourth Round Spending Plan that is attached hereto as Exhibit A, and requests that the Program and the Court review and approve the Township’s Fourth Round Spending Plan.
2. Township of Teaneck shall promptly submit the Fourth Round Spending Plan to the Program and Court for its approval.

This is to certify that the above Resolution was adopted by the  
Township Council on June 17, 2025

*Doug Ruccione*

Doug Ruccione  
Township Clerk

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**The Township of Teaneck  
Bergen County**

**Spending Plan  
Round Four (2025-2035)**

Prepared For:



818 Teaneck Road  
Teaneck, NJ 07666

## **Introduction**

Pursuant to N.J.A.C. 5:99, a Spending Plan means “a method of allocating funds contained in an affordable housing trust fund account, which includes, but is not limited to, development fees collected and to be collected pursuant to an approved municipal development fee ordinance, or pursuant to N.J.S.A. 52:27D-329.1 et seq., for the purpose of meeting the housing needs of low- and moderate-income individuals.”

All residential and non-residential development fees, payment in lieu of constructing affordable units, barrier-free escrow funds, recapture funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, and any other funds collected by the municipality in connection with its affordable housing programs are deposited into this interest-bearing Affordable Housing Trust Fund (AHTF). These funds shall be spent in accordance with N.J.A.C. 5:99 or applicable regulations.

A development fee ordinance creating a dedicated revenue source for moderate-income housing was adopted by the municipality via Sec. 33-38 establishing Teaneck’s AHTF. As such, Teaneck has prepared this Spending 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 New Rules: N.J.A.C. 5:99.

## **Authorization of Affordable Housing Trust Fund**

A municipality shall not spend, or commit to spend, any affordable housing trust funds, including Statewide non-residential fees collected and deposited into the municipal affordable housing trust fund, without first obtaining the approval of the expenditure as part of its compliance certification or by the Division pursuant to N.J.S.A. 52:27D-329.2.a(4). A municipality within the jurisdiction of the Program or a court of competent jurisdiction shall not spend affordable housing trust funds unless the Program has approved a plan for spending such funds in accordance with N.J.S.A. 52:27D-329.2.a(4) or the Division has approved spending plan expenditures for emergent opportunities to create affordable housing after a municipality has obtained compliance certification in conformance with N.J.A.C. 5:99-4.

## **Account Requirements and Use of Funds (5:99-2.2 to 2.8)**

### **Account Requirements**

(a) All affordable housing trust funds shall be deposited in a separate, interest-bearing account. In establishing the account, the municipality shall provide written authorization, in the form of a three-party escrow agreement between the municipality, the bank or other financial institution, and the Division, to permit the Division to direct the disbursement of the funds, as provided for at N.J.A.C. 5:99-5.6, shall be maintained at all times. This authorization shall be submitted to the Division within 21 days from the opening of the trust fund account and/or within 21 days of any change in banks or other financial institutions in which trust funds are deposited.

(b) With the approval of the Department's Division of Local Government Services, the municipality may invest its affordable housing trust fund in the State of New Jersey cash management fund, provided that the amount of money in the cash management fund that comprises the funds and income attributable to such funds shall at all times be identifiable.

(c) All interest accrued in the affordable housing trust fund shall only be used on eligible affordable housing activities included in an approved spending plan or an emergent opportunity authorized by the Division.

(d) A municipality within the jurisdiction of the Program or a court of competent jurisdiction shall not spend affordable housing trust funds unless the Program or a court of competent jurisdiction has approved a plan for spending such funds in accordance with N.J.S.A. 52:27D-329.2.a(4) or the Division has approved spending plan expenditures for emergent opportunities to create affordable housing after a municipality has obtained compliance certification in conformance with N.J.A.C. 5:99-4.1.

(e) Any municipality with an affordable housing trust fund account shall be subject to N.J.A.C. 5:99-4.

(f) Municipal affordable housing trust funds shall not be expended:

1. To reimburse the municipality for activities that occurred prior to the authorization of a municipality to collect development fees;
2. On attorney fees or court costs to obtain a judgment of compliance or order of repose, including any associated administration costs;

3. On any costs in connection with a challenge to a determination of the municipality's fair share obligation; or

4. On any costs in connection with a challenge to the municipality's obligation, housing element, or fair share plan.

(g) In addition to the restrictions at (f) above, no more than 20 percent of all affordable housing trust funds, exclusive of those collected prior to July 17, 2008, to fund an RCA, may be expended on administration, in accordance with N.J.A.C. 5:99-2.4.

(h) A municipality shall set aside a portion of its affordable housing trust fund for the purpose of providing affordability assistance to low- and moderate-income households in affordable units included in a municipal fair share plan, in accordance with N.J.A.C. 5:99-2.5.

(i) Compliant municipalities, Qualified Urban Aid Municipalities, or municipalities that have previously collected such funds while under the protection of presumptive validity of their affordable housing plan or immunity from exclusionary zoning litigation and in accordance with an approved spending plan are authorized to commit or expend affordable housing trust funds in accordance with this chapter, UHAC, and the Act.

(j) A non-compliant Qualified Urban Aid Municipality meeting the criteria set forth in paragraph (1) of subsection c. of section 7 at P.L. 2024, c. 2, which has been authorized to collect residential development fees pursuant to N.J.A.C. 5:99-3.5(b), may not spend, or commit to spend, any affordable housing development fees, without first obtaining the Division's approval of the expenditure by submitting a spending plan for current funds in the municipal affordable housing trust fund and projected funds through the current round. The Division shall review the spending plan for consistency with N.J.A.C. 5:99-2 and shall notify the municipality upon the approval of the spending plan.

#### Use of Funds for Housing Activity

(a) A municipality may use affordable housing trust funds for any housing activity as itemized in the spending plan and approved by the Program or as approved by the Division as an emergent opportunity to create affordable housing. Such activities include, but are not limited to:

1. A rehabilitation program whose purpose is to renovate deficient housing units that are occupied by low- and moderate-income households, in accordance with the New Jersey State Housing Code, N.J.A.C. 5:28, or the requirements of the Rehabilitation Subcode, N.J.A.C. 5:23-

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- 6, as applicable. Any recaptured funds from a rehabilitation program shall be deposited into a municipality's affordable housing trust fund and subject to the provisions thereof;
  2. New construction of affordable housing units and related development costs; in the case of inclusionary developments, eligible costs shall be prorated based on the proportion of affordable housing units included in the development;
  3. Creation of a market to affordable program to pay down the cost of unrestricted units and offer them in sound condition, for sale or rent, at affordable prices to low- and moderate-income households to address all or a portion of the affordable housing obligation;
  4. Extensions or improvements of roads and infrastructure directly serving affordable housing development sites; in the case of inclusionary developments, costs shall be prorated based on the proportion of affordable housing units included in the development;
  5. RCAs, approved prior to July 17, 2008;
  6. Acquisition and/or improvement of land to be used for affordable housing;
  7. Accessory dwelling units;
  8. The extension of expiring controls;
  9. The construction of group homes and supportive and special needs housing;
  10. Maintenance and repair of affordable housing units;
  11. To defray the costs of structured parking; in the case of inclusionary developments, eligible costs shall be prorated based on the proportion of affordable housing units included in the development;
  12. Affordability assistance in accordance with N.J.A.C. 5:99-2.5;
  13. Repayment of municipal bonds issued to finance low- and moderate-income housing activity;
  14. Any other activity as specified in the approved spending plan or as approved by the Division as an emergent affordable housing opportunity; or

15. Any other activity approved by the Division.

#### Use of Funds for Administrative Expenses

(a) No more than 20 percent of all affordable housing trust funds, exclusive of those collected prior to July 17, 2008, to fund an RCA, shall be expended on administration.

(b) Administrative expenses may include costs reasonably related to the determination of the fair share obligation and the development of a municipal housing element and fair share plan and may include fees necessary to develop or implement affordable housing programs, an affirmative marketing program, and/or expenses that are reasonably necessary for compliance with the processes of the Program, including, but not limited to, the costs to the municipality of resolving a challenge pursuant to the Program.

(c) Administrative expenses may also include costs associated with functions carried out in compliance with UHAC, including activities related to the marketing program and waitlist management, administering the placement of occupants in housing units, income qualification of households, monitoring the turnover of sale and rental units, preserving existing affordable housing, and compliance with the Division's monitoring requirements.

(d) The proportion of a municipal employee's salary related to the MHL or RCA administrator functions and fees for required educational programs, may be paid as an administrative expense from the municipal affordable housing trust fund.

#### Use of Funds for Affordability Assistance

(a) A municipality shall set aside a portion of all development fees collected and interest earned for the purpose of providing affordability assistance to low- and moderate-income households in affordable units included in the municipality's fair share plan.

1. Affordability assistance for very-low-income households may include offering a subsidy to developers of inclusionary or 100 percent affordable housing developments or buying down the cost of low- or moderate-income units in a municipal fair share plan to make them affordable to very low-income households, including special needs and supportive housing opportunities.

(b) A municipality 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, or any program or activity for which the municipality expends development fee proceeds.

#### Barrier-Free Escrow

An affordable housing trust fund may include fees collected to adapt affordable unit entrances to be accessible in accordance with the Act and the Barrier Free Subcode, N.J.A.C. 5:23-7. The municipality shall set forth the mechanism by which it will collect and distribute funds intended to convert adaptable entrances in compliance with the technical design standards of the Barrier Free Subcode at N.J.A.C. 5:23-7. Funds collected for this purpose shall at all times be identifiable from other funds. A municipality that collects, or anticipates collecting, funds to adapt affordable unit entrances shall identify the funds on its monitoring report pursuant to N.J.A.C. 5:99-5.

#### Payments in Lieu of Constructing Affordable Units On-Site

(a) Payments in lieu of constructing affordable units shall not be imposed on any non-residential development.

(b) A municipality that chooses to collect or anticipates collecting payments in lieu of constructing affordable units shall identify the funds on its monitoring report pursuant to N.J.A.C. 5:99-5.2 and include a plan for the use of the funds in its spending plan.

(c) Payment-in-lieu fees shall be deposited into the municipality's affordable housing trust fund, but shall be accounted for separately from any other fees collected by a municipality. Whenever a payment-in-lieu fee is assessed by a municipality pursuant to this section, a development fee authorized pursuant to N.J.S.A. 52:27D-329.2 shall not be charged in connection with the same development.

#### Other Funds

(a) An affordable housing trust fund may also contain recaptured funds, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines and application fees, and any other funds collected by the municipality in connection with its affordable housing programs. A municipality that collects, or anticipates collecting, such fees shall identify the funds on its monitoring report pursuant to N.J.A.C. 5:99-5 and include a plan for the use of the funds in its spending plan.

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(b) An affordable housing trust fund shall also contain any excess RCA funds, where the RCA has been completed in accordance with the RCA project plan.

(c) A municipality that is not a compliant municipality may not retain excess RCA funds and shall transfer any such funds to the New Jersey Affordable Housing Trust fund established pursuant to N.J.S.A. 52:27D-320.

## Spending Plan

### Revenues + Expenditures for Certification Period

Teaneck has considered the following AHTF revenue sources between the period of 2025-2035:

- Development fees and interest: Teaneck analyzed five years (2020 to 2024) of development fees and interest deposited into the AHTF and averaged these to determine the expected annual fee.

2020: \$1,337  
 2021: \$44,082  
 2022: \$25,919  
 2023: \$49.89  
 2024: \$70,616  
*Average: \$28,401*

We determined a projected annual average revenue of **\$28,401** for the years of 2025 to 2035.

- Payment in lieu of constructing affordable units are **not** anticipated.
- Barrier-free escrow funds are **not** anticipated.
- Funds from other sources such as the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, or proceeds from the sale of affordable units are **not** anticipated.

As such, Teaneck intends to use affordable housing trust fund revenues in accordance with 5:99-2.2 to 2.8, as outlined on the following page.

### Excess or Shortfall of Funds

The governing body reserves the right to revise projections and anticipated funding commitments based upon actual revenues to the Affordable Housing Trust Fund and any revisions to the Housing Element and Fair Share Plan.

In the event that a shortfall of anticipated revenues occurs, the municipality will revise its Spending Plan accordingly.

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used toward low- and moderate-income housing in accordance with 5:99-2.2 to 2.8 and the Spending Plan will be revised accordingly.

| <b>Revenues</b>   |   |                  |
|---|---|------------------|
| Current cash on hand as of May 2025   |   | \$614,238        |
| Projected developer fee revenue + Projected Interest<br>(Average annual developer fees and interest of \$28,401 x 10 years)   | + | \$284,008        |
| Projected payment in lieu of constructing affordable units  | + | \$0              |
| Projected barrier-free escrow funds   | + | \$0              |
| Projected recapture funds, sale of affordable units, rental income, repayments from affordable housing program loans, enforcement fines, unexpended RCA funds remaining from a completed RCA project, application fees, or any other funds collected by the municipality in connection with its affordable housing programs | + | \$0              |
| <b>Projected Revenues</b>   | = | <b>\$898,246</b> |
| <b>Expenditures</b>   |   |                  |
| Rehabilitation program whose purpose is to renovate deficient housing units that are occupied by low- and moderate-income households  |   |                  |
| Or Minimum Affordability Assistance   | - | (\$718,597)      |
| Or New construction of affordable housing units and related development costs   |   |                  |
| Total Administration (Max 20%)  | - | (\$179,649)      |
| <b>Total Projected Expenditures</b>   | = | <b>\$898,246</b> |
| <b>Remaining Balance</b>  | = | <b>\$0</b>       |

**Appendix H - Resolution of intent to fund cost of municipality's municipally sponsored affordable housing development as well as its rehabilitation program**

*N/A – The Township reserves the right to adopt a resolution of intent to fund cost of municipality's municipally sponsored affordable housing development as well as its rehabilitation program pursuant to its Spending Plan and project requirements*



**Appendix I – Copies of resolutions appointing Administrative Agent(s) and appointing the Municipal Affordable Housing Liaison**

See Appendix D-E for Administrative Agent Ordinance, which is included in Ordinance No. 15-2026, adopted March 16, 2026



**Township Council**  
c/o Township Clerk  
Teaneck, NJ 07666

Meeting: 06/17/25 06:30 PM  
Department: Township Clerk  
Category: Appointment  
DOC ID: 9120

**RESOLUTION 197-2025**

**APPOINTING A HOUSING LIAISON FOR THE OVERSIGHT AND ADMINISTRATION  
OF THE TOWNSHIP'S AFFORDABLE HOUSING PROGRAM**

Resolution 197-2025

Meeting of June 17, 2025

TOWNSHIP OF TEANECK  
BERGEN COUNTY, NJ

**197-2025**

**APPOINTING A HOUSING LIAISON FOR THE OVERSIGHT AND  
ADMINISTRATION OF THE TOWNSHIP'S AFFORDABLE HOUSING  
PROGRAM**

**WHEREAS**, the Township Code for the Township of Teaneck requires the appointment of a full-time or part-time employee of the Township of Teaneck to act as the Municipal Housing Liaison with responsibility for oversight and administration of the Township's affordable housing program; and

**WHEREAS**, Chapter 33, "Development Regulations, Article VI, "Affordable Housing," Sec. 33-25, "Administration," of the Township Code lists the responsibilities of the Municipal Housing Liaison which includes the following:

1. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Township of Teaneck, including the following responsibilities, which shall not be undertaken by or contracted out to a third party:
  - a. Serving as the municipality's primary point of contact for all inquiries from the state, affordable housing providers, administrative agents and interested households;
  - b. The implementation of the affirmative marketing plan and affordability controls;
  - c. When applicable, supervising any contracting administrative agent;
  - d. Monitoring the status of all restricted units in Teaneck Township's Fair Share Plan;
  - e. Compiling, verifying and submitting annual reports as required by the Superior Court;
  - f. Coordinating meetings with affordable housing providers and administrative agents, as applicable; and
  - g. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by the Superior Court.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Teaneck, that Frank Piazza, of Piazza Associates be and is hereby appointed the Municipal Housing Liaison for the Township of Teaneck and shall be responsible for performing the duties set forth in Chapter 33, Article VI, Sec. 33-35 of the Township Code; and

Resolution 197-2025

Meeting of June 17, 2025

**BE IT FURTHER RESOLVED**, that the term of this appointment is one year, commencing on June 1, 2025.

**CERTIFICATION**

I, Doug Ruccione, Township Clerk for the Township of Teaneck, do hereby certify that the foregoing resolution was duly adopted by the Township of Teaneck at a meeting held on June 17, 2025, with a quorum being present and voting in the majority.

\_\_\_\_\_  
Clerk, Township of Teaneck



**Township Council**

c/o Township Clerk  
Teaneck, NJ 07666

Meeting: 04/25/17 07:00 PM

Department: Township Clerk

Category: Authorization

DOC ID: 3965

**RESOLUTION 78-2017**

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**Authorizing Entering of a Contract with Piazza & Associates to Serve as  
Administrative Agent for the Administration of Affordable Housing Units Within  
the Township of Teaneck**

TOWNSHIP OF TEANECK  
BERGEN COUNTY, NJ

**78-2017**

**AUTHORIZING ENTERING OF A CONTRACT WITH PIAZZA &  
ASSOCIATES TO SERVE AS ADMINISTRATIVE AGENT FOR THE  
ADMINISTRATION OF AFFORDABLE HOUSING UNITS WITHIN THE  
TOWNSHIP OF TEANECK**

**WHEREAS**, the Township Council of the Township of Teaneck has filed a complaint with the Superior Court of New Jersey for substantive certification of its Housing Element and Fair Share Plan; and

**WHEREAS**, the Township of Teaneck has submitted a Fair Share Plan in connection with said court proceeding; and

**WHEREAS**, the Township of Teaneck'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

**WHEREAS**, the Township of Teaneck has adopted Ordinance 3-2017 on February 7, 2017, for the affirmative marketing of affordable housing units with the Township of Teaneck and the designation of a Municipal Housing Liaison and Administrative Agent; and

**WHEREAS**, the Township of Teaneck has solicited at least two quotations for administering and enforcing the affordability controls and the Affirmative Marketing Plan for Affordable Housing Units within the Township of Teaneck; and

**WHEREAS**, Piazza & Associates, 216 Rockingham Row, Princeton Forrestal Village, Princeton, N.J. 08540 has submitted a proposal to perform such services for \$200 per month for consulting, list management and responding to inquiries, with all additional services being paid by the developer/owner/landlord of such affordable housing units; and

**WHEREAS**, the Township Council of the Township of Teaneck wishes to enter into an agreement with Piazza & Associates for the purpose of administering and enforcing the affordability controls and the Affirmative Marketing Plan of Township of Teaneck in accordance with the regulations of the New Jersey Uniform Housing Affordability Controls pursuant to *N.J.A.C. 5:80-26 et seq.*, based upon price, and other considerations including experience and

reputation in administering and enforcing affordability controls for affordable housing units within the vicinity; and

**WHEREAS**, the agreement designates Piazza & Associates as the Administrative Agent for all the units in the Township of Teaneck's affordable housing program.; and

**WHEREAS**, the Township of Teaneck estimates that cost of such services during the one year term of the Agreement may exceed the sum of \$17,500 but will not exceed the bid threshold for the Township of Teaneck of \$40,000; and

**WHEREAS**, Piazza & Associates has completed and submitted a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political or candidate committee in the previous one year period preceding the award of this contract, pursuant to N.J.S.A. 19:44A-1 et seq. or, pursuant to P.L. 2004, c.19, as amended by P.L. 2005, c.51, or pursuant to Ordinance 4029 of the Township of Teaneck which would bar the award of this contract, and that the contract will prohibit Millennium Strategies LLC from making any reportable contributions during the term of the contract; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds for these contracts are available and that a copy of such Certificate shall be attached to the original of this resolution and be on file on the office of the Township Clerk and available for public inspection;

**NOW THEREFORE BE IT RESOLVED** by the Township Council of the Township of Teaneck, Bergen County, New Jersey that Piazza & Associates, 216 Rockingham Row, Princeton Forrestal Village, Princeton, N.J. 08540, is hereby designated at the Administrative Agent for the Township of Teaneck to administer and enforce the affordability controls and the Affirmative Marketing Plan of Township of Teaneck in accordance with the regulations of the New Jersey Uniform Housing Affordability Controls pursuant to *N.J.A.C. 5:80-26 et seq.*, and **BE IT FURTHER**

**RESOLVED** that the Mayor is hereby authorized to execute, and the Township Clerk to attest, an Agreement to carry out the foregoing, of a form approved by the Township Attorney, a copy of which is on file in the Office of the Township Clerk and is available for public inspection; and **BE IT FURTHER**

**RESOLVED** that the Township Clerk is hereby authorized and directed to cause a notice to be published in the manner provided by law setting forth the nature, duration, service and amount of the Agreement and that the resolution and Agreement are on file in the Office of the Township Clerk and are available for public inspection; and **BE IT FURTHER**

**RESOLVED**, the Township of Teaneck hereby designates the Municipal Housing Liaison as the liaison to Piazza & Associates.

Adopted: *[insert date]*

APPROVED:

\_\_\_\_\_

Mohammed Hameeduddin, Mayor

ATTEST: \_\_\_\_\_

Issa Abbasi, Township Clerk

*THIS AGREEMENT*, entered into as of this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

**BETWEEN**

*The Township of Teaneck* a municipality and instrumentality of the State, having offices at *818 Teaneck Road, Teaneck, N.J.*, hereinafter called the "Municipality"; and

*Piazza & Associates* having offices at 216 Rockingham Row, Princeton Forrestal Village, Princeton, N.J. 08540, hereinafter called the "Administrative Agent."

**WITNESSETH**

*WHEREAS*, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, *et seq.*, hereinafter the "Act") the Municipality is implementing a program to provide affordable housing units to low- and moderate-income households desiring to live within the Municipality; and

*WHEREAS*, at Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code, the State has promulgated affordability controls in regulations designed to implement the Act, by assuring that low- and moderate-income units that are created under the Act are occupied by low- and moderate-income households for an appropriate period of time (the "Rules"); and

*WHEREAS*, Section 5:80-26.14 of the Rules provides that affordability controls may be administered by an administrative agent acting on behalf of a municipality; and

*WHEREAS*, the Municipality has selected *Piazza & Associates* to be the Administrative Agent for the purposes of providing affordability control services for all affordable housing within the municipality as included in this contract.

*NOW THEREFORE*, subject to the approval of any required governmental entity, the Municipality and the Administrative Agent hereby agree to the following terms and conditions:

**Section 1. Term**

This Agreement shall become effective upon execution by both parties following approval thereof by the Township Council of the Township of Teaneck and shall have a term of *one* year, subject to the termination and renewal provisions set forth in *Section 4*, below.

**Section 2. Applicability and Supersession**

This Agreement shall define and govern all terms between the parties with respect to affordability controls for affordable housing units provided under the Act, and shall supersede all prior agreements or documents related thereto.

### **Section 3. Agency and Enforcement Delegation**

The Municipality and the Administrative Agent acknowledge that under the Rules, the Administrative Agent is acting hereunder primarily as an agent of the Municipality. Anything herein to the contrary notwithstanding, however, the Municipality hereby delegates to the Administrative Agent, and the Administrative Agent hereby accepts, primary responsibility for enforcing substantive provisions of the Act and the Rules. The Municipality, however, shall retain the ultimate responsibility for ensuring effective compliance with the Rules and the Administrative Agent will come under the supervision of the Municipal Housing Liaison.

### **Section 4. Termination and Renewal**

- (1) The Agreement may be terminated by either party, by giving *60 days* advanced written notice to the other, to the address and in the form as set forth in *Section 8*, below, provided however, that no such termination may take effect unless and until an alternate Administrative Agent has been selected by the Municipality and approved by all required governmental authorities.
- (2) Unless terminated, this Agreement shall automatically be renewed for up to two successive terms of *one year* each.

### **Section 5. Assignment of Affordable Housing Units**

For the term hereof, and without exception, this Agreement shall govern the provision of affordability control services for the all affordable housing units located within the Municipality that fall under the jurisdiction of the Act:

### **Section 6. Responsibilities of the Administrative Agent**

The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in the Rules, including those set forth in Sections 5:80-26.14, 16 and 18 thereof, which includes:

- (1) Affirmative Marketing
  - (a) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of the Township of Teaneck and the provisions of N.J.A.C. 5:80-26.15;
  - (b) Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH; and
  - (c) 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 applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in Appendices J and K of N.J.A.C. 5:80-26.1 et. seq.;
- (e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and
- (f) Employing a random selection process as provided in the Affirmative Marketing Plan of *the Township of Teaneck* 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 requests 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;
  - (c) Notifying the Municipality of an owner's intent to sell a restricted unit; and
  - (d) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.
- (6) Enforcement
  - (a) Securing annually from municipalities 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) Records received, retained, retrieved, or transmitted under the terms of this contract may constitute public records of *the Township of Teaneck* as defined by N.J.S.A. 47:3-16, and are legal property of *the Township of Teaneck*. The Administrative Agent agrees to administer and dispose of such records in compliance with the State's public records laws and associated administrative rules.
- (8) The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.
- (9) Consulting Services
  - (a) The Administrative Agent shall share its extensive expertise in the monitoring and compliance of affordable housing with the Township so as to assist it in planning and development of affordable housing units in the municipality.
  - (b) The Administrative Agent shall consult with the Township to assist in the development of policies and best practices in the administration of affordable units and the development of an operating manual that sets forth the procedures to implement those policies and practices.
- (10) Preliminary Application Services
  - (a) The Administrative Agent will assist the Township with the development of an Affirmative Marketing Plan and implement that plan relative to specific projects that contain affordable housing units.
  - (b) The Administrative Agent will develop a complete set of application documents specifically designed to meet requirements of the regulations, including a Preliminary Application for affordable Housing, a Final Application for Affordable Housing, Income Verification Forms and other such forms as may be required by the Regulations.
  - (c) The Administrative Agent will make applications available through the New Jersey Housing Resource Center ([www.NJHousing.gov](http://www.NJHousing.gov)), for direct downloading on its own website ([www.HousingQuest.com](http://www.HousingQuest.com)), at the municipal building and other such places as may be required. The application and other information shall also be made available to be linked from the Township website if desired by the Township.
  - (d) The Administrative Agent will mail Preliminary Applications upon request, and answer questions, via telephone and e-mail, as needed. A special e-mail address will be established that will be dedicated to the affordable housing services of the Township.
  - (e) The Administrative Agent will collect all of the Preliminary Applications, and process such applications as necessary, keeping a complete record of the information, and responding to all applicants appropriate to their submission. Applications will be subject to random selection as may be required by the

regulation, but the Administrative Agent will maintain the priority order of the applicants (waiting list) once the applicants have been subject to a random selection process.

- (f) Upon notification that units are or will be available, the Administrative Agent will send notices and final applications to a representative number of prequalified applicants, who will be asked to contact the Owner or its agent, and, at the same time, to submit the final application to the Administrative Agent.
- (g) The Administrative Agent will complete a review of the final application and notify both the applicant and the Owner or its agent as to the status of that application, i.e. Approved, Not Approved or Incomplete.

(11) Sales Units

- (a) The Administrative Agent will determine the maximum re-sales prices for the Owner-Seller and certify to the Township that said price is in compliance to the regulations.
- (b) The Administrative Agent will coordinate a process to notify potential purchasers of an available unit and determine the priority order of interested parties.
- (c) The Administrative Agent will determine the eligibility of prospective buyers and certify the applicant with respect to their adherence to all income limitations as set forth in the regulations, and notify the Owner accordingly with a written certification.
- (d) The Administrative Agent will work with the Township's legal counsel to provide the form of documentation and coordinate the execution and recording of the documentation (Certification, Deed, Mortgage and Note and other such documents that may be required by the regulations) for the closing and transfer of title, necessary to maintain the affordable housing restriction, as required by the Regulations.
- (e) The Administrative Agent will maintain accurate records of the status of all certification and recertification work on an ongoing basis.
- (f) The Administrative Agent will provide compliance reports to the Township and regulatory agencies as necessary.

(12) Rental Units

- (a) On an annual basis, The Administrative Agent will inform the Landlord of the rental rates for the Affordable Housing Units that are in compliance with the regulations and viable relative to the local market conditions.
- (b) The Administrative Agent will certify to the Township that the rental rates for the Affordable Housing Units are in compliance to the regulations.

- (c) The Administrative Agent will provide a written certification form to the Manager for all approved applications, and ask the Manager to return the certification forms, signed by the applicant, together with a copy of the lease agreement.
- (d) The Administrative Agent will communicate the status of the compliance plan to the Manager and the Township on an ongoing basis, and be available to meet with representatives of both as reasonable and appropriate.
- (e) The Administrative Agent will maintain accurate records of the status of all certification work on an on-going basis.
- (f) The Administrative Agent will provide compliance reports to the Township and regulatory agencies as necessary.

(13) UHAC Regulations

Notwithstanding anything herein to the contrary, The Administrative Agent will provide all services required of the Administrative Agent pursuant to the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.14(a)).

**Section 7. Responsibilities of the Municipality**

The Municipality shall:

- (1) Provide to the Administrative Agent the name, title and telephone number of the municipal official designated as the Municipal Housing Liaison to the Administrative Agent on all matters related to this Agreement;
- (2) Ensure that applicable local ordinances are not in conflict with, and enable efficient implementation of, the Rules and the provisions of this Agreement;
- (3) Monitor the status of all restricted units in the Municipality's Fair Share Plan;
- (4) Compile, verify, and submit annual reports as required by COAH;
- (5) Coordinate meetings with affordable housing providers and Administrative Agents, as applicable;
- (6) Develop an Affirmative Marketing Plan and distribute to the Administrative Agent;
- (7) Ensure that all restricted units are identified as affordable within the tax assessor's office and any Municipal Utility Authority (MUA). The municipality and MUA shall promptly notify the Administrative Agent of a change in billing address, payment delinquency of two billing cycles, transfer of title, or institution of a writ of foreclosure on all affordable units; and

- (8) Provide all reasonable and necessary assistance to the Administrative Agent in support of efforts to enforce provisions of the Act, the Rules, deed covenants, mortgages, court decisions or other authorities governing the affordability control services to be provided under the Agreement.

**Section 8. Notices**

All notices and other written communications between the Municipality and the Administrative Agent shall be to the addresses and personnel specified below:

if to the Municipality:

Township of Teaneck  
818 Teaneck Road  
Teaneck, N.J. 07666  
 Attn: Township Manager

if to the Administrative Agent:

Piazza & Associates  
 216 Rockingham Row, Princeton Forrestal Village  
 Princeton, N.J. 08540  
 Attn: Frank Piazza, President

**Section 9. Non-Waiver of Conditions**

The failure of either party to insist upon strict performance of any provision of this Agreement in any one or more instances shall not constitute a consent to waiver of or excuse for any other different or subsequent breach of the same or other provision, nor as a result shall either party relinquish any rights which it may have under this Agreement. No terms or provisions hereof shall be deemed waived and no breach excused unless such waiver or consent is in writing and signed by the waiving party.

**Section 10. Merger and Amendment**

This written Agreement, together with its Exhibits, constitutes the sole agreement between the parties with respect to the matters covered therein, and no other written or oral communication exists which shall bind the parties with respect thereto, provided however that this Agreement may be modified by written amendments clearly identified as such and signed by both the

Municipality and the Administrative Agent.

**Section 11. Partial Invalidation of Agreement**

Should any provision of this Agreement be deemed or held to be invalid, ineffective or unenforceable, under present or future laws, the remainder of the provisions shall remain in full force and effect.

**Section 12. Services Not Provided Herein:** The Administrative Agent shall not be responsible for:

- (1) The obligation of the Township to meet its affordable housing obligation aside from the certification as provided in Section 6 hereof.
- (2) Any additional requirements set forth by COAH, its successor, the Courts or any other regulatory agency or entity that represents a material change in the services necessary to comply with the regulations.
- (3) Legal services associated with the enforcement of the regulations; and
- (4) All legal and real estate related services associated with the rental or sale and transfer of an affordable property, including, but not limited to compliance to Federal and State Fair Housing laws.

**Section 13. Not Assignable.** The within contract shall not be assignable.

**Section 14. Modification, Waiver and Construction.**

A. This Contract shall not be modified unless the modification is in writing and is signed by authorized representatives of both parties.

B. The failure of either party to require the performance of any term or obligation of this Contract, or the waiver of either party to any breach of this Contract, shall not prevent a subsequent enforcement of the term or obligation nor be deemed a waiver of any subsequent breach.

C. This Contract shall be construed in accordance with the laws of the State of New Jersey.

D. **Disputes.** If a dispute arises out of or relating to this contract or the breach thereof and if said dispute cannot be settled through direct discussions between the parties, the parties agree to first endeavor to settle the dispute in an amicable manner by mediation prior to

accessing the judicial system for settlement. The parties shall each designate a proposed mediator. If the parties cannot agree upon one of the two mediators, the two mediators shall select a third mediator. The costs for any mediation will be divided equally between the parties except that the expenses of any witnesses for either side shall be paid by the party producing such witness. In the event the dispute shall not be able to be resolved through mediation, either party may institute a suit only in the Superior Court of New Jersey with a venue of Bergen County and both parties agree to submit themselves to both personal jurisdiction and subject matter jurisdiction in said court.

**Section 15. Availability of Funds.** This contract is subject to the appropriation of sufficient funds in the final 2017 budget. The continuation of this contract beyond December 31, 2017 shall be subject to the appropriate annually of sufficient funds by the Township of Teaneck.

**Section 16. Independent Special Counsel Status.** The services to be rendered by the Administrative Agent pursuant to the terms and conditions hereof shall be rendered as an independent contractor and not as an employee of the Township.

**Section 17. Equal Opportunity and Non-Discrimination.** The Administrative Agent shall comply with the requirements of N.J.S.A. 10:5-31 et seq. and N.J.A.C. 17:27, including the requirements as set forth in Exhibit A, annexed hereto and made part hereof.

**Section 18. Political Contribution Disclosure.** This contract has been awarded to the Administrative Agent based on the merits and abilities of the Special Counsel to provide the goods or services as described herein. This contract was not awarded through a “fair and open process” pursuant to N.J.S.A. 19:44A-20.4 et seq. As such, the Administrative Agent, by signing below, attests that the Administrative Agent, its subsidiaries, assigns or principals controlling in excess of 10% of the Administrative Agent company has neither made a contribution, that is

reportable to the Election Law Enforcement Commission pursuant to N.J.S.A. 19:44A-8 or 19:44A-16, or pursuant to P.L. 2007, c. 19, as amended by P.L. 2005, c. 51, and Teaneck Ordinance 4029 in the one (1) year period preceding the award of the contract or which would affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of this contract to any political party committee in the Township of Teaneck if a member of that political party is serving in an elective public office of the Township of Teaneck when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Township of Teaneck when the contract is awarded or to any other candidate or political committee in excess of the amounts permitted pursuant to Ordinance No. 4029. In addition, Administrative Agent acknowledges and understands that this agreement shall not be authorized by the Township of Teaneck until such time as the Township of Teaneck has received from Administrative Agent all executed forms and certifications as required by State Law (if necessary) and Ordinance No. 4029 of the Township of Teaneck.

**Section 19. Iranian Investment Disclosure.** Administrative Agent shall comply with the requirements of N.J.S.A. 40A:11-2.1 and N.J.S.A. 52:32-55 et seq. (P.L. 2012, Chap. 25) respecting the disclosure of investment activities in Iran. Any person or entity that submits a bid or otherwise proposes to enter into or renew a contract must complete the certification attached hereto, under penalty of perjury, that the person or entity, or one of the person's or entity's parents, subsidiaries, or affiliates, is not identified on a list created and maintained by the Department of the Treasury as a person or entity engaging in investment activities in Iran.

**Section 20. Business Registration Requirements.** The Administrative Agent shall comply with the provisions of N.J.S.A. 52:32-44 et seq. respecting the New Jersey Business Registration requirements.

**Section 21. Miscellaneous Provisions.**

- A. **Contract Administration:** All work performed by the Administrative Agent under this Agreement shall be accomplished in close consultation with and under the direction of the Township or its designee. Although the parties envision that the bulk of the work described in Section 6 herein, shall be done from the Administrative Agent's office, the Administrative Agent will be available to meet with applicants in the Township by appointment. Depending on the demand, the Administrative Agent will schedule regular local hours.
- B. **Professionalism:** At all times the Administrative Agent will endeavor to maintain a sense of professionalism with respect to the services performed on behalf of the Township.
- C. **Implementation of Services:** The Administrative Agent will begin the implementation of its services immediately upon the approval of the Township and the receipt of a signed Agreement with the Township.
- D. **Confidentiality:** Except as otherwise required pursuant to the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.), all data provided by the Township, the Owner and its applicants will be considered confidential and shall be used solely for the purpose delineated in this Agreement. Likewise, the materials developed by the Administrative Agent on behalf of the Owner and/or the Township shall be considered proprietary and may only be used by the Owner and/or the Township for its own affordable housing endeavors in the future.
- E. **Insurance:** The Administrative Agent shall provide, at its own expense, Professional Liability Errors and Omission Insurance coverage with a limit of liability

of one million dollars (\$1,000,000) and shall furnish to the Township a Certificate of Insurance evidencing same. Said insurance coverage shall list the Township as an additional insured.

- F. **Files and Documentation:** The Administrative Agent will look to the Township and the Owner (as applicable) to provide files, documents and notices necessary for it to implement its compliance services.
- G. **No Financial Interest:** The Administrative Agent certifies and warrants that it has no financial interest in any of the units of affordable housing in the Township of Teaneck which are restricted under the Regulations.

**Section 22. Compensation.** The Administrative Agent will be compensated for its services as set forth on the compensation schedule annexed hereto and made part hereof.

**Section 23. Entire Agreement.** This Agreement constitutes the entire Agreement between the parties pertaining to the subject matter hereof. No supplement, modification, waiver or termination of this Agreement, or any provision hereof, shall be binding unless executed in writing by the parties. No waiver of any of the provisions of this Agreement shall constitute a waiver of any other provisions, nor shall such waiver constitute a continuing waiver unless so expressly provided.

IN WITNESS WHEREOF, the Municipality and the Administrative Agent have executed this Agreement in triplicate as of the date first above written.

ATTEST: TOWNSHIP OF TEANECK

\_\_\_\_\_  
Issa Abbasi, Township Clerk By: Mohammed Hameeduddin, Mayor

WITNESS: PIAZZA & ASSOCIATES

\_\_\_\_\_  
By: Frank Piazza, President

**ACKNOWLEDGEMENTS**

On this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ before me came \_\_\_\_\_  
known and known to me to be the \_\_\_\_\_ of \_\_\_\_\_, the  
Municipality identified as such in the foregoing Agreement, who states that (s)he is duly  
authorized to execute said Agreement on behalf of said Municipality, and that (s)he has so  
executed the foregoing Agreement for the purposes stated therein.

\_\_\_\_\_  
NOTARY PUBLIC

On this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ before me came \_\_\_\_\_,  
known and known to me to be the \_\_\_\_\_ of \_\_\_\_\_,  
the Administrative Agent identified as such in the foregoing Agreement, who states that (s)he  
has signed said Agreement on behalf of said Administrative Agent for the purposes stated  
therein.

\_\_\_\_\_  
NOTARY PUBLIC

## EXHIBIT A

### MANDATORY EQUAL EMPLOYMENT OPPORTUNITY LANGUAGE N.J.S.A. 10:5-31 et seq., N.J.A.C. 17:27

#### GOODS, PROFESSIONAL SERVICES AND GENERAL SERVICE CONTRACTS

During the performance of this contract, the contractor agrees as follows:

The contractor or subcontractor, where applicable, will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Except with respect to affectional or sexual orientation and gender identity or expression, the contractor will take affirmative action to ensure that such applicants are recruited and employed, and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex. Such action shall include, but not limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause.

The contractor or subcontractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, affectional or sexual orientation, gender identity or expression, disability, nationality or sex.

The contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or workers' representative of the contractor's commitments under this act and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The contractor or subcontractor where applicable, agrees to comply with any regulations promulgated by the Treasurer pursuant to N.J.S.A. 10:5-31 et seq. as amended and supplemented from time to time and the Americans with Disabilities Act.

The contractor or subcontractor agrees to make good faith efforts to employ minority and women workers consistent with the applicable county employment goals established in

accordance with N.J.A.C. 17:27-5.2, or a binding determination of the applicable county employment goals determined by the Division, pursuant to N.J.A.C. 17:27-5.2.

The contractor or subcontractor agrees to inform in writing its appropriate recruitment agencies including, but not limited to, employment agencies, placement bureaus, colleges, universities, labor unions, that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex, and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.

The contractor or subcontractor agrees to revise any of its testing procedures, if necessary, to assure that all personal testing conforms with the principles of job-related testing, as established by the statutes and court decisions of the State of New Jersey and as established by applicable Federal law and applicable Federal court decisions.

In conforming with the applicable employment goals, the contractor or subcontractor agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, creed, color, national origin, ancestry, marital status, affectional or sexual orientation or sex, consistent with the statutes and court decisions of the State of New Jersey, and applicable Federal law and applicable Federal court decisions.

The contractor shall submit to the public agency, after notification of award but prior to execution of a goods and services contract, one of the following three documents:

Letter of Federal Affirmative Action Plan Approval  
Certificate of Employee Information Report  
Employee Information Report Form AA302

The contractor and its subcontractor shall furnish such reports or other documents to the Division of Contract Compliance & EEO as may be requested by the Division from time to time in order to carry out the purposes of these regulations, and public agencies shall furnish such information as may be requested by the Division of Contract Compliance & EEO for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code at N.J.A.C.17:27.

## COMPENSATION

In return for its compliance efforts (as detailed in the Scope of Services above), P&A will be compensated as follows:

- **CONSULTING, LIST MAINTENANCE, AND RESPONDING TO INQUIRIES:** \$200 per month to be paid by the Township;
- **EXISTING UNITS / RE-SALES:** \$1,000 per resale certification fee to be paid by the seller upon transfer of title;
- **EXISTING UNITS / RE-RENTALS:** \$550 per re-occupancy certification fee to be paid by the landlord upon occupancy;
- **FUTURE NEW SALE UNITS:** \$200 per unit setup and marketing fee\*, plus \$1,000 per unit certification fee that are paid by the developer at a predetermined timetable;
- **FUTURE NEW RENTAL UNITS:** \$400 per unit setup & marketing fee\*, plus \$500 per unit certification fee that are paid by the developer at a predetermined timetable;
- **REFINANCING:** \$200 to be paid by the unit owner; and
- **LIEN SATISFACTIONS:** No charge.
- **OTHER PROGRAMS:** The cost to provide compliance services for programs, such as Accessory Apartments, Market to Affordable, etc., are contingent upon the number of units and the scope of services required for each.
- **ADDITIONAL SERVICES:** In the event that the Township and/or Owner requests services in addition to the Scope of Services above, a mutually agreed upon rate for such services shall be determined prior to implementation.
- In addition to its fee, P&A shall be reimbursed by the Landlord, Owner or Township as appropriate, for postage to residents and applicants. However, all management and compliance reports outlined above, all forms, web and e-mail services, telephone calls, travel expenses and meeting time, to a reasonable extent, shall be included in the basic fee above.

\* There is a \$3,000 minimum per project / developer fee that applies if the new unit or units require the implementation of an exclusive advertising and affirmative marketing process pursuant to the Regulations. There is no minimum fee for new units created as part of a series of units that are already marketed.

Piazza & Associates  
Affordable Housing Services

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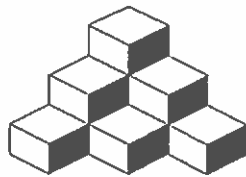
Proposal

submitted to

The Township of Teaneck

Bergen County, New Jersey

2016



## BACKGROUND

The Township of Teaneck (the "Township") is responsible for the compliance monitoring of residential units in that municipality, which were or are being developed to help the Township satisfy its affordable housing obligation as defined by the New Jersey Fair Housing Act (NJFHA) and regulated by the Uniform Housing Affordability Controls N.J.A.C. 5:80-26.1 et seq. (UHAC), as well as applicable local ordinances (hereafter, collectively referred to as the "Regulations"). Among other things, the Regulations govern the affirmative marketing, accessibility, unit mix, rental rates, sales prices, income qualifications of the renters and buyers of the affordable units.

The Township is seeking an experienced, qualified agency or entity to coordinate the affirmative marketing, review and approve the sale and rental of the affordable homes and the income qualifications of the applicants. By way of this document, Piazza & Associates, Inc. ("P&A"), an experienced firm that provides such affordable housing services, proposes to function as the Administrative Agent for the Township (N.J.A.C. 5:80-26.14) with respect to those units not otherwise administered by the Housing Authority of Bergen County, to:

1. Implement the Affirmative Marketing Plan for the Township in accordance with N.J.A.C. 5:80-26.15.
2. Prepare an Operating Manual for the Administration of Affordable Housing and Controls for submission to the Township, in accordance with N.J.A.C. 5:80-26.1 et seq.
3. Establish a database of applicants for affordable housing.
4. Implement a randomization process of the prequalified applicants.
5. Certify all applicants of affordable housing according to the Regulations.
6. Establish and maintain affordability controls and enforcement powers, in compliance with the regulations set forth in N.J.A.C. 5:80-26.1 et seq.
7. Provide annual and monthly reports as may be required to a designated authority.

## SCOPE OF SERVICES

Specifically, Piazza & Associates will provide the following services under this proposal.

### **A) Consulting Services**

1. P&A will share its extensive expertise in the monitoring and compliance of affordable housing with the Township so as to assist it in the planning and development of affordable units in the municipality.
2. P&A will consult with the Township to assist in the development of policies and best practices in the administration of affordable units and the development of an operating manual that sets forth the procedures to implement those policies and practices.

### **B) Preliminary Application Services**

1. P&A will assist the Township with the development of an Affirmative Marketing Plan and implement that plan relative to specific projects that contain affordable housing units.
2. P&A will develop a complete set of application documents specifically designed to meet the requirements of the Regulations, including a Preliminary Application for Affordable Housing, a Final Application for Affordable Housing, Income Verification Forms and other such forms as may be required by the Regulations.
3. P&A will make applications available through the New Jersey Housing Resource Center ([www.NJHousing.gov](http://www.NJHousing.gov)), for direct downloading on its own website ([www.HousingQuest.com](http://www.HousingQuest.com)), at the municipal building and other such places as may be required. The application and other information can also be made available to be linked from the Township web site if desired by the Township.
4. P&A will mail Preliminary Applications upon request, and answer questions, via telephone and e-mail, as needed. A special e-mail address will be established that will be dedicated to the affordable housing services of the Township.
5. P&A will collect all of the Preliminary Applications, and process such applications as necessary, keeping a complete record of the information, and responding to all applicants appropriate to their submission. Applications will be subject to random selection as may be required by the Regulations, but P&A will maintain the priority

order of applicants (waiting list) once the applicants have been subject to a random selection process.

6. P&A will provide to the Township, the Owners and Managers a list of available pre-qualified applicants by unit type as needed.
7. Upon notification that units are or will be available, P&A will send notices and final applications to a representative number of prequalified applicants, who will be asked to contact the Owner or its agent, and, at the same time, to submit the final application to Piazza & Associates.
8. P&A will complete a review of the final application and notify both the applicant and the Owner or its agent as to the status of that application, i.e., Approved, Not Approved or Incomplete.

#### C) Sales Units

1. P&A will determine the maximum re-sales prices for the Owner - Seller and certify to the Township that said price is in compliance to the Regulations.
2. P&A will coordinate a process to notify potential purchasers of an available unit and determine the priority order of interested parties.
3. P&A will determine the eligibility of prospective buyers and certify the applicant with respect to their adherence to all income limitations as set forth in the Regulations, and notify the Owner accordingly with a written certification.
4. P&A will work with Township's legal counsel to provide the form of documentation and coordinate the execution and recording of the documentation (Certification, Deed, Mortgage and Note and other such documents that may be required by the Regulations) for the closing and transfer of title, necessary to maintain the affordable housing restrictions, as required by the Regulations.
5. P&A will maintain accurate records of the status of all certification and recertification work on an ongoing basis.
6. P&A will provide compliance reports to the Township and regulatory agencies as necessary.

#### D) Rental Units

1. On an annual basis, P&A will inform the Landlord of the rental rates for the Affordable Units that are in compliance with the Regulations and viable relative to local market conditions.
2. P&A will certify to the Township that the rental rates for the Affordable Units are in compliance to the Regulations.
3. P&A will provide a written certification form to the Manager for all approved applications, and ask the Manager to return the certification forms, signed by the applicant, together with a copy of the lease agreement.
4. P&A will communicate the status of the compliance plan to the Manager and the Township on an ongoing basis, and be available to meet with representatives of both as reasonable and appropriate.
5. P&A will maintain accurate records of the status of all certification work on an on-going basis.
6. P&A will provide compliance reports to the Township and regulatory agencies as necessary.

#### E) Proposal Requirements and UHAC Regulations

Notwithstanding anything herein to the contrary, P&A will provide all services required of an Administrative Agent pursuant to the Uniform Housing Affordability Controls (N.J.A.C 5:80-26.14(a)).

### TERMS AND CONDITIONS

**A. Contract Administration:** All work performed by P&A under this proposal shall be accomplished in close consultation with and under the direction of the Township or its designee. Although we envision that the bulk of the work described in the Scope of Services, herein, will be done from its main office, P&A will be available to meet with applicants in the Township by appointment. Depending on the demand, P&A will schedule regular local hours.

**B. Professionalism:** At all times, P&A will endeavor to maintain a sense of professionalism with respect to the services performed on behalf of the Township.

**C. Implementation of Services:** P&A will begin the implementation of its services immediately upon the approval of the Township and receipt of a signed engagement letter or contract with the Township.

**D. Confidentiality:** All data provided by the Township, the Owner and its applicants will be considered strictly confidential and shall be used solely for the purposes delineated in this proposal. Likewise, the materials developed by P&A on behalf of the Owner and/or the Township shall be considered proprietary and may only be used by the Owner and/or Township for its own affordable housing endeavors in the future.

**E. Insurance:** P&A, Inc. will provide for itself and at its own expense Professional Liability Errors and Omission Insurance coverage with a limit of liability of one million dollars (\$1,000,000).

**F. Files and Documentation:** P&A will look to the Township or Owner (as applicable) to provide files, documents and notices necessary for it to implement its compliance services.

**G. Certain Services Not Provided Herein:** Under this proposal, P&A shall not be responsible for:

1. The obligation of the Township to meet its affordable housing obligation aside from the certifications as provided in the Scope of Services herein for the units administered by P&A;
2. Any additional requirements set forth by COAH, its successor, the Courts or any other regulatory agency or entity that represent a material change in the services necessary to comply with the Regulations;
3. Legal services associated with the enforcement of the regulations; and
4. All legal and real estate related services associated with the rental or sale and transfer of an affordable property, including, but not limited to compliance to Federal and State Fair Housing laws.

**H. No Financial Interest:** P&A certifies and warrants that it has no financial interest in the units in the Township that are restricted under the Regulations.

### TERM

The term of this Agreement shall be one (1) year, commencing \_\_\_\_\_.  
The Agreement is renewable for successive terms and can be terminated at the discretion of the Township with 60 days written notice without cause.

## COMPENSATION

In return for its compliance efforts (as detailed in the Scope of Services above), P&A will be compensated as follows:

- CONSULTING, LIST MAINTENANCE, AND RESPONDING TO INQUIRIES: \$200 per month to be paid by the Township;
- EXISTING UNITS / RE-SALES: \$1,000 per resale certification fee to be paid by the seller upon transfer of title;
- EXISTING UNITS / RE-RENTALS: \$550 per re-occupancy certification fee to be paid by the landlord upon occupancy;
- FUTURE NEW SALE UNITS: \$200 per unit setup and marketing fee\*, plus \$1,000 per unit certification fee that are paid by the developer at a predetermined timetable;
- FUTURE NEW RENTAL UNITS: \$400 per unit setup & marketing fee\*, plus \$500 per unit certification fee that are paid by the developer at a predetermined timetable;
- REFINANCING: \$200 to be paid by the unit owner; and
- LIEN SATISFACTIONS: No charge.
- OTHER PROGRAMS: The cost to provide compliance services for programs, such as Accessory Apartments, Market to Affordable, etc., are contingent upon the number of units and the scope of services required for each.
- ADDITIONAL SERVICES: In the event that the Township and/or Owner requests services in addition to the Scope of Services above, a mutually agreed upon rate for such services shall be determined prior to implementation.
- In addition to its fee, P&A shall be reimbursed by the Landlord, Owner or Township as appropriate, for postage to residents and applicants. However, all management and compliance reports outlined above, all forms, web and e-mail services, telephone calls, travel expenses and meeting time, to a reasonable extent, shall be included in the basic fee above.

\* There is a \$3,000 minimum per project / developer fee that applies if the new unit or units require the implementation of an exclusive advertising and affirmative marketing process pursuant to the Regulations. There is no minimum fee for new units created as part of a series of units that are already marketed.

**SUBMITTED**

BY: Piazza & Associates, Inc., a New Jersey Corporation.

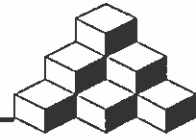
BY: \_\_\_\_\_ Date: \_\_\_\_\_  
Frank Piazza, Jr.  
Its President

**ACCEPTANCE**

Accepted on behalf of the Township of Teaneck

BY: \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Piazza & Associates, Inc.



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## Frank Piazza President, Piazza & Associates, Inc.

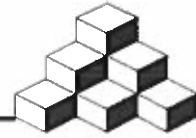
Frank Piazza, the founder and President of Piazza & Associates, has been dedicated to the administration and compliance of affordable housing for municipalities, non-profits and for-profit developers for more than 20 years. Mr. Piazza entered the affordable housing arena in 1991, by directing a successful effort to develop 126 low and moderate income apartments in Plainsboro for a local non-profit corporation. In 1994, he established Piazza & Associates, Inc., which has since become one of the largest and most experienced firms in New Jersey, specializing in the independent monitoring of affordable housing.

Currently, Piazza & Associates serves as the Administrative Agent for a wide variety of new and existing low and moderate income housing programs in more than 40 municipalities throughout the State. In addition to their work in the affordable housing sector, Piazza & Associates manages a select number of condominium and homeowners associations in the Princeton area.

## Professional Associations & Committees

- Board of Directors, Past President and Current Co-Chair of the Policy Committee, Affordable Housing Professionals of New Jersey (2006 - Present)
- President / Executive Director, Plainsboro Non-Profit Housing Corp. (1991 - Present)
- Instructor, Rutgers University Center for Government Services (CGS) / COAH "Mod I" Certification Course for Municipal Housing Liaisons and Administrative Agents (2007 - Present); and Records Management Course for MHL's and AA's (2010 – Present).
- Co-Creator and Instructor, Rutgers University CGS, for Qualifying Households Course (2012 – Present).
- Instructor, Rutgers University CGS, for the Introductory Course for the Affordable Housing Professionals of New Jersey Certification Program (2013 to present).

# Piazza & Associates, Inc.



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- Member, ad hoc advisory committees at the N. J. Council on Affordable Housing to: review the draft Operating Manual for Municipal Liaisons and Administrative Agents (2007); prepare certification / education programs for Municipal Liaisons and Administrative Agents (2006 - 2007); and review the draft handbook, entitled, "Understanding U.H.A.C." (2005 - 2006)
- Member, Community Advisory Committee, PNC Bank (2004 - Present)
- Participant, Integration Research Initiative, sponsored by the New York University's Furman Center for Real Estate and Urban Policy (2013).
- Member, Community Financial Services Advisory Board, New Jersey Dept. of Banking and Insurance (1995 - 2006)
- N.J. Housing and Mortgage Finance Agency (HMFA) Low Income Housing Tax Credit Allocation Ad Hoc Task Force (1994 - 1999)
- Township of Plainsboro Housing and Community Development Citizens Advisory Committee (1996 - Present)
- Fannie Mae Foundation Study of Financing for Affordable Multi-family Housing (1993)

## Education

- St. Mary College, Baltimore, MD - BA, 1977
- University of Notre Dame - M.Div., 1980
- Institute for Real Estate Management (IREM) - Management Training for Non-Profit Organizations, 1992

## Certification

- C9P Certification for Low Income Housing Tax Credit compliance, Spectrum Seminars, Inc.
- Approved by the Council on Affordable Housing to provide compliance monitoring services.
- Certified Housing Professional by Rutgers Center for Government Services and the Affordable Housing Professionals of New Jersey.

E-mail: [FPiazza@PiazzaNJ.com](mailto:FPiazza@PiazzaNJ.com)  
[www.PiazzaOnline.net](http://www.PiazzaOnline.net)

Telephone: 609-786-1100  
 Facsimile: 609-786-1105

# Piazza & Associates, Inc.



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## Key Personnel

### **Neville Walters** **Vice President for Operations**

Neville Walters has been a key member of the Piazza team since he joined the company at its inception in 1994. With more than 25 years of experience in the community management field, Mr. Walters is responsible for the operation of its offices and other facilities, as well as the coordination of the concierge-level management services that Piazza provides to select homeowner and condominium associations in the Princeton area.

### **Kathleen Schulte** **Vice President for Client Services**

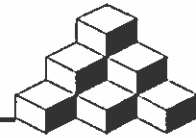
Kathy Schulte began working at Piazza & Associates in 1998. She is a trained compliance specialist and has attended numerous compliance and fair housing courses offered by the NJHMFA. She is experienced in both COAH affordable housing and Low Income Housing Tax Credit applications.

Currently, Ms. Schulte supervises the compliance department and client services at Piazza & Associates. Her duties include extensive communication with our clients /leasing agents regarding availability and initial rent-up of affordable units, and often deals directly with eligibility questions from affordable applicants.

### **Sonja Walter** **Compliance Manager**

Ms. Walter, a Compliance Specialist since March, 2006, was advanced to Compliance Manager in 2010. Specializing in Sales and Special Programs, such as Market to Affordable and Accessory Apartments, she is well versed, not only on the review of applications, but also on working with buyers and sellers during the processing of sales units. Ms. Walter is well versed in all aspects of affordable housing compliance and is a member of the Affordable Housing Professionals of New Jersey Policy Committee.

# Piazza & Associates, Inc.



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## CURRENT AFFORDABLE HOUSING ENGAGEMENTS

**Aspen Court, Piscataway, NJ:** P&A administers the affordable housing program in this rental property to be constructed on Piscataway. When completed, there will be 82 rental units contained within this development.

**Avon-by-the-Sea, NJ:** Piazza & Associates is the Administrative Agent for an active Accessory Apartment Program in this seashore community.

**Berkeley Heights, NJ:** Piazza & Associates was engaged to serve as the Administrative Agent for the municipality.

**Cedar Manor, Franklin Township (Somerset County), NJ:** P&A was chosen to serve as the Administrative Agent for 28 low- and moderate-income apartments in this large inclusionary development under construction in Franklin Township.

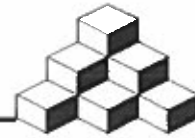
**Chatham Township, NJ:** Piazza & Associates, Inc. was appointed as the Administrative Agent for the municipality in which it will monitor 73 low- and moderate- income sales units.

**Clark Township, NJ:** Piazza & Associates, Inc. was recently engaged to administer a rental community under construction with 60 age-restricted affordable units.

**Cranbury Housing Associates, Inc., Cranbury, NJ:** Piazza & Associates currently provides all administrative and compliance services for the affordable housing program in Cranbury, NJ. This program includes 30 sales units and 67 rental units.

**Cranford Township, NJ:** Piazza & Associates has been selected to administer 19 affordable rental units at Riverfront at Cranford Station.

# Piazza & Associates, Inc.



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## *Page 2*

***East Brunswick Township, NJ:*** 430 low- and moderate- income sales units. The Township of East Brunswick engaged Piazza & Associates to administer its stock of sale units, located throughout the municipality.

***East Rutherford Township, NJ:*** 32 low- and moderate- income rental units. The developer of this new rental community has chosen Piazza & Associates to develop and implement the affirmative marketing plan.

***Edgewater Park, NJ:*** Piazza & Associates administers the affordable rental units at The Courtyards and the brand new sales units at Fox Run.

***Englewood, NJ:*** Piazza & Associates was selected by the developer of the Vivian to administer the affordable units in this luxury apartment community.

***Ewing Township, NJ:*** Piazza & Associates serves as the Administrative Agent for the Township of Ewing in Mercer County.

***Fairfield Township, NJ:*** Piazza & Associates is the Administrative Agent for an active Accessory Apartment Program in this suburban community.

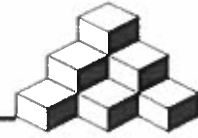
***Hamilton Township, NJ:*** Piazza & Associates, Inc. currently serves as the Administrative Agent for the Township of Hamilton in Mercer County.

***Heritage at Piscataway, Piscataway, NJ:*** Piazza & Associates was engaged by American Properties to provide compliance monitoring for 30 age-restricted low and moderate income apartments in Piscataway.

***Hillside Apartments, Montgomery Township, NJ:*** Piazza & Associates will be administering 23 rental units for Sharbell in Montgomery Township.

***Jackson Township, NJ:*** Currently in development, The Gardens at Jackson21 will produce 72 affordable rental units, for which Piazza & Associates has been named Administrative Agent.

# Piazza & Associates, Inc.



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## *Page 3*

***Kinnelon Ridge, Kinnelon, NJ:*** Piazza & Associates provides compliance monitoring for 38 new low and moderate income apartments for the Borough of Kinnelon.

***Borough of Lincoln Park, NJ:*** Piazza & Associates is the Administrative Agent for the Borough of Lincoln Park. The program includes more than 125 existing sales units.

***Livingston Township, NJ:*** Piazza & Associates was engaged by the developer of the Hillside Club to administer 16 new affordable rental units in this development.

***Lofts and Union Lofts in Robbinsville Township, NJ:*** Piazza & Associates was engaged by the developer of both the rental and the sales units created in the new Town Center in Robbinsville, Mercer County.

***Borough of Metuchen, NJ:*** Piazza & Associates serves as the Administrative Agent for the affordable housing program in that municipality.

***Monroe Township, NJ:*** Piazza & Associates provides a comprehensive monitoring program for more than 300 rental and sales units for the Township of Monroe in Middlesex County.

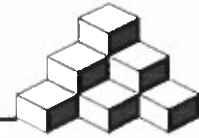
***Monroe Chase, Monroe Township, NJ:*** Piazza & Associates will administer an additional 26 affordable sales units in Monroe Township.

***Montclair Township, NJ:*** Piazza & Associates was recently selected to serve at the Administrative Agent for the multi-faceted affordable housing program in the Township.

***Montvale Township, NJ:*** Piazza & Associates has been engaged by the municipality to serve as its Administrative Agent for Affordable Housing.

***Morristown Township, NJ:*** Piazza & Associates administers the affordable rental apartments in both Modera44 and Morristown Gateway.

# Piazza & Associates, Inc.



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## *Page 4*

***Old Bridge Township, NJ:*** Piazza & Associates was recently engaged to administer 75 new units of affordable rental housing in Woodhaven.

***Borough of Park Ridge, NJ:*** Piazza & Associates serves as the Administrative Agent for the Borough.

***Parsippany – Troy Hills, NJ:*** Piazza & Associates was recently engaged to administer 16 affordable rental units that were developed as part of the Mill Run at Parsippany rental property.

***Plainsboro Non-Profit Housing Corporation, Plainsboro, NJ:*** Piazza & Associates operates the non-profit which maintains a 126-unit rental complex in suburban Plainsboro. In addition, it monitors COAH compliance for another 60 rental units in development and 80 sales units. In addition, PNPHC also coordinates a Market-to-Affordable program as well as Energy Efficiency and Foreclosure Purchase programs for Plainsboro.

***Borough of Ramsey, NJ:*** Piazza & Associates provides the on-going monitoring of the Borough's existing stock of low and moderate income sales units at Timber Valley.

***Borough of Raritan, NJ:*** Piazza & Associates has been serving as the Administrative Agent for the 12 affordable rental units in the River Park at Raritan property since 2006.

***Borough of Roseland, NJ:*** Piazza & Associates provides the on-going monitoring of the Borough's existing stock of low and moderate income sales units in three different communities.

***Borough of South Plainfield, NJ:*** Piazza & Associates serves as Administrative Agent for more than 70 rental units in the Borough.

# Piazza & Associates, Inc.



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## *Page 5*

***Spring Mill Manor, Springfield, NJ:*** Piazza & Associates provides the affirmative marketing and compliance services for the low- and moderate-income rental units that compose Spring Mill Manor.

***Springfield Gardens, Springfield, NJ:*** Piazza & Associates serves as the Administrative Agent for the 28 low- and moderate- income rental units that are part of this inclusionary development.

***Springside at Robbinsville, NJ:*** Piazza & Associates was chosen by the developer to administer 38 affordable apartments in this new rental community.

***Stone Bridge at Raritan, NJ:*** 73 Very low- low- and moderate- income rental units under construction in the Borough of Raritan in Somerset County will be administered by Piazza & Associates.

***Summerfields at Franklin, NJ:*** Piazza & Associates administers 60 new, age-restricted rental units in Franklin Township.

***Teterboro Boro, NJ:*** Piazza & Associates was recently named Administrative Agent for the Boro of Teterboro in Bergen County.

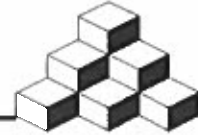
***Toms River, NJ:*** Piazza & Associates has just been named as the Administrative Agent for the Townships' more than 500 affordable units.

***Upper Saddle River, NJ:*** Piazza & Associates was recently selected to serve at the Administrative Agent for the municipality.

***West Milford, NJ:*** Piazza & Associates has been engaged to serve as the Administrative Agent for the Township of West Milford.

***West Windsor Township, NJ:*** Piazza & Associates provides a comprehensive monitoring program for more than 400 rental and about 70 sales units throughout West Windsor Township. Piazza & Associates also coordinates an extensive Energy Efficiency program to increase affordability.

# Piazza & Associates, Inc.



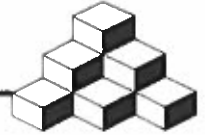
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***Whitehall Gardens, Franklin Township, NJ:*** Piazza and Associates was chosen by the owner to assist with the affirmative marketing and compliance services for 100 low- and moderate- income rental units.

***Whitney at Allendale, Allendale, NJ:*** Piazza and Associates was chosen by the owner to act as Administrative Agent for 12 affordable rental units being developed in the Borough of Allendale.

***Woodcrest at Fairfield, Fairfield, NJ:*** Piazza and Associates was chosen by the developer to assist with the affirmative marketing and compliance services for 26 low- and moderate- income rental units.

# Piazza & Associates, Inc.



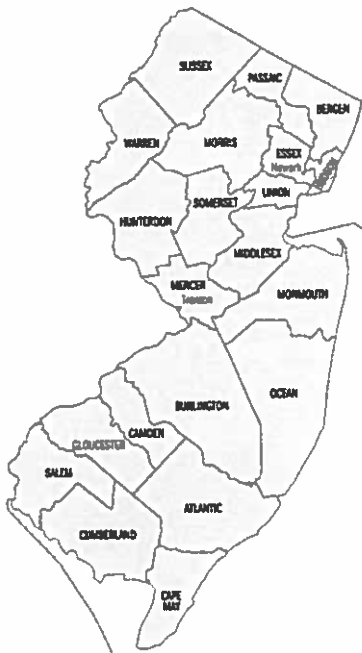
**How may we assist you?** We will be happy to send you the application(s) that you request by placing a check next to the property.

**BERGEN COUNTY**

- /// Vivian, Englewood (rentals)
- /// The Reserve at Montvale (sales)
- /// Cherry Wood, River Vale (sales)
- /// Park Terrace, Rochelle Park (55+ rentals)
- /// Park Ridge Borough (rentals)
- /// The Monarch, East Rutherford (rentals)
- /// Montvale Borough (sales and rentals)
- /// Upper Saddle River (sales)
- /// Timber Valley (sales), Ramsey
- /// River House Condos Apartments , Fair Lawn
- /// The Whitney at Allendale (rentals)

**UNION COUNTY**

- /// Woodcrest at Clark, Clark Twp. (55+ rentals)
- /// Spring Mill Manor Apartments, Springfield
- /// Berkeley Heights Township (sales & rentals)
- /// Riverfront at Cranford Station (rentals)



**Send this form** to Piazza & Associates, Inc. 216 Rockingham Row, Princeton, NJ 08540; or fax it to us at 609-786-1105. Applications are also available on line at [www.HousingQuest.com](http://www.HousingQuest.com). Piazza & Associates, Inc. is an affordable housing services provider. We work on behalf of owners, managers and municipalities to help ensure that everyone has an equal opportunity to participate in the low and moderate income housing programs in the communities in which we serve. *The list above only includes properties for which the waiting list is open and applications are being accepted.*

**PASSAIC COUNTY**

- /// West Milford Township (sales 55+)

**ESSEX COUNTY**

- /// ParkVue at Livingston (rentals)
- /// Township of South Orange (rentals)
- /// Hillside Club, Livingston (rentals)
- /// Heritage at West Caldwell (sales)
- /// Montclair Township (sales & rental)
- /// Roseland Borough Sales Program
- /// Tuscany Village, Fairfield (sales)
- /// Woodcrest at Fairfield Apartments, Fairfield
- /// Fairfield Township Accessory Apartment

**MORRIS COUNTY**

- /// Morristown Gateway (rentals)
- /// Alexan Riverdale (rentals)
- /// Mill Run at Parsippany (rental)
- /// Modera 44 Apartments, Morristown
- /// Chatham Township Sales Program
- /// Lincoln Park Borough (sales & rental)
- /// Kinnelon Ridge Apartments, Kinnelon
- /// Sun Valley Apartments, Florham Park
- /// Highlands @ Morris Plains (rentals)

**SOMERSET COUNTY**

- /// Summerfields Lofts (55+ rentals)
- /// Hillside at Montgomery (rentals)
- /// Stone Bridge at Raritan (rental)
- /// River Park at Raritan Apartments
- /// Whitehall Gardens Apartments, Franklin Twp.

**MIDDLESEX COUNTY**

- /// Woodhaven Commons , Old Bridge (rentals)
- /// Autumn Hills Apts., Woodbridge Twp. (rentals)
- /// Heritage at Piscataway Apts. (55+ rentals)
- /// Cedar Woods at Piscataway (new sales)
- /// East Brunswick Township (sales)
- /// Borough of Metuchen (sales & rentals)
- /// Monroe Township (sales & rentals)
- /// Cranbury Housing Associates (sales & rentals)
- /// Plainsboro Non-Profit Housing (sales & rentals)
- /// Borough of So. Plainfield (rentals)

**MERCER COUNTY**

- /// Springside at Robbinsville (rentals)
- /// Greene 750 at Bear Tavern, Ewing (rentals)
- /// The Jefferson, Ewing Twp. (sales)
- /// The Lofts Apts., Robbinsville Twp.
- /// Union Lofts, Robbinsville Twp. (sales)
- /// Hamilton Township (sales & rentals)
- /// West Windsor Township (sales & rentals)

**BURLINGTON COUNTY**

- /// 220 Foundry St., Florence (rentals)
- /// Fox Run Townhomes, Edgewater Park (sales)
- /// The Courtyards Apartments, Edgewater Park

**MONMOUTH AND OCEAN COUNTIES**

- /// Gardens at Jackson21, Jackson Twp. (rentals)
- /// Toms River (sales & rentals)
- /// Avon-by-the-Sea Accessory Apartments

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_





**Township Council**

c/o Township Clerk  
Teaneck, NJ 07666

Meeting: 01/14/25 06:00 PM

Department: Township Clerk

Category: Endorsement

DOC ID: 8811

**RESOLUTION 28-2025**

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**ENDORISING A BERGEN COUNTY CDBG APPLICATION FOR ADVANCE HOUSING  
INC FOR A HOUSING REHAB PROJECT**

TOWNSHIP OF TEANECK  
BERGEN COUNTY, NJ

**28-2025**

**ENDORING A BERGEN COUNTY CDBG APPLICATION FOR  
ADVANCE HOUSING INC FOR A HOUSING REHAB PROJECT**

WHEREAS, a Bergen County Community Development grant of \$ 11,750 has been proposed by ADVANCE HOUSING INC. for COMMONWEALTH DRIVE SUSTAINABILITY in the municipality of TEANECK, and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and

WHEREAS, the aforesaid project is in the best interest of the people of TEANECK, and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of TEANECK hereby confirms endorsement of the aforesaid project, and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.



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Bergen County Division of Community Development

**2025 CDBG**

Deadline: 1/6/2025

**Advance Housing, Inc.  
Commonwealth Dr. Sustainability/Teaneck**

Jump to: [Application Questions](#) [Budget](#) [Tables](#) [Documents](#)

**USD\$ 11,750.00** Requested

Submitted: 12/20/2024 1:12:26 PM (Pacific)

**Project Contact**

Carolyn Jaime  
[cjaime@advancehousing.org](mailto:cjaime@advancehousing.org)  
 Tel: (201) 498-9140 ext 209

**Additional Contacts**

[emasalski@advancehousing.org](mailto:emasalski@advancehousing.org), [emasalski@advancehousing.org](mailto:emasalski@advancehousing.org)

**Advance Housing, Inc.**

64 East Midland Ave.  
 Suite 2  
 Paramus, NJ 07652  
 United States

Telephone (201) 498-9140 ext. 209  
 Fax (201) 498-0149  
 Web [www.advancehousing.org](http://www.advancehousing.org)

**President & CEO**

Carolyn Jaime  
[cjaime@advancehousing.org](mailto:cjaime@advancehousing.org)

**Application Questions** [top](#)

**Organizational Information**

**1. Indicate the activity for which you are applying for funding:**

*Housing Rehabilitation and Public Facilities Improvements requires the applicant to be the owner of the property or as a lease holder we will require a copy of the 15 years lease.*

- Acquisition
- Public Facilities Improvement, Barrier free
- Public Service - NEW
- Public Service - Expanded Service (with documentation)
- Housing Rehabilitation
- Construction of Housing
- Economic Development
- Fair Housing Activities
- Public Housing Modernization
- ADA Improvements ONLY

**2. PUBLIC SERVICE Applications only: Please complete the following table to show the number of clients in each category for your activity.**

*If not applicable to your project, please write 'N/A'. Current income limits based on area median income (AMI) can be found in the Library. A total will be provided for you which represents the total number of low-income persons served.*

|      |  |
|------|--|
|      | Extremely Low Income Level < 30% of AMI    |
| N/A  | Very Low Income Level >30% & < 50 % of AMI |
|      | Low Income Level >50% & <80% AMI           |
| 0.00 | <b>TOTAL</b>                               |

**3. Is your organization a:**

Attachment: Commonwealth\_Dr.\_SustainabilityTeaneck (28-2025 : ENDORSING A BERGEN COUNTY CDBG APPLICATION FOR ADVANCE

- 501 (c)(3) non-profit
- Governmental agency

**Project Overview**

**4. Provide a BRIEF activity overview for the project. Describe the problem, need and demand for the services that the proposed program will fulfill. Describe how the proposed services will address the need or alleviate the problem identified.**

*Describe and provide evidence of how the proposed approach is effective in resolving the problem. Attach supporting documentation and additional information under the Documents tab.*

Repairs needed: Porch wraparound staircase repairs, storm doors for front and back door, paint porch, shingles repairs, gutter installation, chimney dark stains removed, remove green stains on the siding right side of the house, replace fence in the back yard. The residence is located on Commonwealth Drive in Teaneck where three low-income individuals reside. The residents have come from Continuum of Care Housing Placement List. Occupants have a homeless background as well as a mental illness diagnosis. This rehab will not only enhance the appearance of the home but will also address major safety concerns that might result from the condition of the property. This improvement will create a better quality of life for the residents. The improvements to the exterior of the home will provide a sense of pride, stability, and connection to the community for the individuals that call this home. Ultimately, the rehab to these homes will continue to be beneficial for many years to come.

**Persons Served**

**5. Does project EXCLUSIVELY serve any of the following groups (check one):**

*The categories listed below are provided by HUD and are "presumed" to be low-income groups.*

- abused children
- battered spouses
- ADULTS meeting the Bureau of Census definition of severely disabled
- homeless persons ( including youths)
- elderly / seniors
- persons living with AIDS
- None of these groups are EXCLUSIVELY served by this program

**6. Specify the total number served by the project during the time period for which CDBG funds will be used. Include only those served by this specific project, and not your organization as a whole.**

*This must represent an UNDUPLICATED count, regardless of the number of times that individual will receive services in a one-year period. The count should ONLY include Bergen County residents. Disregard the total at the bottom.*

Low/Mod Individuals Served

Low/Mod Households Served

**TOTAL**

**National Objective**

**7. Your proposal must meet the CDBG program National Objective of benefiting low- and moderate-income persons. Will this project be able to demonstrate that at least 51% of all beneficiaries are low- and moderate-income persons?**

- Yes
- No

**8. Please select one of the following which best describes your project:**

- Direct Benefit for Low to Moderate Income Persons. This Activity will directly benefit low to moderate income persons as shown by actual beneficiary income documentation.
- Direct Benefit to Limited Clientele. This Activity will directly benefit a class of persons who, by federal regulation, are presumed to be low to moderate income persons (e.g. abused children, battered persons, severely disabled persons, homeless persons, or elderly persons).
- Area Benefit. This Activity will benefit residents of a particular low to moderate income neighborhood or area (attach a municipal map showing the boundaries of the area that will be served by the activity).
- Low/Mod Jobs. This is for economic development activities.
- ADA Accessibility/ Removal of architectural barriers only
- Other:

**Consolidated Plan Objective**

**9. Please mark which of the following specific objectives would be addressed by this Activity.**

*Your application must meet one of these specific objectives.*

- Homeless and Special Needs Populations Goals
- Non-Housing Community Development Goals
- Public Services addressing the needs of low to moderate income individuals/families

**10. Please mark which of the following specific activities would be implemented by this project under Homeless and Special Needs Populations Goals:**

- Maintain the existing supply of emergency shelters and permanent housing units to agencies serving the homeless
- Provide technical assistance and financial support to agencies providing housing placement, life skills training, and other supportive services to homeless individuals and families
- Improve housing affordability and living conditions for low to and moderate income elderly and physically disabled persons in Bergen County by addressing housing quality, safety and accessibility
- Rehabilitation of building (interior and exterior façade) and/or emergency-efficiency improvements including providing handicapped accessibility for low-income and special needs individuals/families
- None of the above

**11. Please mark which of the following specific activities would be implemented by this project under Non-Housing Community Development Goals:**

- Sewer Services in low to moderate income neighborhoods in Bergen County
- Improve park and recreation facilities in low to moderate income neighborhoods in Bergen County
- Rehabilitation/Reconstruction street surfaces, sidewalks, crosswalks, and other infrastructure and safety improvements in low to moderate income neighborhoods in Bergen County
- Rehabilitation of Public Facilities (group homes, parks, etc.)
- None of the above

**12. Please mark which of the following specific activities would be implemented by this project under Public Services addressing the needs of low to moderate income individuals/families:**

- Provide funding to public service providers to assist low to moderate income households with landlord/tenant counseling, housing counseling, transportation services, nutrition services, and recreation services
- Youth development center/services in low to moderate income neighborhoods in Bergen County
- Other:
- None of the above

**13. Describe how your proposal will accomplish the specific objective(s) checked above.**

The proposed CDBG grant funding will attend to repairs, some replacement, general concerns to be addressed regarding the condition of the property's exterior. This improvement will secure a safety issue for the home that will provide the needs of low-to-moderate household members who call this their home. Ultimately, the rehab to this home will continue to be beneficial for many years to come serving the Bergen County Homeless population.

**Monitoring Outcomes**

**14. Describe how you plan to monitor your organization's activities, measure outcomes and document the results of your efforts in meeting your goals and objectives.**

*Describe the need or the demand the proposed program will fulfill.*

Advance Housing will measure outcomes by documenting and tracking the results of the improvements from the start date to ensure the scope of repairs outlined will get done on schedule and on budget. Monitoring these activities will meet the goal to complete the project for the calendar year of 2025.

In addition, following the guidelines that are provided in both the CDBG Book A and Book B for best practice to meet HUD Timeliness requirements. This will also include making sure the mandatory pre-construction meeting between our agency Advance Housing, Inc. coordinates with CDBG along with the proposed Contractor for the success of this proposal.

**Organizational Experience**

**15. Please describe your organization's experience in working with the target population and undertaking similar projects.**

*If your organization has undertaken this type of activity in the past or has used Bergen County CDBG funds, please describe the activities here.*

Advance Housing, Inc. has over 28 years of experience working and providing rent subsidized housing and community support services to individuals within this target population who deal with the symptoms of mental illness and/or a history of home-lessness. Services are designed to provide individuals with permanent, safe and affordable housing, as well as foster independence and community integration.

Advance Housing Inc. has benefited in the past from Bergen County CDBG funds for other properties in need of repairs and the results have proven to be a great improvement to the homes within the community.

**16. Please describe the readiness of your organization to implement the services or project that you are proposing.**

Three estimates were obtained by minority owned businesses and the lowest, responsible estimate provided by the company was chosen. The contractor is prepared to begin the project and ready to proceed as soon as funds become available. The Agency has done its due diligence to identify the most necessary repairs and complete the required documentation. Upon approval, the project will be ready to move forward with the goal of improving the safety and functionality of the residence.

**17. For acquisition or construction projects, please describe your development team (contractor, architect, engineer, etc.) and demonstrate your readiness to begin construction.**

*Do you have site control? Are plans and specifications complete? If the questions is not applicable, write 'N/A'.*

Our development team coincides with a minority own business contractor who offered the most reasonable estimate for the professional services and quality materials provided. Our Property Managers and Maintenance staff are available and will be in contact with the on- site construction crew and address any concerns with the Contractor. Plans and specifications are provided in the estimate.

**Location****18. Provide the location of where the services will be provided or where the project will be undertaken.**

*In the Documents tab, please attach a map which shows the project site(s) and defines the geographic service area.*

Map Attached

914 Commonwealth Drive, Teaneck, NJ

**Target Population****19. Estimate the number of total residents and number of low to moderate income residents (be as specific as possible) in the service area.**

*For proposals requesting CDBG funds to deliver services, describe how your organization plans to reach the target population.*

The target population are residents who have come from the Continuum of Care Housing Placement list. The 3 occupants have a homeless background as well as a mental illness diagnosis. The property located in Teaneck also provides supportive services to residents who are low-income individuals in need of safe, stable affordable housing.

**20. Bergen County CDBG funds must be spent entirely within the County, and all people directly served with County CDBG funds must be County residents. Will any people living outside the County be directly served under this Activity?**

*If Yes, what other funds will be used to serve these people?*

N/A

**Collaboration****21. Please describe how you will collaborate with other entities on this activity (include other social supportive service providers, outreach efforts and community organizations).**

*For construction projects, identify any minority business enterprises, women-owned business enterprises or disabled business enterprises that you will contract with. Describe efforts to ensure Section 3 compliance.*

Advance Housing, Inc. plans to collaborate with a local minority business. Working jointly with the chosen construction company, to identify the scope of repairs that are greatly needed while still providing quality service to ensure this project will be completed on time and stay on budget.

**Determining Eligibility****22. Please explain how your clients will provide evidence and verification of their eligibility and income.**

Advance Housing, Inc. offers housing and supportive services to homeless, disabled individuals, who may not be receiving any income or who are obtaining monthly SSI, Social Security benefits or other forms of assistance. Social Security Administration Award letters and if applicable, pay/bank records, welfare ect... will be the evidence to verify their income eligibility.

**Performance Measurement****23. GOALS: The proposed Activity meets which of the following goals (select only one):**

- Create Suitable Living Environment: Activities designed to benefit communities, families, or individuals by addressing issues in their living environment (such as poor quality infrastructure) or social issues such as crime prevention, literacy, or elderly health services
- Provide Decent Affordable Housing: Housing activities where the purpose of the Activity is to meet individual, family, or community needs and not activities where housing is an element of a larger effort, since such activities would be more appropriately reported under suitable living environment.
- Create Economic Opportunities: Activities related to economic development, commercial development and job creation for low to moderate income households.

**24. OBJECTIVES: Select the most appropriate objective for the proposed Activity (select only one):**

- Availability/Accessibility: Activities that make services, infrastructure, public facilities, housing, or shelters available or accessible to low- and moderate-income people, including persons with disabilities. In this category, accessibility does not refer only to physical barriers, but also to making the affordable basics of daily living available and accessible to low- and moderate-income people where they live.
- Affordability: Activities that provide affordability in a variety of ways in the lives of low- and moderate-income people. It can include the creation or maintenance of affordable housing, basic infrastructure hook-ups, or services such as transportation or daycare
- Sustainability: Activities aimed at improving communities or neighborhoods, helping to make them livable or viable by providing benefit to persons of low- and moderate-income, by removing or eliminating slums or blighted areas through multiple activities, or services that sustain communities or neighborhoods

**Contingency Plan**

**25. What is your organization's contingency plan if your agency does not receive the requested CDBG funding, or receives less than the amount requested?**

We would reapply for funding the following year in order to address the necessary work.

**CDBG Expansion Activity**

**26. Only new or expansions of a previously-funded public service project will be considered. Does the project represent an expansion of a project previously funded with CDBG? Document how CDBG funds will provide for the increased level of services:**

*An expansion is considered to be serving a larger number of low-income persons than were previously served. Please refer to "CDBG Guide to National Objectives and Eligible Activities for Entitlement Communities" located in the Library.*

N/A

**Budget [top](#)**

| Funding Sources/Revenues                   | Total Project Cost     | Funds Committed (Yes/No) |  |
|--|------------------------|--------------------------|--|
| CDBG Request                               | USD\$ 11,750.00        |                          |  |
| Federal                                    |                        |                          |  |
| State                                      |                        |                          |  |
| County                                     |                        |                          |  |
| Municipal                                  |                        |                          |  |
| Private cash donations                     |                        |                          |  |
| Other (Specify in Narrative section below) |                        |                          |  |
| <b>Total</b>                               | <b>USD\$ 11,750.00</b> | <b>USD\$ 0.00</b>        |  |

| CDBG Funding Uses/Expenses                 | CDBG Funds Requested   | Other Funding Sources | Total Project Cost |
|--|------------------------|-----------------------|--------------------|
| Personnel Costs                            |                        |                       |                    |
| Consultant Fees                            |                        |                       |                    |
| Supplies                                   |                        |                       |                    |
| Rent (lease Required)                      |                        |                       |                    |
| Travel                                     |                        |                       |                    |
| Entertainment                              |                        |                       |                    |
| Insurance                                  |                        |                       |                    |
| Utilities                                  |                        |                       |                    |
| Luncheon/dinner (prepared foods only)      |                        |                       |                    |
| Bus trips                                  |                        |                       |                    |
| Construction Costs                         | USD\$ 11,750.00        |                       |                    |
| Professional Services (Architect/Engineer) |                        |                       |                    |
| Acquisition                                |                        |                       |                    |
| Equipment                                  |                        |                       |                    |
| Other (Specify in Narrative section below) |                        |                       |                    |
| <b>Total</b>                               | <b>USD\$ 11,750.00</b> | <b>USD\$ 0.00</b>     | <b>USD\$ 0.00</b>  |

**Budget Narrative**

Total Project:

Repair: Removal of existing fence and installation of new PVC Fence; Power wash side of the house & chimney; Shingle repair; Gutters installed; Repair & Paint the porch; Change decking boards.

The total cost to complete the proposed job is provided on the estimate in the amount of \$11,750.

**Previous CDBG funded projects**

| Project Name                                       | Year of Project | Amount of Award  | Completed on time?       | Completed within budget? | Is the service still offered? |
|--|-----------------|------------------|--------------------------|--------------------------|-------------------------------|
| Solutions for Stable Housing & Supportive Services | 2,021           | \$ 50,000        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>      |
|  |                 | \$               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>      |
|  |                 | \$               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>      |
| <b>Total</b>                                       | <b>2,021</b>    | <b>\$ 50,000</b> |                          |                          |                               |

**Project Schedule**

| Item Description          | Month    | Year     |
|---------------------------|----------|----------|
| Plans and Specs Completed | 12/2024  |          |
| Estimated Bid Date        | 12/2024  |          |
| Estimated Start-up Date   |          |          |
| Estimated Completion Date |          |          |
| <b>Total</b>              | <b>0</b> | <b>0</b> |

**Documents** [top](#)

| Documents Requested *   | Required?                           | Attached Documents *   |
|---|-------------------------------------|--|
| Audit/Financial Statements  | <input checked="" type="checkbox"/> | <a href="#">Memo (audit in review)</a>                               |
| IRS 501(c)3 letter  | <input checked="" type="checkbox"/> | <a href="#">IRS letter</a>   |
| Job Descriptions (applicable to Public Service or Economic Development Projects only) | <input checked="" type="checkbox"/> | <a href="#">Facility Manager</a><br><a href="#">Property Manager</a> |
| Project Map   | <input checked="" type="checkbox"/> | <a href="#">Project Map</a>  |
| Bylaws  |                                     |  |
| Articles of Incorporation   |                                     |  |
| Current Board Members   |                                     |  |
| Municipal Endorsing Resolution  | <input checked="" type="checkbox"/> | <a href="#">Memo (pending resolution)</a>                            |
| Additional Information (Copy of 15 years Lease)                                       |                                     |  |

\* ZoomGrants™ is not responsible for the content of uploaded documents.

Application ID: 486228

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Attachment: Commonwealth\_Dr.\_SustainabilityTeaneck (28-2025 : ENDORSING A BERGEN COUNTY CDBG APPLICATION FOR ADVANCE



**Township Council**

c/o Township Clerk  
Teaneck, NJ 07666

Meeting: 05/19/26 06:30 PM

Department: Township Clerk

Category: Endorsement

DOC ID: 9701

**RESOLUTION 201-2026**

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**ENDORING AN AMENDED FOURTH ROUND HOUSING ELEMENT AND  
AMENDED FAIR SHARE PLAN**

---

**RESULT:** ADOPTED BY CONSENT VOTE [5 TO 1]  
**MOVER:** Mark J. Schwartz, Councilman  
**SECONDER:** Karen Orgen, Councilwoman  
**AYES:** Schwartz, Orgen, Pagan, Belcher, Gee  
**NAYS:** Hillary Goldberg  
**ABSTAIN:** Elie Y. Katz

TOWNSHIP OF TEANECK  
BERGEN COUNTY, NJ

**201-2026**

**ENDORING AN AMENDED FOURTH ROUND HOUSING ELEMENT  
AND AMENDED FAIR SHARE PLAN**

**WHEREAS**, the Township of Teaneck has a demonstrated history of voluntary compliance as evidenced by its Prior Round and Third Round record; and

**WHEREAS**, pursuant to In re Adoption of N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on February 1, 2019, the Township of Teaneck filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Third Round Housing Element and Fair Share Plan, to be amended as necessary, satisfied its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine;” and

**WHEREAS**, that culminated in a Court-approved Third Round Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes all Mount Laurel lawsuits, including builder’s remedy lawsuits, until July 1, 2025; and

**WHEREAS**, the Township of Teaneck continues to actively implement its Court-approved Third Round Housing Element and Fair Share Plan; and

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act (hereinafter the “Amended FHA”); and

**WHEREAS**, the Township adopted a “binding resolution” accepting the DCA-calculated Present Need, but not the DCA-calculated Prospective Need due to the Township’s assessment of the allocation factors, on January 28, 2025, establishing its Fourth Round Present Need of 214 and Prospective Need of 384; and

**WHEREAS**, in accordance with the Amended FHA and the Administrative Office of the Court’s Directive No. 14-24, the Township filed a timely Fourth Round Declaratory Judgment complaint (“DJ Complaint”) with the Affordable Housing Dispute Resolution Program (“the Program”), along with its binding resolution, on January 30, 2025; and

**WHEREAS**, the filing of the DJ Complaint gave the Township automatic, continued immunity from all exclusionary zoning lawsuits, including builder’s remedy lawsuits, which is still in full force and effect; and

**WHEREAS**, the Township received no objections to its Present Need numbers, but received objections to its Prospective Need numbers; and

**WHEREAS**, on May 30, 2025, the Court entered an order establishing the Township’s Fourth Round Present Need of 214 and Prospective Need of 431; and

**WHEREAS**, now that the Township has its Fourth Round Obligations, the Amended FHA requires the municipality to adopt and endorse a Fourth Round Housing Element and Fair Share Plan by June 30, 2025; and

**WHEREAS**, in accordance with the Amended FHA, the Township's planner drafted a Fourth Round Housing Element and Fair Share Plan; and

**WHEREAS**, the Planning Board held a public hearing on the Township's Fourth Round Housing Element and Fair Share Plan on June 16, 2025, and adopted the Fourth Round Housing Element and Fair Share Plan via a resolution on that same night; and

**WHEREAS**, on June 17, 2025 the Township Council approved Resolution 198-2025 endorsing its 4<sup>th</sup> Round HESFP; and

**WHEREAS**, the Township filed its 4<sup>th</sup> Round HEFSP on June 19, 2025, and

**WHEREAS**, 143 State Street, LLC; Hill Street Realty, LLC; 54 West Englewood, LLC; Mohammed Saddiqulla and Vision 23, LLC (the "Owners") filed a challenge pursuant to a N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the 4<sup>th</sup> Round HEFSP; and

**WHEREAS**, FSHC asserted in its challenge the following points pursuant to 52:27D-304.1(f)(2)(b) regarding the 4<sup>th</sup> Round HEFSP: (1) revise its realistic development potential ("RDP") and vacant land analysis to be compliant with the Fair Housing Act and N.J.A.C. 5:93-4.2; (2) provide mechanisms to address its full unmet need for the Fourth Round, including sites likely to redevelop to address at least 25 percent of the unmet need obligation; and (3) commit to revise its HEFSP, ordinances, resolutions, affirmative marketing plan, spending plan, and program manuals to comply with applicable law; and

**WHEREAS**, the Township filed opposition seeking to dismiss the challenge filed by FSHC for failure to state objections with specificity as required by N.J.S.A. 52:27D-304.1.f.(2)(b); and

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

**WHEREAS**, the settlement with FSHC included an overlay zone to allow for inclusionary multi-family housing at 822 Palisades Avenue, which was not included in the Township's endorsed HEFSP; and

**WHEREAS**, the Court has ordered the Township to amend the HEFSP to include all 4<sup>th</sup> Round Compliance mechanisms by May 29, 2026; and

**WHEREAS**, the Planning Board held a public hearing on the Township's Amended

Fourth Round Housing Element and Amended Fair Share Plan on May 14, 2026, and adopted the Amended Fourth Round Housing Element and Amended Fair Share Plan via a resolution on that same night; and

**WHEREAS**, the Township Council wishes to endorse the Fourth Round Housing Element and Fair Share Plan and seeks approval of the Fourth Round Housing Element and Fair Share Plan by the Program and Court.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Teaneck as follows:

1. The Township Council hereby endorses the Amended Fourth Round Housing Element and Amended Fair Share Plan, which is referenced as Exhibit A, which was adopted by the Township's Planning Board on May 14, 2026, which can be located on the township website - teanecknj.gov
2. The Township Council hereby directs the Township's Attorney to (a) file with the Court the Township's Amended Fourth Round Housing Element and Amended Fair Share Plan, along with any additional documents the professionals deem necessary or desirable; and (b) seek Court approval of the Amended Fourth Round Housing Element and Amened Fair Share Plan via a Compliance Certification.
3. The Township reserves the right to further amend the Fourth Round Housing Element and Fair Share Plan, should that be necessary.

This is to certify that the above Resolution was adopted by the  
Township Council on May 19, 2026

*Doug Ruccione*

Doug Ruccione  
Township Clerk

**EXHIBIT A – RESOLUTION 201-2026**

**Endorsing An Amended Fourth Round Housing Element And Amended Fair Share Plan**

<https://www.teanecknj.gov/teaneck-master-plans>

