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HOUSING ELEMENT AND THIRD ROUND FAIR SHARE PLAN

BOROUGH OF EMERSON
BERGEN COUNTY, NEW JERSEY

The original document was appropriately signed and sealed on December 6, 2018 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.



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INTRODUCTION

Affordable Housing History

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

COAH initially adopted a “fair share” methodology to determine the State’s low and moderate income housing needs in 1986. Their adopted combined first and second round housing-need numbers for Emerson, published in 1994, called for the Borough to provide a total of 74 affordable housing units.

In December 2004, COAH adopted new substantive (N.J.A.C. 5:94) and procedural (N.J.A.C. 5:95) rules for the period beginning December 20, 2004. At the same time, COAH re-adjusted all municipal first and second round housing-need new construction numbers and rehabilitation numbers. At that time, COAH’s re-adjusted ‘new construction’ obligation for Emerson went back to 74 units and the rehabilitation share was set at zero units. The Borough’s new construction obligation was ultimately reduced to 20 units through a vacant land adjustment with a 54-unit unmet need. This vacant land adjustment was previously approved by the Superior Court.

These new third round rules also implemented a new “growth share” approach to affordable housing and thus represents a significant departure from the Council’s first and second round rules in that the new rules link the production of affordable housing with actual development and projected growth within the community.

As a result of Judge Cuff’s 2007 Appellate Division ruling, COAH’s substantive and procedural rules were revised again on June 2, 2008 (now N.J.A.C. 5:97 and N.J.A.C. 5:96, respectively). In 2010 Judge Skillman’s’ Appellate Decision invalidated the second iteration of the Third Round Rules, wherein he indicated that the procedures must involve a methodology similar to the methodologies utilized in the First and Second Rounds and use more current data. The NJ Supreme Court in their 2013 decision upheld this decision. As a result of a failure by COAH to adopt revised Third Round regulations (N.J.A.C. 5:96 and 5:97, 221 N.J. 1,30 (2015) (Mount Laurel IV) after order to by the NJ Supreme Court in 2013 a 2015 Supreme Court decision was issued.

In March of 2015 the New Jersey Supreme Court indicated that prior methodologies employed in the First and Second Round Rules should be used to establish present and prospective statewide and regional housing needs. The municipalities should establish to the court, computations of housing need and municipal obligation based on those methodologies. As a result of the March 2015 ruling, municipalities were required to individually petition the Superior Court for approval of their housing plans, which proceedings are known as declaratory judgment actions.

Current Affordable Housing Standards

This document is designed to address the Borough of Emerson's housing obligation, inclusive of a determination of the community's Third Round Obligation and the plan to achieve this obligation. A municipality's Fair Share obligation is comprised of its Present Need, Prior Round (1987-1999), the Gap Prior (1999-2015); and the Third Round Prospective Need (2015-2025) obligations. The Supreme Court has directed municipalities to rely on the 1987-199 Prior Round Obligation estimates listed in N.J.A.C. 5:93 to determine Fair Share obligations.

Pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015)(Mount Laurel IV), the Borough of Emerson filed a declaratory judgment action on July 8, 2015, In the Matter of the application of the Borough of Emerson, County of Bergen, Docket No. BER-L-6300-15, seeking a declaration of its compliance with the Mount Laurel doctrine and Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq. in accordance with In re N.J.A.C. 5:96 and 5:97, supra. The Court in Mount Laurel IV, however did not provide estimates for the Present Need, Gap Period, or Third Round Prospective Need obligations. As such, it is appropriate for the parties to the declaratory judgment action to arrive at a settlement regarding a municipality's Third Round present and prospective need instead of doing so through plenary adjudication of the present and prospective need.

The Borough of Emerson has therefore negotiated a settlement with Fair Share Housing Center (FSHC), a Supreme Court-designated interested party in the declaratory judgment action, for the Borough's Third Round present, Gap period and prospective need instead of doing so through plenary adjudication of the present and prospective need.

FSHC and the Borough agree that Emerson does not accept the basis of the methodology or calculation proffered by FSHC's consultant, David N. Kinsey, PhD, P.P., F.A.I.C.P., NEW JERSEY LOW AND MODERATE INCOME HOUSING OBLIGATIONS FOR 1999-2025 CALCULATED USING THE NJ COAH PRIOR ROUND (1987-1999) METHODOLOGY, dated May 2016. The Borough arrived at such settlement on the basis that the negotiated Third Round obligation is based on the Prior Round methodology and reflects a reduction from Dr. Kinsey's May 2016 calculation of the Borough's Third Round prospective need.

This Document contains the Borough's proposed Housing Element and Fair Share Plan. It has been prepared pursuant to the provisions of the Municipal Land Use Law (MLUL) and the applicable regulations of the Council on Affordable Housing governing the provision of affordable housing within the community for the period between 1987 and 2025.

This document is organized into three sections.

1. The first part, the Housing Element, contains background data on the Borough's housing characteristics and population as required by COAH.
2. The second section identifies the Borough's historical housing activity and how the Prior Round obligation was met.
3. The final section contains the Borough's Fair Share Plan for meeting its third Round affordable housing obligation.

SECTION I: HOUSING ELEMENT

A. COMMUNITY OVERVIEW

The Borough of Emerson is located in the north central portion of Bergen County. The borough occupies an area of 2.4 square miles. It is contiguous with eight (8) municipalities, including Washington to the west, Westwood and River Vale to the north, Harrington Park, Closter and Haworth to the east and Oradell and Paramus to the south.

The borough is essentially a fully developed municipality with approximately 99 percent of its land area developed or set aside as permanent recreation/open space. The borough is generally characterized by mature residential neighborhoods and a central commercial district, which extends in a north/south direction along Kinderkamack Road and the NJ Transit Railroad Right of Way.

The table below provides additional information regarding the Borough's current land use distribution.

**Table 1: Existing Land Use
Emerson, New Jersey**

Existing Land Use Distribution		
Residential	527	34.1
Open Space and Recreation	413	204
Railroad and R.O.W.	204	13.2
Commercial	195	12.6
Cemetery	83	5.4
Public Schools	53	3.4
Public	35	2.3
Quasi-Public	17	1.1
Vacant	11	0.7
Farm	7	0.4
Industrial	1	0.1
Total	1,546	100.00

Source: Borough of Emerson 2007 Master Plan Reexamination

B. INVENTORY OF MUNICIPAL HOUSING STOCK

The Borough of Emerson occupies an area of 2.4 square miles within the Pascack Valley region of Bergen County. The borough is located in COAH's Region I housing region which consists of Bergen, Hudson, Passaic and Sussex Counties. Emerson is primarily a single-family residential suburban community.

This section of the plan includes data from the U.S. Census, as well as the American Community Survey which identifies housing characteristics including occupancy, value, and age, as required by the Municipal Land Use Law. The inventory details housing characteristics such as age, condition, purchase/rental value and occupancy.

1. The Borough had 2,398 dwelling units in 2000, which represents an increase of 6.2 percent over the number of units identified in 1990. In 1990 there were 2,257 units. In 2010 the number of housing units increase slightly more to 2,572 units with the most significant increase in renter occupied units. From 165 to 201 the number of renter occupied units increased from 165 to 450 units, a 172% increase. The following table provides additional details regarding the tenure and occupancy of the borough's

housing stock. As shown below, over 91 percent of the borough's housing stock in 2000 was owner-occupied. There were 25 vacant units in 2000, representing 1.0 percent of the housing stock in the community. In 2010 this number rose to 162 units representing 6.3 percent of the housing stock.

**Table 2: Dwelling Units (1990, 2000, 2010 and 2015 Estimate)
Emerson, New Jersey**

Category	1990		2000		2010		2015 Estimate	
	No. of Units	Percent	No. of Units	Percent	No. of Units	Percent	Number of Units	Percent
Owner-Occupied Units	2,052	90.0	2,191	91.3	1,960	76.2	1,960	81.3
Renter-Occupied Units	165	7.3	182	7.7	450	17.5	450	18.6
Vacant Units	40	1.8	25	1.0	162	6.3	0	0.0
Total Units	2,257	100.00	2,398	100.00	2,572	100.00	2,410	100.00

Source: U.S. Census 1990, 2000 & 2010 and American Community Survey 2015

2. Housing Characteristics. The following tables provide additional information on the characteristics of the borough's housing stock, including data on the number of units in the structure and the number of bedrooms. As shown below, the housing stock is predominantly characterized by single-family detached dwellings, which represented approximately 93 percent of all dwelling units in 2000, but only 86.7 % of the housing stock in 2010.

**Table 3: Units in Structure (1990, 2000, 2010 and 2015 Estimate)
Emerson, New Jersey**

Units in Structure	1990		2000		2010		2015 Estimate	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Single Family, detached	2076	92.0	2,228	92.9	2,229	86.7	2,080	86.3 %
Single Family, attached	39	1.7	40	1.7	53	2.1	41	1.7%
2 units	2013	4.6	97	4.0	110	4.3	111	4.6%
3 or 4 Units	12	0.5	18	0.8	42	1.6	41	1.7%
5 to 9 Units	5	0.2	15	0.6	17	0.7	17	0.7%
10 or More Units	11	0.5	0	0	100	3.5	89	3.7%
Other	11	0.5	0	0	31	1.2	31	1.3%
Total	2,257	100.00	2,398	100.00	2,572	100.00	2,410	100%

Source: U.S. Census 1990, 2000 & 2010 and American Community Survey 2015

**Table 4: Number of Bedrooms in Housing Units (2000, 2010 and 2015 Estimate)
Emerson, New Jersey**

Number of Bedrooms	2000		2010		2015 Estimate	
	Number	Percent	Number	Percent	Number	Percent
Zero	15	0.6	14	0.5	14	0.6%
One	44	1.8	52	2.0	53	2.2%
Two	211	8.8	358	13.9	1,528	63.4%
Three	1,190	49.6	1,270	49.4		
Four	745	31.1	633	24.6	817	33.9%
Five or More	193	8.1	245	9.5		
Total	2,398	100.0	2,572	100.00	2,410	100.0%

Source: U.S. Census, 2000 and 2010 and American Community Survey 2015

3. Housing Age. The majority (85 percent) of the borough's housing units were constructed in the years prior to 1970. The median year for the construction of the borough's dwelling units is 1956. The following table details the age of the borough's housing stock.

As shown on the following table the majority (approximately 81.9 percent) of the Borough's housing units were constructed prior to 1960.

**Table 5: Year Structure Built (2000 and 2015 Estimate)
Emerson, New Jersey**

Year Units Built	2000		2015 Estimate	
	Number of Units	Percent	Number of Units	Percent
2014 or later	-	-	0	0
2010 to 2013	-	-	72	3.0%
1999 to 2009*	14	0.6	104	4.3%
1990 to 1998	81	3.4	282	11.7%
1980 to 1989	105	4.4		
1970 to 1979	171	7.1	598	24.8%
1960 to 1969	449	18.7		
1950 to 1959	1,075	44.8	1,070	44.4%
1940 to 1949	231	9.7		
1939 or earlier	272	11.3	287	11.9%
Total	2,398	100.00	2,410	100.00

Source: U. S. Census 2000 and American Community Survey 2015 * This data is from 2000-2009

4. Housing Conditions. The following table identifies the extent of overcrowding in the borough represented by housing units with more than one occupant per room. In 2000 there were 23 housing units found to be overcrowded according to this standard, representing 1.0 percent of the housing stock. However in 2010 there were zero.

**Table 6: Occupants per Room (2000 and 2010)
Emerson, New Jersey**

Occupants per Room	2000		2010	
	Number of Units	Percent	Number of Units	Percent

1.00 or less	2,350	99.0	2,410	100.00
1.01 to 1.5	23	1.0	0	0
1.51 or more	0	0	0	0
Total	2,373	100.00	2,410	100.0

Source: U. S. Census 2000 and 2010

The table below presents information pertaining to housing conditions such as the presence of complete plumbing and kitchen facilities and the type of heating equipment used. In all the census data years, there were no housing units found to be lacking in complete kitchen or plumbing facilities or lacking in heat.

**Table 7: Equipment and Plumbing Facilities (2000, 2010 and 2015 Estimate)
Emerson, New Jersey**

Facilities	2000		2010		2015	
	Number	Percent	Number	Percent	Number	Percent
<u>Kitchen</u>						
Lacking Complete Facilities	0	0	0	0	0	0
With Complete Facilities	2,373	100.0	2,410	100.00	2,410	100.00
<u>Plumbing</u>						
Lacking Complete Facilities	0	0	0	0	0	0
With Complete Facilities	2,373	100.0	2,410	100.00	2,410	100.00
<u>Heating Equipment</u>						
Standard Heating Facilities	2,373	100.00	2,410	100.00	2,410	100.00
Other Means	0	0	0	0	0	0
No Fuel Used	0	0	0	0	0	0
<u>No Phone Service</u>	-	-	10	0.4%		

Source: U.S. Census 2000 & 2010 and American Community Survey 2015

5. Purchase and Rental Values. As shown in following tables, the borough has seen a rise in both owner-occupied and rental prices between 1990 and 2010. The median gross rent for the borough's rental for the borough's rental housing stock increased by roughly 9.5 percent, from \$1,001 in 1990 to \$1,096 in 2000 to \$2,000 in 2010. For a renter-occupied housing, an affordable monthly rent for a three-person household is estimated to be \$1,400. According to the 2010 US Census approximately 38% of the borough's rental units had a gross rent less than \$1,400. According to census data the Borough has seen a rise in rental prices for housing between 2000 and 2010. This reflects general regional increases in rents as well. As shown in Table 3, the median gross rent for the Borough's rental housing stock increased by roughly 100 percent between 2000 and 2010, from \$1,096 to \$2,000.

**Table 8: Gross Rent of Renter-Occupied Housing Units (1990, 2000 and 2010)
Emerson, New Jersey**

Rent	1990		2000		2010	
	Number	Percent	Number	Percent	Number	Percent
Less than \$250	0	0	10	5.5	0	0
\$250 to \$499	0	0	0	0	50	27.3
\$500 to \$749	42	25.5	16	8.8	14	7.7
\$750 to \$999	31	18.8	43	23.8	23	12.6
\$1,000 or more	84	50.9	105	58.0	96	52.5
No Cash Rent	8	4.8	7	3.9	17	NA
Total	165	100	181	100	288	100
Median Gross Rent	\$1,001	-	\$1,096	-	\$2,000	-

Source: U.S. Census 1990, 2000 and 2010

Table 9 illustrates that the median value of owner-occupied housing units dramatically increased between 2000
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and 2010, rising from \$260,000 to \$505,300. It is noted that the overall region has seen a marked decrease in housing values since the 2010 Census. According to the American Community Survey of 2010-2014, the median value of housing has decreased to \$455,200.

Table 9: Value of Owner-Occupied Housing Units (2000 and 2010)
Emerson, New Jersey

Value Range	2000		2010	
	Units	%	Units	%
Less than \$100,000	20	1.0	8	0.3
\$100,000 to \$149,999	11	0.5	0	0
\$150,000 to \$199,999	337	15.9	23	1.6
\$200,000 to \$299,999	1,102	52.2	40	1.8
\$300,000 to \$499,999	610	28.9	990	45.7
\$500,000 to \$999,999	33	1.6	1,103	50.6
\$1,000,000 or more	0	0	0	0
Total	2,113	100%	2,164	100
Median Value	\$ 260,000		\$ 505,300	

Source: U.S. Census2000 and 2010;

Based on the most current COAH regional income limits (from 2014), the median household income for a three-person household in Region 1 (which is Emerson’s housing region) is \$75,980. A three- person moderate-income household, established at no more than 80 percent of the median income would have an income not exceeding \$60,784.

An affordable sales price for a three-person moderate-income household earning 80 percent of the median income is estimated to be approximately no more than \$160,000. However actual moderate-income sales prices are capped at a typical household making 70% of the regional median income and rents are capped at 60% of the regional median income. This estimate is based on the UHAC affordability controls outline in N.J.A.C. 5:80-26.6.

C. PROJECTION OF MUNICIPALITY’S HOUSING STOCK

The number of housing units constructed over the past fifteen years peaked during the years from 2001 to 2006. The economic downturn in 2008 is evidenced in the fact that only ten (10) dwelling units were constructed between 2007 and 2009. Since 2010 there have been 20 multi-family dwelling units constructed, as well as three (3) units in mixed use buildings, and twenty-eight (28) single family units. Table 10 provides the number of building permits issued between 2000 and 2015.

Table 10: Housing Units Authorized by Building Permits for New Construction

Year	Emerson, New Jersey			
	One and Two Units	Multi-Family	Mixed Use	Total
2015	14	0	0	14
2014	5	2	0	7
2013	2	0	0	2
2012	1	0	0	1
2011	2	0	3	5
2010	4	18	0	22
2009	1	0	0	1
2008	2	0	0	2
2007	8	0	0	8
2006	7	36	0	43
2005	8	0	0	8
2004	36	0	0	36
2003	NA	NA	NA	20
2002	NA	NA	NA	15
2001	NA	NA	NA	16
2000	NA	NA	NA	6
Total	NA	NA	NA	206

Source: New Jersey Department of Community Affairs

NA – information provided is not broken down by housing type for years 2000-2003

D. POPULATION ANALYSIS

The Borough of Emerson has experienced an increase in population from 1990 until 2010. The 2010 population of 7,401 identified in the 2010 US Census represents a 2.8 percent increase over the 2000 Census figure.

Table 11: Population Growth (1930 to 2010 and 2015 Estimate)

Year	Emerson, New Jersey		
	Population	Population Change	Percent Change
1930	1,394	~	~
1940	1,487	93	6.7
1950	1,744	257	17.3
1960	6,849	5,105	292.7
1970	8,428	1,579	23.1
1980	7,793	-635	-7.5
1990	6,930	-863	-11.1
2000	7,197	267	3.9
2010	7,401	204	2.8
2015 Estimate	7,616	215	2.9

Source: U.S. Census, Tabulated by Bergen County Department of Planning and Economic Development, 2011

And American Community Survey 2015

The Borough's age characteristics are outlined in the table below. The age characteristics of the Borough's population have remained relatively unchanged in the last ten years. The median age in 2010 was 45.7 in Emerson, as compared to 41.1 in 2000. The median age in Bergen County in 2010 was 42.5.

Table 12: Age Characteristics (2000, 2010 and 2015 Estimate)

Age	Emerson, New Jersey					
	2000		2010		2015 Estimate	
	Number	Percent	Number	Percent	Number	Percent
Under 5 years	500	6.9	395	5.3	396	5.2
5 to 19 years	1,289	17.9	1,493	20.2	1,577	20.7
20 to 24 years	278	3.9	326	4.4	343	4.5
25 to 34 years	784	10.9	572	7.7	731	9.6
35 to 44 years	1,192	16.6	1,003	13.6	1,028	13.5
45 to 54 years	1,038	14.4	1,253	17.0	1,439	18.9
55 to 64 years	765	10.6	890	12.0	845	11.1
65 to 84 years	1,089	15.1	1,109	14.9	975	12.8
85 years and over	262	3.6	360	4.9	267	3.5
Total	7,197	100%	7,401	100%	7,616	100%

Source: U.S. Census, 2000 & 2010 and American Community Survey 2015

The average household size in 2010 was 2.89 persons per household, a decrease in size that is consistent with the pattern over the last thirty years. However it 2015 to was estimated to rise again to 3.06.

Table 13: Average Household Size (1980 to 2010 and 2015 Estimate)

Year	Emerson, New Jersey	
	Total Population	Average Household Size
1980	7,793	3.39
1990	6,930	3.01
2000	7,197	2.91
2010	7,401	2.89
2015 Estimate	7,616	3.06

Sources: U.S. Census 2000 and 2010 and American Community Survey 2015

Table 14 illustrates the median household income for Emerson households for 2000 and 2010 and the 2015 estimate from the American Community Survey. The income increased by approximately forty-five (45) percent between 2000 and 2010, from \$74,556 to \$108,295. There was a significant increase in the percent of households with income greater than \$150,000, jumping from 13.5 percent of households in 2000 to 27.7 percent in 2010.

Table 14: Household Income (2000 to 2010 and 2015 Estimate)

Income Category	Emerson, New Jersey					
	2000		2010		2015 Estimate	
	Number	Percent	Number	Percent	Number	Percent
Less than \$10,000	47	2.0	29	1.2	70	2.9
\$10,000 to \$14,999	69	2.9	62	2.6	24	1.0
\$15,000 to \$24,999	154	6.4	74	3.1	133	5.5
\$25,000 to \$34,999	123	5.1	154	6.5	119	4.9
\$35,000 to \$49,999	303	12.7	215	9.1	258	10.7
\$50,000 to \$74,999	507	21.2	356	15.1	362	15.0
\$75,000 to \$99,999	385	16.1	307	13.0	176	7.3
\$100,000 to \$149,999	480	20.1	513	21.7	692	28.7

\$150,000 or more	322	13.5	654	27.7	-	-
\$150,000 to \$199,999	-	-	-	-	340	14.1
\$200,00 or more	-	-	-	-	236	9.8
Total	2,390	100.0 %	2,364	100.0 %	2,410	100.0%
Median Household Income	\$74,556		\$108,295		\$102,500	

Source: U.S. Census, 2000 & 2010 and American Community Survey 2015

E. EMPLOYMENT ANALYSIS

Table 15 provides information on the employment status of Borough residents age 16 and over. In 2000, approximately 98.9 percent of the Borough's population over the age of 16 was employed, with only 1.1 percent unemployed. This was below the Bergen County unemployment rate of 2.3 percent. The unemployment numbers increased in 2010 with only 93.7% of the Borough's population over the age of 16 employed with 6.3 percent unemployed. In 2015 the estimated unemployment rate increased an approximate 1.6 times from 2010 level according to the American Community Survey.

Table 15: Employment Status 2000, 2010 and 2015 Estimate
Emerson, New Jersey

Employment Status	2000	2010	2015 Estimate
In civilian labor force	3,413	3,813	4,460
Employed	3,350	3,434	4,042
Unemployed	63	379	410
Unemployment Rate	1.1	6.3	10.1
Total Population 16 and Over	5,719	5,990	6,706

Source: U.S. Census 2000 and American Community Survey 2010 & 2015

The following two tables detail information on the employment characteristics of employed Emerson residents. Table 16 details occupation characteristics, while Table 12 details industry characteristics.

Table 16: Employed Residents Age 16 and Over, By Occupation 2000 and 2010
Emerson, New Jersey

Occupation	2000		2010	
	Number	Percent	Number	Percent
Management, Business, Science and Arts Occupations	1,598	47.7	1,798	52.3
Sales & Administrative Support Occupations	1,031	30.8	896	26.0
Service Occupations	395	11.8	415	12.1
Natural resources, construction and maintenance occupations	174	5.2	140	4.2
Production, transportation and material moving occupations	152	4.5	185	5.4
Total	3,350	100	3,434	100

Source: U.S. Census, 2000 and 2010

**Table 17: Employed Residents Age 16 and Over, By Industry (2000 and 2010)
Emerson, New Jersey**

Industry	2000		2010	
	Number	Percent	Number	Percent
Agriculture, Forestry, Fishing and Hunting & Mining	0	0	0	0
Construction	165	4.9	103	3.0
Manufacturing	344	10.2	173	5.0
Transportation, Communication & Other Public Utilities	80	2.4	151	4.4
Wholesale Trade	146	4.4	301	8.8
Retail Trade	421	12.6	224	6.5
Information	163	4.9	256	7.6
Finance, Insurance, & Real Estate	402	12.0	301	8.8
Professional, scientific and management and administrative and waste management services	447	13.3	369	10.7
Educational services and health care and social assistance	679	20.3	994	29.0
Arts, entertainment, and recreation and accommodation and food services	163	4.9	337	9.8
Other services except public administration	195	5.8	103	2.8
Public Administration	145	4.3	122	3.6
Total	3,350	100	3,434	100

Source: U.S. Census, 2000 and 2010

FAIR SHARE PLAN

INTRODUCTION

A municipality's Fair Share obligation is comprised of its present need, prior round (1987-1999) Gap Period (1999-2015) and Third Round Prospective Need (2015-2025) obligations. The Supreme Court directed municipalities to rely on the 1987-1999 Prior Round obligation estimate listed in N.J.A.C. 5:93 to determine the Fair Share obligations. However, the court did not provide estimates for the Present Need, Gap Period or Third Round Prospective Need obligations. The table below summarizes the Borough of Emerson's affordable housing obligation as agreed to by Fair Share Housing.

Table 18: The Borough of Emerson's Third Round Obligation

Round/Component	Obligation
Present Need (Rehabilitation Requirement per Kinsey Report)	20
Prior Round (1987-1999 requirement pursuant to N.J.A.C. 5:93)	74
Third Round (1999-2025) Prospective Need (per Kinsey Report, as adjusted through this Agreement)*	234

* For Purposes of this plan (that is based on the Agreement memorialized in a letter dated November 21, 2017 executed by Fair Share Housing Center and the Borough of Emerson) the Third Round Prospective Need shall be deemed to include the GAP Period Present Need, which is a measure of households formed from 1999-2015 that need affordable housing, that was recognized by the Supreme Court in the Declaratory Judgment Actions Filed by Various Municipalities, 227N.J. 508 (2017)

This plan has been prepared to address the Borough's obligation as set forth above and in the Agreement dated November 21, 2017. This plan memorializes an agreement reached between the Borough of Emerson, the declaratory judgment plaintiff, and Fair Share Housing Center (FSHC). The plan details the projects, mechanisms and funding sources which will be used to meet the borough's affordable housing obligation. It is organized into three sections.

1. **Prior Round:** History and final Compliance Plan
2. **Third Round Obligation and Planning:** Vacant Land Analysis and Historical Housing activity. This section details all the housing activity and planning for affordable housing that the Borough has completed or is currently undergoing to address the affordable housing needs. This documentation details projects that have been planned, approved and/or are under construction since the last housing plan was prepared for the Second Round.
3. **Mechanisms for meeting the Borough's Third Round Obligation.** The final section contains a summary of how the estimated obligation for the Borough compares to the housing activity and planning that the Borough has been undertaking.

PRIOR ROUND HISTORY

The Borough of Emerson Planning Board adopted a Housing Element and Fair Share Plan in April 2001 as a formal amendment to the Master Plan (The April 2001 Compliance Plan). This action occurred with the context of consolidated pending litigation entitled "Community Developers & Management, LLC v. Borough of Emerson, et al.," (Docket No. BER-L-2734-00) and "Borough of Emerson v. United Water New Jersey, et al.," (Docket No. Ber-L-268-01). At that time there were significant open issues having major impacts on the required components of the Plan. It was believed at the time that after the Court ruled on these major issues Emerson would have the opportunity to revise and refine the compliance plan.

Trial proceedings were conducted in the Superior Court in September 2001, resulting in issuance of a written opinion dated October 19, 2001 (“the Decision”), which invalidated the April 2001 Compliance Plan. The Decision was implemented by an Interim Judgment entered by the Court on November 2, 2001. The Decision did not require inclusion of Emerson Woods Parcel in RDP. The principal holdings in the Decision and the Interim Judgment were as follows:

1. Community Developers was not entitled to a builder’s remedy, but inclusion of the Community Developer’s site in RDP was not precluded by the Fanwood Amendment. The site was determined to have a RDP of 2 rather than 1 unit as set forth in the April 2001 plan.
2. The Marek Farm site was determined to have a RDP of 18 units, rather than 12 units.
3. The total RDP was determined to be 20 units, rather than 13 units.
4. The April 2001 Plan was held to be inadequate to address Emerson’s adjusted fair share obligation of 20 units.
5. ***The Court did not allow Emerson to prepare a revised compliance plan based on the judicially determined RDP of 20 units, but instead directed the special master to prepare a compliance plan for Emerson.***

In accordance with the Decision and Interim Judgment, the special master prepared a compliance plan for Emerson as set for the in a report dated December 31, 2001. The Special Master Compliance Plan provided for Judicially-determined RDP of 20 units to be addressed by the following measures:

1. A regional contribution agreement for 5 units at a cost of \$25,000 per unit, resulting in a total funding requirement of \$125,000. This was approved by COAH August 6, 2003.
2. The municipal-sponsored construction of 5 units of age-restricted rental housing on the Community Developers site at a projected cost of \$615,000, which might be offset in part by a potential \$315,000 grant. This project was indicated to include a rental bonus credit of 1 unit, resulting in a total credit of 6 units.
3. Rezoning for inclusionary development at a density of 12 units per acre of a 1.5 -acre portion of the Emerson Golf club property. The 20% set-aside requirement would produce 4 affordable units.
4. The Special Master’s Compliance Plan also included administrative provisions and regulations, modifications of the developer’s fee ordinance and an overlay zone directed at the unmet need.

The Special Master Compliance Plan was adopted under protest by the Planning Board and Borough Council. On March 13, 2002, the Court issues a bench opinion that rejected certain objections, but nevertheless declined to approve the Special Master’s Compliance Plan and instead directed Emerson to prepare a new compliance plan subject to various restrictions

PRIOR ROUND COMPLIANCE PLAN

As stated previously, the Borough of Emerson has a total “pre-credited need” fair share housing obligation for 1987-1999 of 74 units of new construction. The Borough had no rehabilitation component. The Superior Court has determined that Emerson has a adjusted fair share housing obligation of 20 units, based on the realistic development potential (“RPD”) of two vacant parcels if zoned for inclusionary development at a gross density of 14.00 units/acre with a 20% set-aside of affordable as follows:

- (a) The 6.4 acre Marek Farm on Old Hook Road for a yield of 18 affordable units and
- (b) The 0.83 acre Community Developers parcel at Emerson Plaza West for a theoretical yield of 2 affordable units.
- (c) With the remaining 54 units being the Borough’s unmet need.

The Borough addressed its prior Round Obligation with the following components.

1. Emerson Plaza West Site (Block 417 Lots 2 & 3)

This 0.83-acre site at the northern end of Emerson Plaza West is owned by Community Developers and Management, the plaintiff in the Mt. Laurel litigation. It previously contained a single-family residence that was demolished by Community Developers. The Court decision held that a builder's remedy was barred by the prior improper use of the threat of Mt. Laurel litigation, but rejected Emerson's statutory claim. The decision also held that this site has an RDP of 2 units that must be addressed by the Borough of Emerson, though the use of this site is optional.

The site was subsequently rezoned for a municipally sponsored project that resulted in 10 units that were developed by New Concepts for group housing for the developmentally- disabled persons. All 10 of the units are very low-income units. The Borough also received 5-rental bonus credit for this site, resulting in a total of 15 credits. The Building had a Certificate of Occupancy on May 8, 2007 with 30 years of control and has a current license date of May 31, 2017.

2. Regional Contribution Agreement

The Special Master's Compliance Plan originally provided for the Borough of Emerson to enter into a regional contribution agreement ("RCA") with the Borough of Ridgefield, Bergen County to transfer 10 units of Emerson's Fair Share obligation to a cost of Emerson of \$25,000 per unit transferred, for a total of \$250,000. Two equal payments would be made over the period of a year. Ridgefield would use the funds for a scattered site housing rehabilitation program.

The judicial ruling identified that given the limitations on the use of inclusionary zoning; it would have been difficult to address the 20 fair share obligation with using an RCA. To that extent that an alternative living arrangement project could provide a credit in excess of 10 units, a corresponding reduction in the number of RCA units would be possible. That would allow for a reduction in the RCA cost and the cost savings would be applied to the cost of the alternative living arrangement housing project. The final determination was that the total number of units for the RCA would be 5 of the Emerson's adjusted housing obligation of 20 units was consistent with the 50% cap in the prior round COAH regulations.

Table 19: Summary of Compliance Plan for Adjusted Housing Obligation

Compliance Mechanism	Location	Affordable Units	Bonus Credits	Total Credits
Municipally Sponsored Housing	Block 417 Lots 2 & 3	10	5	15
RCA with Ridgefield				5
Total				20

The Borough approved the 5 unit RCA with Ridgefield in a Resolution No. 114-02 dated April 23, 2002 and was approved by COAH on August 6, 2003.

3. Inclusionary Overlay Zone

This plan recommended a zoning ordinance amendment to establish a Borough-wide inclusionary overlay, which was intended to capture affordable housing opportunities, if and when residential development of five or more units is approved by requiring a 20% set-aside of any such development. This was added to the Borough Code by Ordinance No. 1203 on May 21, 2002. This overlay zone was the Borough's original response to addressing its 54-unit unmet need from the prior round.

This overlay zone will be replaced with several overlay ordinances for the Central Business District as

discussed in the Third Round section of the plan for the mechanism covering the unmet need. Additionally, the Borough adopted a new inclusionary overlay for the entire municipality, which requires any development with five (5) or more dwelling units to include a required a set-aside of at least 15% of all units in rental developments as affordable and 20% of all units in for sale developments to be deed restricted as affordable units.

4. Development Fees and Spending Plan

At the time of the preparation of the Prior Round plan the Borough had collected \$310,000 in development fees and interest in its Housing Trust Fund. Most of this money was collected from Town and Country Developers of Block 905 Lot 3. This was a 25- acre parcel located on Forest Avenue. The property was rezoned from 60,000 square foot lots to ML-10 Single-family housing with an affordable housing contribution.

In April 2001, the Borough adopted a Development Fee Ordinance that established a Housing Trust Fund in accordance with COAH regulations and was projected to produce \$80,000 in additional funds during 2002-2008. That ordinance was amended by Ordinance No 1383, which was adopted in 2009. A draft spending plan and updated ordinance is included in the appendix of this document. It is the intention of the Borough to adopt the spending plan after this plan is approved.

THIRD ROUND OBLIGATION

TABLE 20: BOROUGH OF EMERSON’S TOTAL AFFORDABLE HOUSING OBLIGATION

Round/Component	Obligation
Present Need (Rehabilitation Requirement per Kinsey Report)	20
Prior Round (1987-1999 requirement pursuant to N.J.A.C. 5:93)	74
Third Round (1999-2025) Prospective Need (per Kinsey Report, as adjusted through this Agreement)	234

THIRD ROUND PLAN

Present Need

The Borough of Emerson has a 20 unit Present Need obligation. Present Need is an estimate of existing deficient housing currently occupied by Low and Moderate Income (LMI) households. In order to address this the Borough has entered into an agreement with Habitat for Humanity of Bergen County, Inc.

Habitat offers a rehabilitation program for owner-occupied dwelling units, located in Emerson, that meet the income restrictions established by the U.S. Department of Housing and Urban Development (HUD). The Rehab Program is designed to assist low and moderate-income homeowners to correct interior and exterior code violations or rehabilitate other interior and/or exterior issues in or about their homes.

Emerson has agreed to reserve at least \$200,000 (\$10,000 per unit hard costs) of its affordable housing trust fund account to complete up to 20 rehabilitations through the Affordable Critical Home Repair Program Agreement between the Borough and the Habitat for Humanity of Bergen County, Inc. The Borough will provide the funding to pay for the necessary improvements. The Program will assist low- and moderate income homeowners to address immediate and critical housing rehabilitation problems to ensure the safe and continued occupancy of the property.

Emerson has adopted resolution 228-18 dated August 14, 2018, which authorizes the Borough attorney to prepare a contract and awards a contract to Community Action Services to provide the borough with the services of an Affordable Housing Administrative Agent. The Borough will enter into an agreement with a governmental agency or private consultant to administer the administrative aspects of the program. Emerson will provide the consultant’s credentials to administer the program as well as the procedures manual. The draft agreement is in the appendix of this document.

Vacant Land Adjustment

COAH then required that an inventory of vacant land and other data to determine future growth be provided in accordance with NJAC 5:93-4.2 (c) and (d), which permits municipalities to request an adjustment due to available land capacity. Municipalities that request an adjustment due to available land capacity shall submit an inventory of vacant parcels by lot and block that includes the acreage and owner of each lot. This information is included in the appendix of this document.

The inventory of vacant land includes all privately- and municipally owned parcels in Emerson that are classified on the Borough’s tax records as vacant. These parcels are categorized as either residential or non-residential based on the Borough’s existing zoning regulations. These sites also included properties that were developed since 2002 when the Borough last received certification. These two sites are detailed below in table 21. In accordance with NJAC 5:93-4.2(e)2 parcels were determined to exhibit no potential for development if they contain environmentally sensitive features, are designated for active or passive recreation, or are too small or constrained to accommodate at least one housing unit. In addition, sites that have already been approved for development were eliminated from the inventory.

This process started with 80 parcels that were identified in the Borough tax records as vacant. That list is located in the Appendix of this document. This list was then culled down to all sites that would generate a minimum of 5 housing units to ensure that they can accommodate at least one affordable unit. Additionally this analysis took into consideration redevelopment opportunities. All the lots that are currently owned by the Suez water were also removed, as it is a public utility and protected under the SWAN Agreement. The modified list included only 10 parcels.

The remaining 10 parcels were then individually reviewed for lot characteristics, including location, size, depth, environmental constraints and potential development constraints. The list of the 10 parcels and their characteristics is detailed below.

TABLE 21: VACANT LOT ANALYSIS

Site Number	Block	Lot	Street Address	Land Area	Characteristics
1	610	9.01	21 Louis Ave	142X75	
2	613	2	7 Louis Avenue	1.09	
3	617.01	10	50 Mae Paul Drive	8.0AC	Constrained with C1 stream and wetlands
4	617.01	9	70 West Mae Paul Drive	1.9AC	Constrained with C1 stream and wetlands
5	617.01	7.01	99 Palisades	5.13 AC	
6	617.01	7.03	99 Palisades	1.87	
7	738	9.01	51 Auricchio Ave	3.328 AC	Constrained with C1 stream and wetlands
8	738	9.02	55 Auricchio Ave	20.416 AC	Constrained with C1 stream and wetlands

9	901.01	1	175 Forest Ave	9.52AC	Wetlands
10	901.02	9	70 Patrick Ave	148X155	Wetlands

The parcels in yellow are constrained in some manner as to limit or totally prohibit development or a portion of the lots are located in another municipality and therefore have been removed from the Realistic Development Potential (RDP) calculation. With the determination that the six (6) parcels noted above are not realistically developable for affordable housing, there are now 4 parcels remaining in the calculation for the Borough's RDP. An estimated density based on location, size and shape of the lots was applied to the 6 remaining parcels to determine their development potential.

The following table provides for the total calculation of the Borough's Realistic Development Potential (RDP) calculation. This calculation includes the four (4) vacant parcels detailed above, as well as three other sites that either has been developed with affordable housing, or there is an agreement in place to provide affordable housing.

Table 22: Realistic Development Potential Calculations

Block	Lot	Street Address / Development	Total Area	Unconstrained Area	Estimated Development Potential		Number of Affordable Units with 20% Set-Aside
					Density	Total Units	
BURNS AND ROE GROUP SITE							
610	9.01	2 Lois Avenue	0.53	0.47			
613	2	7 Lois Avenue	1.09	0.97			
<i>Subtotal</i>				1.44	8 DU / AC	12	2
EMERSON GOLF CLUB PARCELS							
617.01	7.01	99 Palisades	5.13	5.13			
617.01	7.03	99 Palisades	1.87	<u>1.87</u>			
<i>Subtotal</i>				7.00	8 DU / AC	56	11
OTHER DEVELOPMENT							
616	16	55 Emerson Plaza East / Emerson Grand		0.59	~	34 DU/AC	20
609	3	R2-ARC Contributory Site		~0.9	~	36 DU/AC	36
REDEVELOPMENT							
419	1	19 Lincoln Blvd		~	~	64 DU / AC	147
	2	15 Lincoln Blvd		~	~		
	3	3 Lincoln Blvd		~	~		
	4	214 Kinderkamack Road		~	~		
	5	200 Kinderkamack Road		~	~		
	6.01	190 Kinderkamack		~	~		
	6.02	184 Kinderkamack Road		~	~		
	7	9 Kenneth Ave		~	~		
	8	182 Kinderkamack Road		~	~		
	9	176 Kinderkamack Road		~	~		
10	78 Linwood Ave		~	~			
THIRD ROUND RDP						53	

The Vacant Land Analysis resulted in the determination that the Borough has Realistic Development Potential of 53 units. The total third Round Obligation was determined to be 234 affordable dwelling units leaving 181 dwelling units as Unmeet Need. The next section of this document provides the plan to address the RDP as well as the remaining unmet need for both the Prior Round and the Third Round.

The vacant land analysis for both rounds have left the Borough with an Unmeet Need of 235 for both the Prior Round and the Third Round as calculated below.

TABLE 23: REMAINING UNMEET NEED CALCULATION

	OBLIGATION	RDP	REMAINING UNMEET NEED
Prior Round	74	20	54
Third Round	234	53	181
		Total	235

COMPLIANCE MECHANISMS

The Borough plans to address the Third Round Realistic Development Potential of 53 units with the mechanisms set forth in the table below.

TABLE 24: THIRD ROUND PLAN

Compliance Mechanism	Street Address	Block and Lot	# Of Credits
Veterans Housing (Group Home- rental)	324 Main Street	Block 304 Lot 3	14
Block 419* (rental)		Block 419	29
Advanced Opportunities (Group Home-rental)	5 Pine Drive	Block 313 Lot 17	3
Center for Hope and Safety (Group Home- rental)			7
Emerson Grand (rental)	55 Emerson Plaza East	Block 616 Lot 16	4
Rental Bonus Credits			14
Total Credits			71

* The development of Block 419 has minimum set-aside of 22 units with an option for off-site provisions or a payment in lieu for the remaining 7 units. If such option is exercised, the Borough will show at the midpoint review how it will provide a realistic opportunity for the remaining 7 units in accordance with the Agreement with Fair Share Housing.

The Block 419 Project is an integral component of the Borough’s Fair Share Plan. This project is necessary and useful for the construction of 29 low and moderate income family rental housing units in a centrally located portion of town, with easy access to both bus and train lines for commuters. To accomplish this Project, the Borough of Emerson issued a Request for Proposals from redevelopers on January 8, 2016; publishing a ranking of the redeveloper respondents, and then executing a Redevelopment Agreement, First Amendment to Redevelopment Agreement and Second Amendment to Redevelopment Agreement (hereinafter collectively referred to as “Redevelopment Agreement” with Emerson Redevelopers Urban Renewal, LLC (Redeveloper). The selected redeveloper ranked the highest in the review by the Governing Body. The Redeveloper has been pursuing negotiations with each of the property owners within the Block 419 project area and has requested the Borough’s assistance in purchasing certain properties that are not otherwise under options or acquiring such properties as permitted under N.J.S.A. 40A:12A-8(c), N.J.S.A. 20:3-1 et al., N.J.S.A. 52:27D-301 et al. and/or any other laws that

grant the Borough the authority to acquire such properties.

The Borough will undertake good faith negotiations with any remaining property owner(s) for such properties not otherwise under option for purchase by the Redeveloper, and in the event that good faith negotiations are unsuccessful, the Borough is committed to acquiring the property (ies) through eminent domain.

The proposed mechanisms to address the Third Round obligations are all sites which already have been developed, except for the redevelopment project of Block 419. Given the fact that a redevelopment designation and plan are already in place for this site, this site is to 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. This site also has access to appropriate water and sewer infrastructure, and is consistent with the applicable areawide water quality management plan (including the wastewater management plan) or is included in an amendment to the areawide water quality management plan submitted to and under review by DEP. Most importantly this site is adjacent to compatible land uses and has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4. Therefore, in accordance with N.J.A.C. 5:92-9.1(a) the site is "available, suitable, developable and approvable" as defined in N.J.A.C. 5:92-1.3.

COMPLIANCE N.J.S.A 52:27D-310F

Per the Fair Housing Act at N.J.S.A 52:27D-310F there were no other sites offered by developers for the production of affordable housing since the last Housing Element and Fair Share Plan. And therefore there were no offers to provide low and moderate income housing to consider as the time of presenting the proposed plan at the Fairness Hearing on June 20, 2018.

AFFIRMATIVE MARKETING OF UNITS

All units developed in accordance with this plan will be affirmatively marketed in accordance with 5:93-11.1. This provides the following:

- (a) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of sex, age or number of children, to housing units which are being marketed by a developer or sponsor of affordable housing. It is a continuing program and covers the period of deed restriction.
- (b) The affirmative marketing plan shall provide the following information:
 - 1. The name and address of the project;
 - 2. The number of units, including the number of sales and rental units;
 - 3. The price of sales and/or rental units;
 - 4. The name of the rental manager and/or sales agent;
 - 5. A description of outreach efforts to groups that are not readily reached by commercial media efforts (See 5:93-11.3 for advertising program details); and
 - 6. A description of the random selection method that will be used to select occupants of low and moderate income housing.

A draft affirmative marketing plan is included in the appendix of this plan and will be adopted by the Borough once this plan is approved.

UNMET NEED

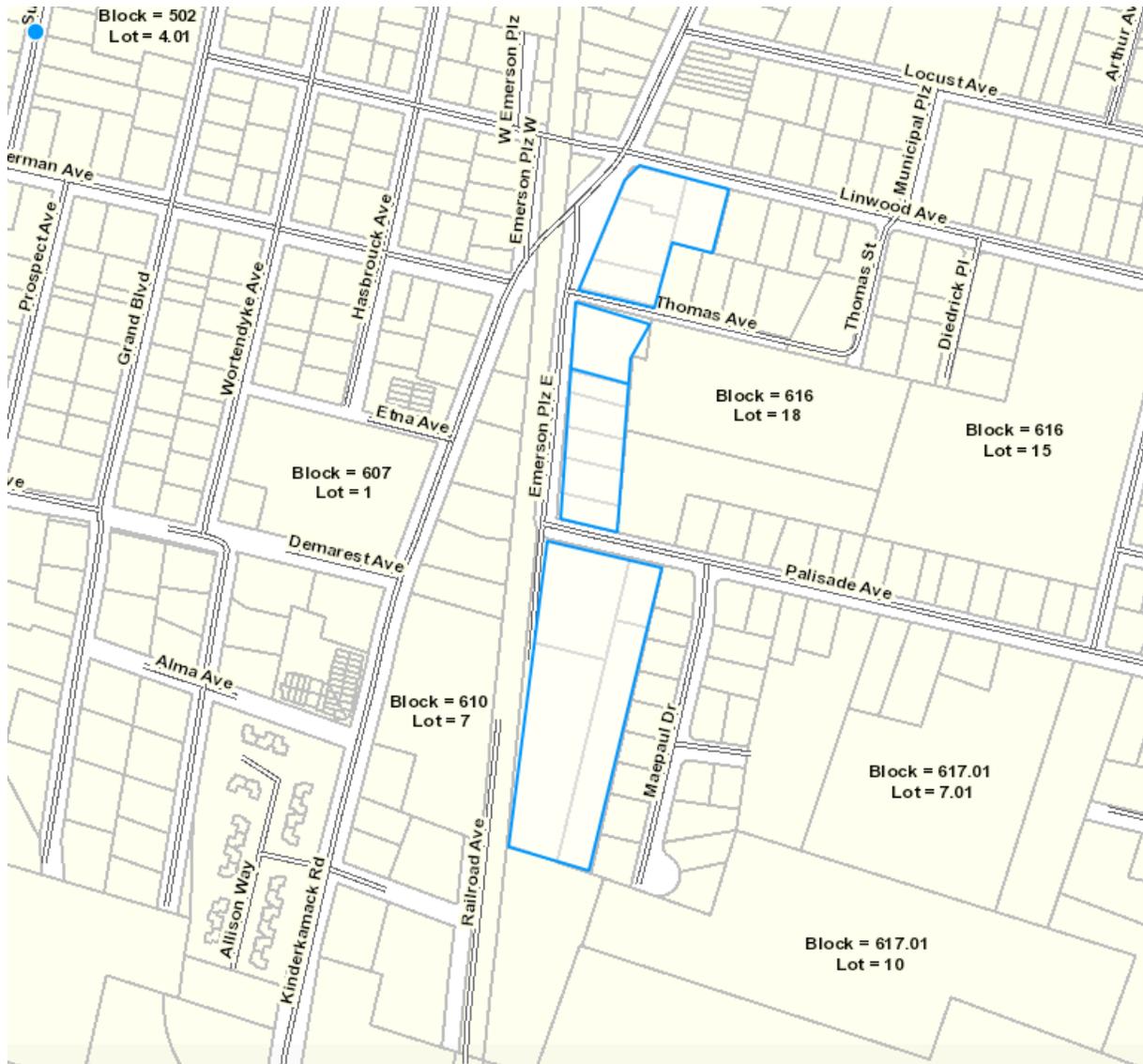
The Borough intends to address the Unmet Need of 235, with the mechanisms set forth below:

1. **Surplus Credits.** The RDP was calculated for the Third Round as 53 units, while the mechanism above include 71 credits, leaving 18 surplus to be applied to the Unmeet Need.
2. **Multi-family Residential Affordable Housing Overlay Zone District North (MFRAH North).** The Borough recently adopted a zoning ordinance that created an inclusionary zone district that permits a density of 64 dwelling units per acre and requires 15% set-aside for housing constructed for rental purposes and a 20% set-aside for housing constructed for sale purposes. The required set-aside units will be deed-restricted units for affordable housing. This designation is applicable to Block 214 Lots 6, 7, 8.01, 8.02, and 9; Block 213 Lots 1-6; Block 405 Lots 1, 2, 3.01, 3.02, 4-14. The recently adopted ordinance provide for an increase in residential density as compared to what was originally permitted in this area. The adopted ordinance is in the appendix of this document.



3. **Multi-family Residential Affordable Housing Overlay Zone District South (MFRAH South).** The Borough recently adopted a zoning ordinance that created an inclusionary zone district that permits a density of 43 dwelling units per acre and requires 15% set-aside for housing constructed for rental purposes and a 20% set-aside for housing constructed for sale purposes. The required set-aside units will be deed-restricted

units for affordable housing. This designation is applicable to Block 616 Lots 1, 2,16, 17, 19-24 and Block 617.01 Lots 1, 2.01, 2.02 and 8. The recently adopted ordinance provide for an increase in residential density as compared to what was originally permitted in this area and will also allow for multi-family residential uses on the first floor which was previously not allowed by the underlying zoning. The adopted ordinance is in the appendix of this document.



4. Mandatory Set-Aside Ordinance. The Borough will adopt a mandatory set-aside ordinance in the form satisfactory to FSHC and the Special Master so as to establish zoning standards that provide for an inclusionary zoning requirement for future multi-family residential development at a density of at least six (6) units per acre, yielding at least five (5) new dwelling units in the Borough that become permissible through the Land Use Board approval, or a new or amended redevelopment or rehabilitation plan or rezoning. The Borough will require a set-aside of at least 15% of all units in rental developments as affordable and 20% of all units in for sale developments to be deed restricted as affordable units. Additionally, at least 50% of the units in each development that are deed restricted as affordable will be affordable to low income households, including 13% in rental developments affordable to very low income households with all such affordable units including the required bedroom distribution, be governed by controls on affordability and affirmatively marketed in conformance with the Uniform Housing

Affordability Controls (“UHAC”) N.J.A.C. 5:80-26.1 et. Seq. or any successor regulations and all other applicable law.

DISTRIBUTION COMPLIANCE

The Borough will ensure that the number of units comply with the UHAC standards as follows:

TABLE 26: DISTRIBUTION COMPLIANCE

		Required / Permitted	Provided
Maximum Rental Bonus Credits	[0.25 (RDP) = 0.25 (53) = 13.25	14	14
Minimum Rental Units	[0.25 (RDP) = 0.25 (53) = 13.25	14	57
Maximum Age-Restricted Units	[0.25 (RDP) = 0.25 (53) = 13.25, (round down to 13]	13	0
Minimum Family Rental Units	[0.5 (Third Round Rental Obligation) = 0.5 (14) = 7	7	33
Minimum Very Low-Income Units	[0.13 (Units Built Post 7/2008) = 0.13 (57) = 7.41, round up to 8]	8	4
Minimum Very Low-Income Family Units	[0.5 (Very Low-Income Requirement) = 0.5 (8) = 4]	4	4

The four very low income units are provided in the group homes that are already constructed. The remaining four very low income units will be provide in the redevelopment project located on Block 419

MONITORING OF AFFORDABLE HOUSING ACTIVITY

On the first anniversary of the granting of a Final Judgment of Compliance and Repose or judicial equivalent of substantive certification, and every anniversary thereafter through the end of the Settlement Agreement, the Borough has agreed to provide annual reporting of the status of all affordable housing activity within the municipality through posting on the municipal website with a copy of such posting provided to Fair Share Housing Center, using forms previously developed for this purpose by the Council on Affordable Housing or any other forms endorsed by the Special Master and FSHC. Such forms shall be provided to the Borough prior to the compliance hearing.

The Fair Housing Act includes two provisions regarding action to be taken by the Borough during the ten-year period of protection provided in the Settlement Agreement. The Borough agrees to comply with those provisions as follows:

- a. For the midpoint realistic opportunity review due on July 1, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its implementation of the Plan and an analysis of whether any unbuilt sites or unfulfilled mechanisms continue to present a realistic opportunity and whether any mechanisms to meet unmet need should be revised or supplemented. Such posting shall invite any interested party to submit comments to the municipality, with a copy to Fair Share Housing Center, regarding whether any sites no longer present a realistic opportunity and should be replaced and whether any mechanisms to meet unmet need should be revised or supplemented.

- b. For the review of very low income housing requirements required by N.J.S.A. 52:27D-329.1, within 30 days of the third anniversary of a Final Judgment of Compliance and Repose or judicial equivalent of substantive certification,, and every third year thereafter, the Borough will post on its municipal website, with a copy provided to Fair Share Housing Center, a status report as to its satisfaction of its very low income requirements, including the family very low income requirements referenced herein. Such posting shall invite any interested party to submit comments to the municipality and Fair Share Housing Center on the issue of whether the municipality has complied with its very low income housing obligation under the terms of this settlement.

APPENDIX

A-1	SITES MAP
A-2	REDEVELOPMENT DOCUMENTS
A-3	VACANT LAND ANALYSIS
A-4	FAIR SHARE ORDINANCE
A-5	SPENDING PLAN
A-6	DEVELOPMENT FEE ORDINANCE
A-7	AFFIRMATIVE MARKETING PLAN
A-8	REHABILITATION MANUAL
A-9	DRAFT RESOLUTION: INTENT TO BOND
A-10	RESOLUTION APPOINTING A MUNICIPAL HOUSING LIAISON
A-11	GROUP HOME SURVEYS
A-12	DEED RESTRICTIONS
A-13	SWAN AGREEMENT
A-14	FSHC AGREEMENT